

Designing Impact:
How democratic innovations may (or not) achieve effectiveness?

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Abstract: This paper makes three key contributions to debates surrounding the effectiveness of democratic innovation, deliberation, and participation in representative political systems. In the first instance we argue that more attention should be paid to the role that participation actually plays in governance. We show that the burgeoning literature on democratic institutional design often neglects concern about the outcomes and effect of these designs on more traditional representative fora, at the expense of concerns about their internal procedures. Secondly we argue that despite limitations, replicable systematic comparison of the effects of institutional design is both necessary and possible even at the national level. We present a qualitative comparative analysis of 31 cases of National Public Policy Conferences (NPPCs) in Brazil. Finally, we show that popular deliberative assemblies that vary in their familiarity and their policy area of interest, and that organize their structure and sequence deliberation in different ways can be associated with differential effects on both option analysis and option selection stages of the policy process respectively. The paper proceeds by critically reviewing the relevant literature, presenting the data and describing its operationalization before explaining the different associations between NPPC designs and their effects on legislative activity.

Keywords: Public policy conferences, democratic innovations, effectiveness, governance, set theory.

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In building the now extensive body of scholarship on deliberative democracy, democratic theorists seem to have taken quite seriously Habermas' claim that "the central element of the democratic process resides in the procedure of deliberative politics" (Habermas 1996: 296). In recent years, an enormous amount of insight has been devoted to the investigation of such procedure. Research on democratic innovations, the new institutions "specifically designed to increase citizen participation in the decision making" (Smith 2009:1), has consolidated in an academic field of its own. Considerable scholarly attention has focused on the notion of the mini-public, which arose as an optimal institutional design option for being "small enough to be genuinely deliberative, and representative enough to be genuinely democratic" (Goodin and Dryzek 2006: 220). In search for the ideal conditions to ensure the equality of participation or maximize the quality of deliberation, scholars seem however to have paid less attention to the very outcomes of institutional innovations, without which no procedure can really be claimed to improve democracy.

Deliberative theory has its foundations in Habermas' procedural concept of democracy, therefore assuming that legitimate decisions are the outcomes of the public deliberation of citizens. However, the presumption that quality of deliberation yields more democratic outcomes may be as misleading as the belief that democratic innovations, simply because they involve more citizens' participating as equals, produce legitimate decisions. Normatively, good deliberation and equal participation may be necessary institutional design features to bring about more legitimacy in a world of increasing public distrust and political disaffection. But, empirically, this is not sufficient if democratic innovations are expected to heal the democratic malaise and solve the crisis of representation. In order to tackle democratic deficits, democratic innovations must also be effective.

If the normative claims of deliberative and participatory theories are still to have any empirical resonance with the quality of democracy, we claim that democratic innovations should aim at affecting and effecting public policy. While there is yet considerable research on the institutional design of democratic innovations, there are only very few studies on the outcomes engendered by the different designs, and almost no real evidence of how the latter may indeed determine the former. Moreover, most research on the institutional design of democratic innovations has been concerned with issues related in one way or another to the equality of participation and the quality of deliberation. The question as to whether those are in fact conducive to effective democratic outcomes has been until now almost neglected (direct democrats aside, c.f. Smith 2009: 22).

We aim at testing how different institutional design options may lead (or not) to effective democratic governance, defined here as the translation of citizens' preferences into policymaking. In order to do so, we will look into one of the purported most effective democratic innovations known to date, the National Public Policy Conferences (NPPCs) in Brazil. NPPCs stand out among democratic

innovations in their claim to have impacted on the macro democracy level (Pogrebinschi and Samuels 2014). By means of qualitative comparative analysis (QCA), we will explore how various combinations of NPPCs' institutional design features have impacted the agenda setting and the decision making of Brazil's Legislature, resulting (or not) in policy formulation and lawmaking. By uncovering alternative causal paths that link innovative institutional design and lawmaking, we hope to recall that Habermas' search for the ideal procedure aimed at nothing else than "the production of legitimate law through deliberative politics" (Habermas 1996: 318). If decisions authored by citizens ensure legitimacy, only their transformation into actual policy and law can ensure effectiveness, without which citizens cannot be subject to the decisions they have authored, and democracy would remain a normative ideal.

Process x Outcomes

While issues related to equality of participation and quality of deliberation have been the main concern of democratic theorists in recent years, few scholars have pointed out that effectiveness should also be taken into account in the institutional engineering of democratic innovations. The most relevant effort in this direction is certainly Fung's (2006a) "democracy cube", a geometrical illustration of how different institutional design options are more or less suited to produce certain outcomes. Along with features relative to participant selection and modes of communication and decision, the extent of influence (authority and power) is the third dimension in which the design of democratic innovations may vary. Such a dimension would gauge the impact of innovations, linking the conclusions and opinions of participants on one hand with public policy and action on the other. Fung places effectiveness, alongside legitimacy and justice as tripartite problems of contemporary governance to be addressed by the institutional engineering of democratic innovations. He suggests that the former will be prompted when innovations have more intense influence on public authority (Idem).

Drawing on a couple of case studies Fung claims that democratic innovations seeking to enhance effectiveness are likely to involve a relatively small number of citizens, who would be willing to engage intensively due to a deep interest in the problems at hand (2006a: 73). The experience of participatory governance mini-publics also suggests that the subject of deliberation (the policy issue under consideration), recurrence (the frequency of events) and monitoring (consideration of policy consequences) are other institutional design features that may generate more information to officials, and therefore improve the quality of policy and public action (Fung 2003: 349). Along with these, the quality of deliberation and empowerment (capability to influence

public decisions) would also make democratic innovations more apt to prompt effective public action (Idem: 351).

The problem with Fung's claims is that they for the most part do not rely on first-hand empirical evidence, and do not employ systematic logical comparative tests for causality. These are also the shortcomings of other studies that aim at assessing the effects of participation. Michels' (2011) evaluates the impact of democratic innovations by analyzing information available in academic articles and evaluation reports. Her study gathers interesting information on what concerns the ability of different institutional designs to exert influence (defined as policy impact). Perhaps unsurprisingly, referendums are described as the democratic innovation with the strongest impact on policy, whilst deliberative fora would have the lowest impact among all cases examined. To assess impact across these designs, the congruence of participant's recommendations with policy change or policy continuance is mentioned as the main indicator used by evaluation reports. Michels notices that most evaluation reports do not contain any information on policy impact. Out of the 83 cases analyzed, only 16 mentioned innovations' impact on policy. Given that none dealt with causality, they leave open the question as to whether the institutional design of different innovations had any role on its purported impact (Michels 2011: 284). As one can see, the outcomes of democratic innovations are neglected even by studies aimed at evaluating them.

Michels' finding that deliberative fora are the democratic innovations with the lowest impact on policy may be caused by institutional design; deliberative forum is typically synonymous with mini-public. Scholarship recognizes that mini-publics tend to be unable to impact the macro political system, and therefore rarely determine public policy. Goodin and Dryzek (2006) surveyed diverse mini-publics to ascertain how they may affect political decision making through the public sphere and representative institutions. They point to the British Columbia Citizen's Assembly as a case of a mini-public "actually making policy", although the rejection of its recommendations by referendum implied no eventual policy outcomes at all. The Danish Consensus Conferences and Texan Deliberative Polls are given as examples of mini-publics' recommendations "taken up in the policy process", although this presumption relies on secondary sources and not on direct congruence analysis of policy or legislation. Almost no information is given on how exactly institutional design features relate to political outcomes, when they do exist. One of the few insights provided is how the number of participants involved in a democratic innovation may play a role, either by increasing the legitimizing force of a policy or by building a constituency (Idem: 233-234). But no causal interpretations explain how effect is achieved in any of the examples cited, leaving no clues to whether institutional design does determine effectiveness – except for the fact that the very

conception of mini-publics as micro innovations seem not to facilitate impact on the macro political system.

It is therefore no big surprise that with few exceptions, studies on democratic innovations focus on outcomes internal to participation or deliberation, and not on political effectiveness. Many case studies have provided valuable qualitative evidence on how democratic innovations have effects on matters like citizens' empowerment (Baicocchi 2001; Fung 2004), citizens' well-being (Santos 1998; Donaghy 2011; Touchton and Wampler 2014), development of personal skills and civic competences (Talpin 2007; Grönlund, Setälä and Herne 2010; Altschuler and Corrales 2012), or the formation of better informed decisions (Fishkin and Luskin 2005; Fishkin 2009). These works contribute enormously to gathering empirical knowledge of how institutional innovations may produce desirable consequences usually associated with a *deepening* of democracy (Fung and Wright 2003). But these epistemic and ethical outputs internal to innovations' say nothing about their real outcomes and improvements on the political system.

The imperative for evidence as to how and when mini-publics and other democratic innovations affect political decision-making is highlighted by Smith (2009) and Ryan and Smith (2012, 2014). They call for a systematic comparative turn in the study of democratic innovations. Comparing institutional designs is crucial to assessing their effectiveness. Political science in general has been castigated for its scholarly proclivity to build reputations on explaining the unique rather than the general (Peters 2013: 170). A sub-field that is constituted by 'innovation' will suffer more than most from a methodological bias to favor case-studies that make their name on the lessons of their exceptionality. We should necessarily regularly compare institutions that appear innovative both with one another and with more traditional institutions of governance in order to understand their effect within political systems. This is a critical step if the field aims to move beyond case studies that emphasize uniqueness.

Studies that do address political outputs of democratic innovations are not surprisingly usually circumscribed to local policy impact, thus not allowing inferences to effectiveness on the macro democracy level. For the most part these studies seek to assess effectiveness by measuring whether innovations have solved specific local problems, such as water pollution (Geissel and Kern 2000; Geissel 2009) or the delivery of community policing (Fung 2006b). Studies that aim at a more systemic approach, such as such as Parkinson's (2006) analysis of citizens' juries' involvement in health policymaking in the UK, do not contain any substantive comparative assessment of government effectiveness.

Studies aiming at assessing the effectiveness of innovations and their impact on policymaking are more often found outside the sub-discipline of democratic theory, more

specifically in the scholarship on public policy and public administration. As democratic theorists have been focusing on input deficits, public administration scholars investigate the output problems of political-administrative processes (Bandeira and Ferraro 2014). Studies on democratic or participatory governance address a vast range of issues. They too indicate how institutional innovations aspire for citizen empowerment, more equal distribution of political power, fairer distribution of resources, development of citizen competence and community capacity-building. Yet they also focus on decentralization of decision-making processes, devolution of power and resources, more efficient provision of public services and goods, greater transparency and accountability, exchange of knowledge and information, inter-institutional dialogue, and formation of collaborative partnerships (Fischer 2012: 458). These many goals point to a variety of new institutional designs, most of them resulting from successive reforms of public administration initiated in the 1980's with the New Public Management (Hood 1991), and its later evolution to several forms of state-society cooperation, such as those embraced by the concepts of collaborative governance (Ansel and Gash 2007) and interactive governance (Torfing, Peters, Pierre and Sørensen 2012).

Without alluding to the normative values embedded in democratic theory, the concept of collaborative governance, for example, considers policymaking and broader political outputs as a definitional component of what could otherwise be described as (types of) democratic innovations: "a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets (Ansel and Gash 2007: 544). While much of democratic innovation research may take place at the more 'decentered' end of the spectrum of what Warren calls 'governance-driven democratization' (2009), it is precisely this "aim to make or implement public policy" that is not being captured by most case studies dealt with by democratic innovations scholarship. Hence our collective understanding of the democratic potential of institutional design lacks concurrent analyses that deals with the question of effectiveness, and gives appropriate concern to political outcomes.

Building on the Habermasian idea of deliberative politics, deliberative democrats have rightly focused on how legitimacy can be drawn from procedurally correct decisions, but failed to grasp that the 'government by the people' (input legitimacy) is only meaningful as a 'government for the people' (output legitimacy), which makes sure that "the policies adopted will generally represent effective solutions to common problems of the governed" (Scharpf 2003). Participatory democrats for their part have sometimes focused their concern on how failing representative institutions can be bypassed by innovative institutional designs to the detriment of considering their complementarity (Melo 2009: 35). If equal participation and good deliberation cannot engender

effective governance, there is little point in calling innovations democratic – except if one does not agree that participatory and deliberative democracy “can only supplement rather than supplant the institutional apparatus of representative democracy as we know it” (Goodin 2008: 7-8).

Designing Effectiveness

As we have argued, democratic innovations scholarship has concentrated on institutional design, but very little on political outcomes. More important, the question as to whether certain institutional design features are more (or less) suitable to achieve certain outcomes has been so far scantily addressed. The few attempts to deal with that seem to suffer three main limits. First, they rely on second-hand sources and do not directly and systematically investigate the existence of relations between process’ characteristics and outcomes achieved. Second, they are mostly restricted to case studies at the local level, lacking wider systematic comparisons. Third, they focus only on outputs that take place within the process (such as those connected to matters of equal participation and good deliberation) and neglect political outputs and outcomes at the macro level.

In what follows, we hope to contribute to overcoming those limitations. We aim at showing how different combinations of institutional design features (or their absence) may lead to more (or less) effectiveness, measured here by responsive policymaking. Our assumption is that an effective democratic innovation, as a part of a more complex system of governance, will impact on policy either directly (when authorized by delegation or devolution) or indirectly through the activity of the authorized institutions, that is the legislature or the public administration. Such impact should be gauged in at least one of the stages of the policy cycle: agenda setting, policy formulation and decision-making, implementation, evaluation and termination (see Jann and Wegrich 2007). The phase or phases of the policy cycle to be impacted depend on the institutional design of the democratic innovation. We assume therefore that in order to be effective, a democratic innovation must directly or indirectly impact on at least one of the stages of the public policy cycle. We expect that the effectiveness of democratic innovations is determined by different combinations of institutional design features (or their absence) and that causation is likely to be multiple, conjunctural and alternative with a variety of designs associated with effect in different circumstances.

We will test this general expectation by looking at the National Public Policy Conferences in Brazil. The NPPCs consist in a series of simultaneous and subsequent mini-publics that link the local, the state and the national level through chains of delegation involving civil society organizations (CSOs) and government representatives, as well as ordinary citizens and other private actors. The policy impact of the NPPCs has been maintained in several studies (Pogrebinschi 2012, 2013, 2014;

Pogrebinschi and Santos 2013; Pogrebinschi and Samuels 2014), but none of them have engaged in systematic comparative tests for causality. Given that the NPPCs are innovations specifically designed to provide inputs to policymaking, we want to examine whether the purported policy outputs can be explained by their institutional design features.

Provided that the NPPCs are organized by branches of the federal government, their impact is expected to be felt at the national level, either by policies formulated and enacted by the Legislature or implemented by the federal public administration. Our analysis will focus on how the NPPCs impact on the agenda-setting and decision-making stages of the public policy cycle. Therefore, we will look at how NPPCs influence both problem definition and policy formulation in the Legislature, assessing how proposed and enacted legislation respond to NPPCs recommendations. We will therefore consider diverse political outputs and outcomes of the NPPCs. In order to systematically compare a medium-to-large number of NPPCs and elucidate the diverse causal paths that link process to outcomes, we undertake a qualitative comparative analysis (QCA).

QCA as introduced by Ragin (1987, 2000) provides a structured method for conducting set-theoretic analysis in the social sciences, particularly where researchers are dealing with more than a handful of cases. Much of the causal interpretation and theorising that is traditional to the social sciences is instinctively set-theoretic, particularly in case-based research. While social scientists should be interested in correlation coefficients, they are also interested in necessary and sufficient causation. Hypotheses often assert conditions that are required or almost always required in order to produce or negate a given outcome and/or combinations of conditions that always or almost always suffice to produce an outcome.² Necessity and sufficiency are logical properties of set relations. For relations of necessity to be established, the set of cases containing the outcome must be a subset of the set of cases displaying the causal condition. Similarly, for sufficiency to be established the set of cases containing the causal condition must be a subset of the cases displaying the outcome (c.f. Ragin, 2000: 214-217).

QCA has only recently been introduced to the subfield of democratic innovations research in the work of Ryan and Smith (2012). QCA tools like truth tables and Boolean reduction are extremely useful for identifying parsimonious descriptions of combinatorial causation across a medium-N of cases (Berg-Schlosser and Cronqvist 2005). The method holds particular promise for research in this subfield then, as it matures beyond small populations of distinct innovative cases to cumulating knowledge across multiple comparable cases, (see Ryan forthcoming). For all these reasons, QCA

² For a detailed discussion of the differences between set-theoretic approaches to social science and net-effects approaches see Ragin (2000, 2008), Byrne and Ragin (2009) and Wagemann and Schneider (2012).

seems to be the most suitable method to investigate whether NPPCs' purported policy outputs can be causally explained by some of its institutional design features.

How Outcomes relate to Process: a Qualitative Comparative Analysis of the NPPCs

Although the NPPCs have quite a long history and have taken place under a variety of governments, they evolved gradually after Brazil's re-democratisation and significantly under the Workers' Party (*Partido dos Trabalhadores* – PT) twelve years in office. The ascension of president Luiz Inácio Lula da Silva to office in 2003 prompted a vivid shift in the frequency and breadth of such democratic innovation (Pogrebinschi 2013). The number of NPPCs more than doubled in this 8-year period with the policy areas covered tripling. Lula introduced 28 new policy areas, raising the total number of those deliberated through NPPCs to 40. The increasing number of processes targeting issues affecting traditionally underrepresented minority groups is particularly notable. The NPPCs slowly evolved as a relevant tool of democratic governance, altering the way public policy is formulated, implemented and monitored in Brazil (Pogrebinschi 2014).

One can also notice important institutional design changes in the NPPCs after 2003. They started to have a more similar structure and to follow a more homogeneous process. The spirit of deliberation has been augmented, as rules and procedures concerning the latter were better defined. The ends of NPPCs achieved more clarity, as they turned out collective ownership of justifiable decisions collated as policy recommendations in a final document (Pogrebinschi 2012). Lula's eight years in office sees a palpable increase in the number of policy recommendations arising from these documents. The number of bills proposed in the Legislature that can be linked directly to NPPC recommendations has also increased considerably in this period (Pogrebinschi and Samuels 2014).

With this intensification in the process and variance in impact of policy recommendations, an opportunity for systematic comparison and a robust contribution to the general study of democratic institutional innovation presents itself. We aim at demonstrating that certain institutional design features of the NPPC are necessary or sufficient to prompt policymaking in the legislature. In the next pages, we will subject this claim to the test of QCA. It is important to note that QCA is an iterative process and does not refer only to a single analytic moment. Before moving to the analysis, the following sections discuss openly the decisions involved in constructing a set-theoretic comparison of cases of NPPCs.

The Selection of Cases: the Population

Given the reasons mentioned above, our analysis will focus on the NPPCs that have occurred between the years 2003 and 2010; the period corresponding to Lula's two terms in office. As we are interested in the institutional design features that led NPPC's recommendations to be taken up by federal legislators, it is useful to hold the political environment relatively constant in the first instance. There are three important remarks regarding the population of cases selected for our analysis.

First, although official data from Brazil's government actually count 74 NPPC during Lula's two terms in government, we adopt Pogrebinski's (2010) definition and classification of NPPC, which reduces our population to 60 cases. We look thus only to NPPCs which are really national in scale, deliberative in scope and normative in the sense of producing a final document containing the outcomes of the entire process, i.e. policy recommendations. Out of the 74 NPPCs held during Lula's government, 14 do not fulfill one or more of these criteria, and therefore were excluded from the population. The raw data collected for this paper across these 60 cases is reproduced in appendix A. A second important consideration concerns the observation period. The outcome data we use includes bills, laws and constitutional amendments proposed in the period starting in January 2003, when the NPPCs comprised by our population start taking place, but ending in October 2010. This leaves less than 200 days for responses for some conferences which finished in early 2010.³ For some NPPCs the data reflect years of accumulated policy responses, for others months. Therefore we exclude from our analysis cases whose final recommendations were produced after October 2009. Lastly, despite numerous efforts, data on the five conditions of interest we test in the models presented in this paper remain missing in some cases. List-wise deletion of cases with missing data has produced a final population of cases for analysis of 31. Errors leading to missing data records do not appear to be in any way systematic⁴.

Explaining the Raw Data

Our raw data have been compiled using two distinct datasets. For constructing the causal conditions, we obtained most of our raw data from figures compiled by the Institute for Applied Economic Research in Brazil (IPEA)⁵. IPEA's dataset on NPPCs suffers from missing data which restricts the population. Where we could get hold of it we were able to update this data. For

³ This also leaves aside several bills proposed and laws passed between October and December 2010. The final months of a President's mandate (and equally of congressmen's mandates) tend to be very active in Congress, given that this is the last chance to get things done while in power, so we can estimate that outcomes may be higher if this data was not missing.

⁴ As this is a working draft we can continue to try and update the quality of the data.

⁵ <http://www.ipea.gov.br/participacao/2012-06-14-18-11-50>

constructing the outcomes, we have used Pogrebinschi's ISEGORIA dataset.⁶ The latter contains all bills, laws and constitutional amendments that are substantively congruent with recommendations of NPPCs. The method used to collect this data is described in Pogrebinschi and Santos (2013) and Pogrebinschi and Samuels (2014).

The raw data for influencing/causal conditions was selected with the aim of testing some theoretical assumptions concerning the institutional design of democratic innovations, discussed in the first part of this paper. We selected variables relating to five main hypothetical relationships: First, the *institutionalization* of NPPCs - We want to check under what circumstances NPPCs that occurred for the first or second time in the period analysed are influential or not compared with those with previous editions and therefore with a higher degree of institutionalization and mobilization of the relevant policy community. Second, the *subject* of the NPPCs - We want to gauge whether legislators are more responsive to deliberative recommendations from NPPCs that deal with redistributive policies. Third, the *weight of civil society stakeholders in the organization of NPPC* - We want to see whether the presence of a majority of representatives from civil society in the NPPCs' organizing committees influences the outcomes. Fourth, the *mass participation in the overall NPPC process* - We want to test whether a high total number of participants in the overall process hinder or not political decision-making and policy-formulation. Lastly, the *decentralization in the institutional design* - We want to assess whether the total number of stages in the municipal or other subsidiary levels (the simultaneous and subsequent mini-publics, which allow the NPPC to scale up to the national level – see Pogrebinschi 2013) possibly make deliberation harder, and therefore lead to a lower effectiveness.

In what concerns the outcomes, three separate measures are produced in the raw data matrix. The first is the total number of bills proposed in the Legislature that is congruent with NPPC recommendations. The second measure comprises the total number of enacted legislations (laws and constitutional amendments) congruent with NPPCs recommendations. The third measure comprehends the overall proportion of recommendations from each NPPC that were responded to by legislative action (including bills proposed and enacted legislation). The outcomes correspond to different sequences in the legislative process and draw a distinction between relevant policy outputs and implementable policy outcomes.

⁶ <http://led.iesp.uerj.br/index.php/pesquisas/dados>

Explaining the Operationalization: Data Calibration

The key difference when investigating relations of set-theoretic necessity and sufficiency as opposed to variable correlations is that set-theoretic analysis requires clear, transparent definition of the boundaries of a concept. A fuzzy set can be thought of as an advance on a ratio-variable in that it applies theory and conceptualisation to a measure, ascribing both a meaningful maximum and a meaningful minimum value outside which variation is irrelevant. Fuzzy sets require a higher standard of transparent understanding of how verbal and formal logic unite in social research (Ragin 2000). In this section we explain how we calibrated our variables (raw data) to represent sets of conditions (the hypothesised causal conditions as we understand them). For some conditions we specify each value or simply convert variables to crisp sets (dichotomies); where we do not we apply Ragin's direct method of calibration to convert interval-scale variables to fine-grained fuzzy sets. The direct method requires the researcher to anchor specifically the three *key qualitative* breakpoints of full membership, full non-membership and the crossover-point where a case becomes more in or more out of a set. It then uses estimates of the log odds of full membership to ascribe degrees of membership to cases based on their value on the raw indicator (see Ragin 2008: 85-87). Appendix B shows a fuzzy-set data matrix of membership scores of cases for each condition used in our analysis. Next, we present two models that investigate set-theoretic relations between the explanatory conditions based on two separate outcome sets calibrated from the raw data on legislative responses to NPPCs policy recommendations.

Outcome Conditions

The two outcomes refer to different stages of the policy cycle, as well as two moments of the legislative process.

Policy Outputs (POP)

Our first outcome condition seeks to explain when participatory or deliberative innovations are effective in influencing the *definition of policy* in the traditional institutions of governance. If democratic innovations cannot yield authoritative decisions, they can hold sway the legislative process in the first instance by influencing agendas. We assume here that the NPPC have an impact on the *agenda setting stage of the policy cycle*. In order to test that when, we calculated the proportion of legislative responses that are congruent with recommendations of a given NPPC against the total number of recommendations made by that NPPC. In so doing, we have not considered the absolute numbers of responses, but counted only one response for each recommendation responded to. Given that a single recommendation may receive more than one

legislative response, if we had considered the absolute number of responses we could have a high congruence rate for NPPCs where only few deliberations yielded most of the results, and several others were left unanswered. We understand the impact on the agenda setting to be qualitative, and not simply quantitative.

We ascribe every NPPC for which a majority of recommendations were responded to by the Legislature as full members of the set (1). Cases that make no impression on the law-making agenda are considered completely out of the set (0), but other cases have partial membership in the set. We fixed the crossover point at 0.33. We believe thus that responses to a third or more of the recommendations is a decent proxy for when a NPPC can be deemed to have engendered significant policy outputs (that is they are more in than out of the set of NPPCs impacting the agenda setting of the Legislature). To expect all recommendations of a NPPC to receive responses would be an unrealistic standard. There are NPPCs that have made over two hundred recommendations, while one made only nine recommendations. Some recommendations are very broad, while others are quite specific. And although our set comprises only recommendations that can be fulfilled by the Legislature, some of them may still depend on budgetary restrictions or require previous action from the Executive, and therefore could not be responded to by the Legislature alone.

Policy Outcomes (POC)

The second outcome of interest is the set of NPPCs that informed the *formulation of policy* in the Legislature. Our assumption is that the impact of some NPPCs goes beyond agenda setting and reaches also the *decision making stage of the public policy cycle*. We aim at verifying under what conditions NPPCs' recommendations pass into law, thus providing not only policy outputs but also concrete outcomes. This set comprises therefore the absolute number of enacted legislation (laws and constitutional amendments) that is congruent with a NPPC recommendation. This number ranges from 0 to 50 across the NPPCs in our dataset, with a median of 3. We have calibrated cases that have not had any of their recommendations enacted as legislation as completely out of the set. Cases that have 10 or more recommendations passed into law are considered full members of the set, given that this number corresponds to a significant percentage (0.57%) of the entire legislation enacted by the Legislature in the period under analysis (1745). The crossover point of the set is calibrated at 1.5. This means that cases with 2 or more conversions into law are more in the set, while cases with 1 only are more out. The reasoning is that NPPCs with more than ten responses unquestionably have had an authoritative influence on legislative action. While cases that have one congruent policy response have partial membership in the set, this may signal placatory action on behalf of governments and thus we consider these cases more out of this set. The remaining cases

engendered between 2 and 8 congruent enacted pieces of legislation and have membership more in than out of the set.

Causal/Influencing Conditions

Institutionalization (ipc)

This set is the only one for which we calibrate by ascribing fuzzy membership to a limited set of qualitative values that describe partial membership in a set. We assume that NPPCs institutionalised over time may build networks and path dependence with existing channels of communication between NPPCs and legislators. Policymakers may also place greater trust in processes that have witnessed repeated incidence and built-up learning and familiarity. However, NPPCs that have taken place a number of times may present a lower demand for new legislation in their specific policy area, and thus aim more at monitoring already enacted legislation. In addition to that, NPPCs that take place for the first or second time may deal with a relatively new policy area (like environment and minority rights) and therefore present more opportunities for legislative responses. We have to investigate alternate causation here. This set is calibrated by ascribing cases which are the first edition in their policy area a fuzzy-set score of 0 (cases that are the first of their kind are full non-members of the set). Cases that are second editions are ascribed a score of 0.33⁷, indicating that they are ‘more or less out’⁸ of the set. Cases that are the third edition of their kind are ascribed a partial membership score of 0.67 (‘more or less in the set’). All cases that are fourth or later editions are considered fully institutionalised. Variance in the raw data at this point becomes irrelevant to the concept we are interested in.

Redistributive Subject (rs)

This set comprises all NPPCs that are organized toward a policy area that commonly deals with distributive, redistributive and recognition issues. We follow here Lowi’s (1972) and Knill and Tosun’s (2012) policy typology, and consider as distributive policies those that distribute new state resources, and as redistributive policies those that modify the distribution of existing resources.⁹ We expand however this conceptualization to include policies aiming at recognition (Honneth 1996; Fraser and Honneth 2003), that is the cultural and social inclusion of groups that have been traditionally underrepresented. Recognition policy deals with issues related to respect for cultural diversity and the constitution of (new) social identities, and often address minority groups and

⁷ Note that this is not merely an ordinal measure, but that we are pinpointing a qualitative state that a condition may be observed to have taken in a case.

⁸ The same verbal description of this score is used by Ragin (2000: 156).

⁹ The other two types of policies are regulatory policies (those that specify the conditions and constraints for individual and collective behaviour) and constituent policies (those that create or modify the state’s institutions).

involve the enactment of (new) rights. Our set comprises, for example, some NPPCs on health-related policy, as well as a NPPC on food and nutritional security, which deals with several distributive issues. Several NPPCs related to what we are calling here recognition policy are also included in the set, and they deal mostly with policies addressing women, indigenous people, lesbians, gays, bisexuals and transsexuals (LGBT), people with disabilities and other minority groups. We assume that variance in the subjects and stakes on which participation takes place may play a role in the policy process (Fung 2003). We also know that different democratic innovations are seen to be more or less relevant and/or authoritative, with regard to social redistribution or more thematic policy concerns (Smith 2009). This is a crisp set, which means cases are coded either as redistributive (1) or not (0).

Weight of Civil Society in the Organization (csio)

This set comprises NPPCs where members of civil society make up the organising committee. The organising committee plays an important role in making decisions concerning the NPPC's specific rules and procedures, and can therefore significantly influence its process. We are particularly interested to see if the presence or absence of a meaningful majority of civil society actors in the organisation is an INUS¹⁰ condition in different paths to effecting legislative activity that is congruent with policy recommendations. It is possible that depending on the degree to which other factors are present or absent legislators are determined (or not) to act given the strong civil society presence in the organising commission. Usually organizing committees with high proportions of civil society members are those in which a national policy council (normally one that works on the respective policy area) plays a central role in the NPPC process. In preparing the raw data for calibration, we have considered members of national policy councils who have a seat in the organizing committee as civil society members, given that most of them are CSOs representatives whose institutional culture involves advocacy on behalf of civil society demands.¹¹ To calibrate this set we take fuzzy set scores to ascribe directly to the proportion of civil society members in the organising commission. It makes sense to have a crossover-point of 0.5 as at this point civil society

¹⁰ Independent necessary part of an unnecessary but sufficient combination of conditions (See Mackie 1980).

¹¹ Notice that the national policy *councils* are a different participatory institution to the national public policy *conferences*. The councils are permanent institutions, usually connected to a national ministry or secretary. Like the NPPCs, they also involve conjoint deliberation of civil society and government representatives on specific policy areas. Most of them are only consultative, but some can enact normative resolutions. There are many connections between councils and conferences, and in some cases it is the council itself who is in charge of a NPPC and who decides on its organizing committee. The national policy councils also tend to have a central role influencing the federal executive power to convene a NPPC and afterwards to convert its recommendations into policymaking. Several policy councils have internal committees that work on the monitoring of the implementation of NPPC's recommendations and that do advocacy in the Legislature to have them transformed into legislation. This specifically leads us to suppose that NPPC's organizing committees with high level of civil society (and therefore national council) members may have more chances to influence legislators to propose and pass bills congruent with conferences' deliberations.

becomes a veto player. While we considered constricting the values either side of this we reasoned that only 0 civil society members could be fully out of the set of influence and 100% of civil society members could be fully in the set, and that the direct method of calibration would give an appropriate conceptualisation for other values.

Mass Participation (mp)

This set contains NPPCs that involve a critical mass of participants in deliberations across all levels of the process. In our dataset, the numbers of those who participate in absolute terms ranges from 10,000 to 524,461. Many theorists have argued that mass participation and deliberation is infeasible (Dahl 1994, Fishkin 2009, Przeworski 2010), while others have argued that it may be sequenced in a democratic process in useful ways (Goodin 2005, Smith 2009). Mass participation can signal to the Legislature that there is a tangible constituency of support for change in a policy area. We have a strong expectation that high levels of participation may lend legitimacy to the democratic process and make it harder to ignore NPPCs' policy recommendations. In other words, there may be certain quantities of participation that when reached, influence decision making and therefore increases its democratic quality. This quality of mass participation may be necessary or sufficient to effect policy action, as we shall see. As for the calibration, full membership of this set is reached at 144,805 participants. This figure represents 2/5ths of the average population represented by a federal deputy in Brazil¹², and would be at the upper end of the scale of individual votes received by a deputy. This is a roughly derived figure but it is a decent proxy with which to pin contribution to participatory political institutions at similar levels to the mandate received by representatives. Full non-membership in the set is pinned at 5,903 the lowest mandate of any federal deputy in Brazil. The crossover point is at 49,205, the average low of individual votes for an elected deputy per state¹³. We justify these measures by claiming that the legitimacy of policymaking based on electoral mandates allows a comparable interpretation of the representativeness of participatory democratic innovations.

Decentralised Institutional Design (did)

This set represents the degree to which municipalities (*municípios*) and other subsidiaries are involved in the first stage of the process. While each NPPC should involve a sequence of deliberations scaling up from local, to state, and then to national level, NPPCs are different in the extent to which this is mandated or encouraged in the organization rules given the nature of the

¹² Figures here are calculated using the IBGE data for the 2010 federal elections <http://www.censo2010.ibge.gov.br/sinopse/index.php?dados=21&uf=35>.

¹³ The Brazilian federal system and electoral system leads to significant variation in absolute mandates for deputies and proportions of deputies per state.

policy area at stake. Some policy areas have geographic/thematic niches. The set comprises a NPPC on indigenous people's health, for example, which, due to the nature of the policy it addresses, does not have its first stages held in the municipalities, but rather within each of the different indigenous groups or tribes existent in the country. We have therefore used this number of "subsidiaries" to measure the extent of participation in the first stage of the NPPC process. Moreover, some local stages sometimes actually involve several municipalities, especially where very small geographical areas or populations are involved. Those are sometimes called "regional conferences", despite their actual position at the municipal (local) level of the three-stage NPPC process. Nevertheless we may interpret such cases in the light of different causal paths. We aim at to investigating whether a large spread of municipal/subsidiary first stages can signal more support for certain policies and therefore prompt higher legislative response. Brazil has 5570 municipalities. While we pin the crossover point at 1025, full membership (decentralized) is pinned at 3016 and full non-membership (not decentralized) at 123.

Analysis of Necessity

We first test for necessary conditions. We use the inclusion algorithm as developed in the work of Bol and Luppi (2013) and using the QCA R package (Thiem and Dusa 2013). We use a consistency (incl) cut-off of 0.9 and coverage (cov.r) cut off of 0.4. The consistency score is a measure of set-theoretic fit (in other words how consistent is the necessary super/sub-set relation). Necessity coverage measures the degree to which a causal set is covered by the solution set. Where coverage is high it suggests that the necessary condition is relevant and non-trivial (e.g. air to breathe is a necessary condition for almost everything, but as it is abundant and occurs in more non-instances of the phenomenon than instances it would be a trivial finding and would display low coverage).

Necessary conditions point to a very high standard for causation in social research and therefore it is advisable to ignore any findings that are not at least 90% consistent or ideally 95% consistent with a necessity super/sub-set relation. We find no single necessary conditions for either of our outcome measures. This first general finding seems consistent with the complex nature of the democratic innovation under analysis. Some NPPCs display enormous variation in what concerns the institutional design features investigated, so it seems plausible that no single necessary condition can alone respond for effectiveness. We find that the disjunctions (substitutable necessary

conditions) presented in table 1 are consistent at the 95% level. We report only disjunctions (logical ‘OR’ combinations) of two conditions¹⁴.

Table 1: Analysis of Necessary Conditions

	pop		~pop¹⁵		poc		~poc	
	<i>Cons./Cov.</i>		<i>Cons./Cov.</i>		<i>Cons./Cov.</i>		<i>Cons./Cov.</i>	
1			rs + ~ipc	.997/.451	rs + ~ipc	.994/.605		
2			rs + csio	.982/.483	rs + csio	.978/.621		
3			rs + mp	.976/.468	rs + mp	.965/.623		
4	mp + ~did	.968/.661			mp + ~did	.961/.611		
5			rs + did	.964/.524				
6			csio + ~ipc	.953/.468				

Consistency threshold = 0.95 Coverage cut off = 0.4. con = consistency, cov = coverage

The four main columns in Table 1 indicate the four outcomes we are interested in explaining. We assume that causation is not linear but alternative, i.e. the explanation of the absence of the outcome is not directly related to the explanation of its presence. We therefore analyse the super/subset relation between our explanatory conditions for the outcome and its negation separately. We see in the first cell of row 4 in the table that either mass participation OR the absence of a decentralised institutional design is necessary for a NPPC to elicit responses to a high proportion of its recommendations from the Legislature (pop). These are also SUIN¹⁶ conditions for NPPCs to be authoritative and having their recommendations passed into legislation (poc). When one of these conditions is absent the other must be present in order for the outcomes to be achieved. In other words, there may be several different combinations of institutional designs features that engender effectiveness (responsive policymaking), but in all of them we will necessarily have either a high number of participants or a low number of deliberative instances. Where there is absence of a low number of deliberative instances, there must be a high number of participants involved so as to engender policymaking. Likewise, where there is absence of a high number of

¹⁴ Logically the number of conditions in any disjunction will increase the chances that it can be a superset of the outcome.

¹⁵ The tilde ‘~’ indicates absence of (negation) of a set.

¹⁶ A “sufficient but unnecessary part of a factor that is insufficient but necessary for an outcome,” (Mahoney, Kimball, & Koivu, 2007).

participants, there must be a small number of deliberative instances in order to achieve effectiveness.

This finding makes a lot of sense both vis-à-vis debates on democratic theory. Either mass participation provides the strong support and legitimacy required for NPPCs to be effective (prompting policymaking) or a more streamlined deliberation can be substituted in its place. The finding might prompt a rebuttal of any dogmatic insistence that mass participation cannot be effective or that deliberation of small groups is easy to ignore. In fact one *or* the other is a necessary part of the explanation of policy effect in such democratic innovations.

We also see in table 1 that three disjunctive paired solutions are shared by NPPCs that are able to convert recommendations into legislation (poc) but for whom many of their recommendations do not even garner responses (\sim pop). Where NPPCs do not deal with policy areas focused on redistributive issues, they must be early editions in that policy area, with mass participation and high civil society presence in their organisation in order for many of their recommendations to have a chance to take legal effect. This suggests that for democratic innovations that are concerned with more regulatory policy areas (for example, sports, environment, culture and cities) to have their recommendations passed into law, they need a popular mandate and civil society backing that can either create or chime with the 'euphoric enthusiasm' stage of an issue-attention cycle (c.f. Downs 1972). It is interesting that NPPCs that do not see a large proportion of their recommendations responded to share these characteristics. Perhaps democratic innovations that deal with regulatory or constitutive policies (c.f. Lowi 1972) find that legislators are happy to 'cherry-pick' their recommendations (c.f. Font and Smith 2014), but feel compelled to see those recommendations through. It is important to remember that these are substitutable necessary conditions and say nothing of what combinations of conditions are sufficient to produce these outcomes to which we will presently turn.

Analysis of Sufficiency

As single necessary conditions are extremely hard to unearth in social research it is the sufficiency analysis that often provides the most interesting findings in QCA. In particular, sufficiency analysis provides alternative conjunctions of causes which lead to the outcome. QCA does not take a kitchen-sink approach to uncovering causation. Models of set-theoretic sufficiency must usually

restrict their analysis to 4 or 5 theoretically relevant conditions in any iteration in order to be able to adequately deal with the limited diversity of logical cases¹⁷.

Truth tables which show the distribution of combinations of these conditions across cases and their consistency with the sufficiency subset relation are shown below for each outcome separately. Truth tables are useful in the first instance to assess the diversity of logical cases across substantive cases¹⁸. The truth table is useful in the first instance to help us understand what combinations of conditions we have empirical examples of in our population and for which ones we do not. It also tells us which cases are good examples of the particular combinations of presence/absence of these conditions. Some cases which may appear very different in fact may share the same characteristics.

¹⁷ For more on this see Ryan and Smith (2012), Ragin (2000).

¹⁸ These tables exclude logical remainders. Those are combinations of the conditions for which we do not have any cases that are good examples. While in a fuzzy-set analysis many cases will have partial membership in many logical cases (combinations of the five explanatory conditions) they will only have greater than 0.5 membership in one condition.

ipc	spc	csio	mp	did	rpc	n	consistency	Cases
0	0	1	0	0	1	3	1.000	Aquacultureandfishing2003,Aquacultureandfishing2006,Sciencetechnologyandinnovationinhealth2004
1	0	1	1	0	1	1	1.000	Environment2008
1	0	1	1	1	1	1	0.975	Cities2007
0	0	1	1	0	1	4	0.955	Environment2003,Environment2005,PublicSecurity2009,Sports2004
0	0	0	1	1	1	1	0.932	Culture2005
1	1	1	1	1	1	4	0.911	Health2003,Health2007,Socialassistance2005,Socialassistance2007
0	0	1	1	1	0	1	0.866	Cities2005
0	0	1	0	1	0	1	0.851	Sports2006
0	1	1	1	0	0	2	0.825	PublicPoliciesforwomen2007,Worker'shealth2005
1	1	1	1	0	0	1	0.811	Foodandnutritionalsafety2007
0	1	1	1	1	0	3	0.806	Oralhealth2004,Promotionofracialequality2005,PublicPoliciesforwomen2004
1	1	1	0	1	0	1	0.778	Healthofindigenouspeople2005
1	1	0	0	0	0	1	0.771	Humanrights2008
0	1	0	1	0	0	1	0.741	Youth2008
0	1	0	0	0	0	1	0.628	Profissionalandtechnologyeducation2006
0	1	1	0	0	0	5	0.525	Gayslesbiansbisexualstransvestitesandtranssexuals2008,Rightsfofelderly2006,Rights ofpeoplewithdisabilities2008,Solidaryeconomy2006,Sustainableandsolidaryruraldevelopment2008

Table 2: Truth table showing consistency and outcome coded for outcome rpc, consistency threshold = 0.9.

ipc	rs	csio	mp	did	poc	n	consistency	Cases
1	1	1	1	0	1	1	0.969	Foodandnutritionalsafety2007
0	1	1	1	0	1	2	0.966	PublicPoliciesforwomen2007,Worker'shealth2005
0	1	0	1	0	1	1	0.965	Youth2008
1	1	0	0	0	1	1	0.955	Humanrights2008
0	1	1	1	1	1	3	0.906	Oralhealth2004,Promotionofracialequality2005,PublicPoliciesforwomen2004
0	1	0	0	0	0	1	0.837	Profissionalandtechnologyeducation2006
1	1	1	1	1	0	4	0.806	Health2003,Health2007,Socialassistance2005,Socialassistance2007
0	1	1	0	0	0	5	0.767	Gayslesbiansbisexualstransvestitesandtranssexuals2008,Rightsfofelderly2006,Rights ofpeoplewithdisabilities2008,Solidaryeconomy2006,Sustainableandsolidaryruraldevelopment2008
0	0	1	1	0	0	4	0.747	Environment2003,Environment2005,PublicSecurity2009,Sports2004
0	0	1	1	1	0	1	0.725	Cities2005
0	0	0	1	1	0	1	0.705	Culture2005
1	1	1	0	1	0	1	0.637	Healthofindigenouspeople2005
0	0	1	0	0	0	3	0.599	Aquacultureandfishing2003,Aquacultureandfishing2006,Sciencetechnologyandinnovationinhealth2004
0	0	1	0	1	0	1	0.561	Sports2006
1	0	1	1	1	0	1	0.509	Cities2007
1	0	1	1	0	0	1	0.429	Environment2008

Table 3: Truth table showing consistency and outcome coded for outcome poc, consistency threshold = 0.9.

Boolean minimisation allows us to present parsimonious solutions showing alternative conjunctions that are sufficient for the outcome. These may be interpreted as alternative causal ‘paths’ to the outcome. QCA analysis produces three sets of solutions: complex, intermediate and parsimonious, which lie on a continuum of complexity/parsimony and allow a transparent assertion of robustness of causal claims based on the evidence. The complex solution makes no assumptions about logical remainders (logical cases for which we have no strong empirical examples). The parsimonious solution makes whatever assumptions about logical remainders allow minimal solution formulae. An intermediate solution can introduce some rules (based on theoretical assumptions) that will allow minimisation in some conditional circumstances. The intermediate solution is often the most interesting in QCA analysis. However, as our hypotheses suggest the possibility of alternate causation for almost all conditions and this is one of the first studies of its kind, we focus on the complex and parsimonious solutions allowing for further exploratory discussion of what intermediate solutions may be appropriate. Using Boolean minimisation, tables 4 and 5 show each four solutions (causal combinations) which are sufficient (or more correctly, almost always sufficient with less than 10% inconsistency across all cases) for NPPCs to have effect.

Table 4: Sufficient Solutions for Policy Output (policy definition, agenda setting)

	1	2	3	4
Institutionalised	Absent	Present	Absent	
Redistributive Policy	Absent		<i>Absent</i>	Absent
CSO Influence	Present	Present	Absent	Present
Mass Participation		Present	Present	Present
Decentralised Design	Absent	Present	<i>Present</i>	Absent
Consistency	0.966	0.929	0.932	0.96
Raw Coverage	0.265	0.279	0.105	0.225
Unique Coverage	0.069	0.227	0.012	0.029

Bold represents ‘core’ condition. *Italics* imply a substitutable core condition due to multiple inessential prime implicants. Empty cell implies irrelevance to solution. Overall solution consistency = 0.94, coverage = 0.558.¹⁹

¹⁹ There are multiple inessential prime implicants, allowing that the solution $ipc \sim rs \sim csio \sim mp$ could be substituted for solution 4 in the table. However this solution is discarded as it would provide less unique coverage. The main consequence of taking this alternative route would be to slightly lower the unique coverage of solution 2 and raise that of solution 1. The only case which is not covered by one of the first three solutions is Environment 2008.

Table 5: Sufficient Solutions for Policy Outcome (policy formulation, decision making)

	1	2	3	4
Institutionalised	Absent	Absent		Present
Redistributive Policy	Present	Present	Present	Present
CSO Influence	Present		Present	Absent
Mass Participation	Present	Present	Present	Absent
Decentralised Design		Absent	Absent	Absent
Consistency	0.924	0.97	0.969	0.955
Raw Coverage	0.248	0.21	0.203	0.1
Unique Coverage	0.064	0.026	0.013	0.052

Overall solution consistency = 0.939, coverage = 0.345.

The two solution formulae may be written as follows where ‘+’ indicates alternative causation (logical OR) and ‘*’ indicates conjunctural causation (logical ‘AND’):

$$\sim RS^*(\sim IPC^*CSIO^*\sim DID + CSIO^*MP^*\sim DID + \sim IPC^*\sim CSIO^*MP^*DID) + IPC^*CSIO^*MP^*DID \rightarrow POP$$

$$RS^*(\sim IPC^*CSIO^*MP + \sim IPC^*MP^*\sim DID + CSIO^*MP^*\sim DID + IPC^*\sim CSIO^*\sim MP^*\sim DID) \rightarrow POC$$

Looking first at NPPCs for whom a large proportion of their recommendations set the agenda of federal representatives (congruent legislative responses) engendering what we call policy outputs, we see that NPPCs whose subjects centre on redistributive policies are only effective in very specific circumstances. Regardless of themes addressed, where the NPPC has become more institutionalized (ipc), its organisation is highly influenced by civil society actors (csio), it has high numbers of overall participants (mp), and enjoys a mandate delegated from many preceding subsidiary conferences (did), this *combination* of factors is sufficient for the outcome. This path is highlighted in blue in algebraic solutions above. This is the only known circumstance where NPPCs on redistributive policies are effective regarding this outcome, but other NPPCs will also be effective in setting the agenda of the Legislature when all these conditions are present. This finding makes sense, when one knows that redistributive/recognition policies tend to be preferred by a limited number of political parties, usually those located closer to the left end of the ideological spectrum. Policy recommendations on those issues must be accompanied by the other conditions in order to persuade legislators to propose bills supporting them. This solution uniquely explains more cases than the others.

NPPCs on regulatory or constitutive policies also take three alternative paths to the outcome (red section of the formula). Where recommendations come from a less diverse range of municipal and other preceding subsidiary stages (\sim did), NPPCs must combine strong civil society influence (scio) with either high overall participation (mp) *or* with being among first editions of NPPCs in that policy area (ipc). This suggests that NPPCs on non-redistributive areas can be effective in agenda-setting where they have more streamlined designs, perhaps allowing more coherent formulation of policy proposals. However, in these circumstances they are only able to influence agendas when they first burst on the policy scene, but later will require a significant participatory mandate to achieve that level of response. In fact, NPPCs of this nature that are not yet quite institutionalized (\sim ipc) are also effective where they combine a decentralised design (did), mass participation (mp) and low civil society influence in the organization of the process (\sim csio). This suggests a link between participation led from the municipal level on broad issues (some of which may have more shared jurisdictional competences) and agenda-setting legislative responses.

Moving now to the NPPCs whose recommendations were converted into enacted legislation and engendered what we call policy outcomes (poc), it is immediately clear that NPPCs on redistributive policy areas are an INUS condition for all causal paths explaining this outcome. This would have remained the case even if we had lowered our consistency threshold to 0.8 (see table 3). While we stated in the preceding section that it was too soon to consider redistributive subjects a single necessary condition (because of some fuzzy-subset inconsistency remaining), we can conclude that while regulatory/constitutive policy conferences effectively set the agenda with a high number of congruent bills, they are unable to significantly impact the decision making stage and engender enacted legislation²⁰. The fact that redistributive policy issues are more easily converted into law may possibly be explained by the preferences of PT governing coalitions in the Lula Era to focus on more social policy and redistribution. It may also be the case that acting on the recommendation of a participatory fora for issues related to redistribution has become more *de rigueur* in Brazilian political culture as a result of the success of institutions like participatory budgeting and health councils.

There is one peculiar alternative circumstance when NPPCs see laws passed congruent with their recommendations. Where there is a low number of participants (\sim mp), a low decentralized institutional design (\sim did), and civil society is not influential in the organising committee (\sim csio), NPPCs on redistributive policy areas still impact political decision making when they are well

²⁰ This can be more vividly confirmed in the analysis of sufficient conditions for the negation of the outcome which shows that \sim rs is INUS for all conjunctions for \sim poc. We don't report sufficiency analysis of negation here for reasons of space.

institutionalized (ipc). This solution has low coverage (Raw = 0.1, unique = 0.052). The one good example we have of this type of case is the 2008 NPPC on Human Rights. This is actually a particular case, because this NPPC aimed exclusively at revising the National Policy on Human Rights, which explicitly demands certain ulterior legislative activity. Given this specific aim of policy change, this NPPC had no municipal stages, what explains its low decentralized institutional design and also low number of participants. Both the federal Executive and the Legislature (the Human Rights Commission of the Chamber of Deputies) organized this NPPC, what certainly affected the influence of civil society in the organizing committee. This solution is indicated in the green section of the formulae above.

Conversely, when such NPPCs are not yet quite institutionalized (~ipc) and involve mass participation, they require either civil society influence on the conference organization *or* a lower number of fora feeding in to national-level discussion (~did) in order to have their recommendations enacted as legislation. This solution is indicated in the orange section of the formulae above and may suggest that a combination of elements of deliberative (CSO expertise or less expansive design) and participatory (mass mandate) logics can be effective in producing recommendations worthy of becoming law. This is actually suggested most strongly in the final alternate path, which indicates that the degree of institutionalization of redistributive policy NPPCs is irrelevant when all three of the aforementioned elements (CSO expertise, less expansive designs, and mass participation) combine. This solution is indicated in the purple section of the formulae above.

Conclusion

The search for the normative legitimacy promised by deliberative democracy led democratic theorists to produce a considerable amount of work with the intent of designing a procedure that could reproduce as close as possible Habermas' ideal speech situation. The belief that equal participation and good deliberation would ensure more legitimate and therefore more democratic decisions seem to have obfuscated an essential part of this equation: the outcome. Whilst in the normative world of democratic theory a well-designed procedure is sufficient to provide legitimacy to decisions, in the empirical world of real existing – and representative – democracies, an ideal institutional design would not bring much democratic quality if it were not measured to be effective.

In this paper, we have tried to advance the claim that, when it comes to the question of how to design democratic institutions, effectiveness is somehow as important as legitimacy. The search for the ideal procedure cannot neglect the real outcome. If democratic innovations are going to

make any change in the quality of democracy, they must have been designed with the intent of being more effective – in other words, they must ensure that citizens are the authors and subject of real laws and policies. If democratic innovations do not lead to policymaking and lawmaking that is responsive to citizens' demands and congruent with their deliberations, their potential to solve the democratic deficits and promote a way out of the crisis of representation is very limited.

Using qualitative comparative analysis, we have tried to uncover different causal paths that connect process and outcome. We wanted to show how different combinations of institutional design features of democratic innovations (or their absence) might lead to effective policymaking. We have looked to two different outcomes, aiming at gauging democratic innovations' impact in distinct stages of the public policy cycle. If democratic innovations impact on the definition of policies, they can set the agenda of representative bodies, like the Legislature. If democratic innovations impact on the formulation of policies, they play a real role in political decision-making. We decided to test these expectations looking at the impact of NPPCs in Brazil on lawmaking.

This study is very much among the first of its kind in that it tries to associate the consequences of the institutional and environmental circumstances of democratic innovations with their effect on legislative activity. One important limitation of this study is we cannot at the same moment assess to what extent the legislative agendas we discuss may have been shaped by circumstances external to the NPPCs. We cannot with the available data answer with any surety across cases as to whether participatory processes are used to legitimate decisions made elsewhere. However, the level of congruence between recommendations of NPPCs and legislative actions at the very least suggests that this is less the zero-sum game it is sometimes made out to be by participatory democrats. In other words, our work would be complemented nicely by further research that was able to compare relevant legislative effects among democratic innovations and other institutions/phenomena which are known to achieve such effects.

Despite these limitations the work contains a number of important findings. In what concerns other democratic innovations, the finding shows that, contrary to what some critics of participatory democracy suppose, mass participation can be indeed effective; it can yield law making at the macro democracy level. In addition to that, we see that a low number of instances within a deliberative process is also an institutional design feature prone to effectiveness in certain circumstances, which seems to confirm expectations of deliberative democrats regarding the restrictive requirements of a good quality of deliberation.

The policy area that NPPCs concern themselves with also makes important contributions to explaining their effectiveness. NPPCs that open up new non-redistributive policy areas to

participation can be effective in agenda-setting when many participants in a decentralized institutional design have influence and civil society takes a back seat. They are also effective where they have more streamlined designs. But once they become institutionalised, NPPCs in these policy areas will require a significant participatory mandate to achieve high levels of legislative response. NPPCs concerned with redistributive policies only significantly affect agenda setting when they have been institutionalised and enjoy support from large numbers of participants, besides having an expansive design and a civil society that is influential in the process. However, they often affect decisions and see policy recommendations passed into law. The latter happens when mass participation is combined with CSO support in less expansive designs. However, the latter two conditions can be substituted for one another when the NPPC is a trailblazer in the policy area. Where the NPPC is institutionalised, it benefits from the absence of the 'noise' of civil society, mass participants and municipal influence. Our evidence shows that, while designs that succeed in affecting policy have specific combinations of features, if democratic innovations are to be more effective and respond to democratic deficits, there are a number of options available.

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Appendix A - Raw Data Matrix

Conference	edition	theme	Rate of society members	Participants at all stages	Number of preceding conferences	Congruent response rate	Total nr of responses	Enacted responses
Rightsofchild renandadole scents2003	4	1	57.14	NA	NA	25	10	3
Rightsofchild renandadole scents2005	5	1	50	NA	NA	21.73913	14	3
Rightsofchild renandadole scents2007	6	1	NA	NA	2754	20	2	1
Rightsofchild renandadole scents2009	7	1	33.3	NA	NA	24	41	5
Culture2005	1	0	34.2	61049	1197	35.71429	27	4
Culture2010	2	0	20.6	226846	3071	41.66667	12	0
Youth2008	1	1	36.8	400000	1480	25.71429	62	11
Promotionof racialequalit	1	1	50	90000	1332	8.333333	45	6

y2005									
Promotionof racialequalit y2009	2	1	46.6	NA	NA	9.708738	14	6	
Cities2003	1	0	89.7	NA	3457	37.5	133	8	
Cities2005	2	0	100	200000	3120	31.25	20	2	
Cities2007	3	0	60	162086	3277	41.17647	34	1	
Cities2010	4	0	60.78	155440	2282	10.34483	8	4	
Aquaculture andfishing20 03	1	0	61.11	10,000	27	51.6129	37	2	
Aquaculture andfishing20 06	2	0	50	30000	27	40	14	0	
Aquaculture andfishing20 09	3	0	66.6	27000	27	41.66667	8	2	
Socialassista nce2003	4	1	63.6	30000	NA	30	8	3	
Socialassista	5	1	62.5	400000	4682	46.15385	96	6	

nce2005								
Socialassistance2007	6	1	62.5	500000	4693	21.73913	20	1
Socialassistance2009	7	1	60	NA	4582	33.33333	10	1
Scienceandinnovationinhealth2004	2	0	50	15000	390	56.75676	79	0
Communication2009	1	0	50	8507	27	51.28205	38	2
CivilDefenseandhumanitarianassistance2010	1	0	64.4	42268	1179	6.818182	3	0
Humanrights2004	9	1	NA	NA	NA	34.93976	82	14
Humanrights2006	10	1	NA	NA	NA	54.16667	66	15
Humanrights2008	11	1	29.7	14000	137	27.49141	253	50

Solidaryecon omy2006	1	1	66.6	16976	0	8.474576	8	1
Solidaryecon omy2010	2	1	76	22072	2894	2.564103	1	0
Education20 10	1	1	74.3	450000	2227	16.66667	6	0
BasicEducati on2008	1	1	60	NA	27	52.94118	53	2
Indigenouse ducation200 9	1	1	70	51804	3830	6.666667	1	0
Profissionala ndtechnolog yeduction2 006	1	1	38.9	10000	27	73.68421	36	4
management oflaborandin novationinhe alth2006	2	1	50	NA	NA	25.64103	137	0
Medications andpharmac euticalcare20	2	1	100	NA	NA	26.82927	65	2

03

PublicPolicie sforwomen2 004	1	1	66.6	120000	2000	71.18644	261	19
PublicPolicie sforwomen2 007	2	1	66.6	200000	1713	47.47082	452	24
Health2003	3	1	100	100000	3640	43.90244	83	10
Health2007	4	1	91.3	100000	4430	34.14634	35	2
Environment alhealth2009	1	1	90	60000	439	50	20	2
Oralhealth20 04	2	1	50	83978	2542	25.39683	28	1
Worker'sheal th2005	2	1	50	100000	806	21.73913	43	4
Healthofindi genouspeopl e2005	3	1	75	18228	2280	23.07692	4	0
Mentalhealt h2009	2	1	57.5	46000	1200	100	15	6

Foodandnutr itionalsafety 2004	2	1	60	NA	NA	32.85714	80	21
Foodandnutr itionalsafety 2007	3	1	57.1	69000	536	24.54545	78	11
PublicSecurit y2009	1	0	62.2	225115	1664	50	66	1
Sustainablea ndsolidaryru raldevelopm ent2008	1	1	57.1	30000	230	25	11	7
Sports2004	1	0	77.7	83375	873	31.48148	30	2
Sports2006	2	0	50	44968	2242	22.58065	20	0
Sports2010	3	0	76	220470	3112	4.545455	1	0
Environment 2003	1	0	65	70000	27	44.73684	55	3
Environment 2005	2	0	98.3	88000	27	55	74	5
Environment 2008	3	0	76.4	115000	566	60.86957	20	1

Rights of people with disabilities 2006	1	1	75	NA	NA	17.64706	26	1
Rights of people with disabilities 2008	2	1	53	9110	193	22.22222	4	2
Rights of elderly 2006	1	1	50	15000	525	12.06897	20	3
Rights of elderly 2009	2	1	NA	61000	1154	16.66667	1	0
Indigenous people 2006	1	1	NA	1200	3192	7.758621	28	0
Gays, lesbians, bisexuals, transvestites and transgendersexuals 2008	1	1	50	10000	27	5.660377	4	0

Appendix B

caseid	ipc	rs	csio	mp	did	pop	poc
Aquacultureandfishing2003	0	0	0.61	0.06	0.03	0.97	0.54
Aquacultureandfishing2006	0.33	0	0.51	0.21	0.03	0.77	0
Cities2005	0.33	0	1	0.99	1	0.45	0.54
Cities2007	0.67	0	0.6	0.97	0.97	0.8	0.27
Culture2005	0	0	0.34	0.59	0.56	0.63	0.71
Environment2003	0	0	0.65	0.66	0.03	0.89	0.63
Environment2005	0.33	0	0.98	0.77	0.03	0.98	0.77
Environment2008	0.67	0	0.76	0.89	0.18	0.99	0.27
Foodandnutritionalsafety2007	0.67	1	0.57	0.65	0.16	0.33	1
Gayslesbiansbisexualstransvestitesandtranssexuals2008	0	1	0.51	0.06	0.03	0.08	0
Health2003	0.67	1	1	0.83	0.98	0.87	1
Health2007	1	1	0.91	0.83	0.99	0.54	0.54
Healthofindigenouspeople2005	0.67	1	0.75	0.1	0.87	0.29	0.05
Humanrights2008	1	1	0.3	0.08	0.05	0.37	1
Oralhealth2004	0.33	1	0.51	0.75	0.91	0.33	0.27
Profissionalandtechnologyeducation2006	0	1	0.39	0.06	0.03	1	0.71
Promotionofracialequality2005	0	1	0.51	0.78	0.61	0.09	0.83
PublicPoliciesforwomen2004	0	1	0.67	0.9	0.81	1	1
PublicPoliciesforwomen2007	0.33	1	0.67	0.99	0.13	0.92	1
PublicSecurity2009	0	0	0.62	1	0.15	0.95	0.27
Rightsofelderly2006	0	1	0.51	0.09	0.16	0.13	0.63
Rightsofpeoplewithdisabilities2008	0.33	1	0.53	0.06	0.06	0.27	0.54
Sciencetechnologyandinnovationinhealth2004	0.33	0	0.51	0.09	0.11	0.99	0
Socialassistance2005	1	1	0.63	1	1	0.91	0.83
Socialassistance2007	1	1	0.63	1	1	1	0.27
Solidaryeconomy2006	0	1	0.67	0.1	0.03	0.09	0.27

Sports2004	0	0	0.78	0.75	0.38	0.45	0.54
Sports2006	0.33	0	0.51	0.43	0.86	0.29	0
Sustainableandsolidaryruraldevelopment2008	0	1	0.57	0.21	0.07	0.33	0.87
Worker'shealth2005	0.33	1	0.51	0.83	0.33	0.27	0.71
Youth2008	0	1	0.37	1	0.35	0.35	1