

Social control as a form of participation in social assistance policy



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ABSTRACT

Social control, as well as social participation are proposals that emerge in the Brazilian context from

the mobilizations of organized civil society that demanded their insertion in the discussion and deliberation of public policies. Thus, as a result of the mobilizations of a democratic nature, the Federal Constitution of 1988 institutionalizes the formation of joint management councils to enable the monitoring of public policies by civil society. Through bibliographic and field research we were able to identify that participation is still limited in the exercise of social control, particularly regarding social assistance councils.

Keywords: Social control, Joint Management Councils, Social participation, Social Assistance Policy.

1 INTRODUCTION

Social Control, as well as Social Participation, are actions that can be carried out within the scope of public policy management councils, as well as at public policy conferences, whether at local, regional or national level. These are proposals that emerged in the Brazilian context from the 1980s through the mobilizations of organized civil society that demanded their insertion in the discussion and deliberation of public policies.

There was a democratizing process, after the Military Dictatorship, in which mobilizations of a democratic nature made possible the approval of the Federal Constitution in 1988, which, in turn, institutionalized the holding of public policy conferences and the formation of joint management councils to enable the monitoring of public policies by civil society.

In the present work the emphasis is on the joint management councils, particularly with regard to social control and participation in the scope of social assistance councils. Thus, our proposal, for now, is to instigate the debate on the exercise of participation in the scope of social assistance councils and how social control is made possible through this participation of civil society.

As a basis, we used the bibliographic research on the theme and data collected in field research conducted in 2018 at the Municipal Council of Social Assistance of Mossoró-RN. The data from this research corroborate the results of other empirical research (FREITAS, 2018; Smith, 2017;



NASCIMENTO, 2017) that point to the limited exercise of social control by civil society, particularly about social assistance councils.

In the text that follows, we first expose some conceptions about the councils and how they emerged in the national context from processes of mobilizations of popular sectors. Next, we address the possibilities of participation that are presented in the Social Assistance Policy through the joint management councils of public policies, among other considerations.

2 SOCIAL CONTROL: CONCEPTIONS AND EMERGENCE IN THE BRAZILIAN CONTEXT

Social control is an expression that consists of several meanings and definitions in the sphere of the State and civil society (CORREIA, 2002). The first definition is linked to the control that the state sphere exercises over society, aiming to assert its interests to legitimize the dominant bourgeois ideology. The second meaning is related to civil society to establish the monitoring of the execution of the State, with regard to its interests and needs for the realization of services, benefits, programs that provide better basic living conditions from a given public policy.

About these two meanings of social control addressed by Correia (2002), in the same direction we can articulate them with the interpretation of Campos (2006). For the latter, historically the category of social control was understood as the coercive domain of the

"State that exercises over citizens" in which state interventions in relation to the subaltern classes in the Brazilian context, were always guided by the coercive, authoritarian and anti-democratic method to ensure bourgeois hegemony subordinating the working class.

The other conception based on Campos (2006) is anchored by the control of civil society exercised over the State, through participatory democracy; it is in this perspective of participation that civil society can pressure the public power, as is the case of the State, for the expansion, execution and, mainly, the realization of social rights in the respective public policies, in particular the Social Assistance Policy.

In Brazil, the joint management councils of public policies that we currently have had their genesis anchored in the experiences of the councils in the context of the European factories, organized by the workers themselves who fought and mobilized for better working conditions in the ¹eighteenth century in the region of São Paulo in 1979; these councils began to be visualized by society as mechanisms of popular mobilization between 1973-1979 (GOHN, 1990).

¹ According to Gohn (2001), the public policy management councils are different from the community councils, because the community councils are formed only by the representatives of civil society and do not have an institutionalized seat in the public power. On the other hand, public policy councils focus on public management with the participation of civil society through ordinary laws (state, municipal).



In the words of Gohn (1988) popular participation in the Brazilian conjuncture is presented as a form of social demand or manifestation, specifically, in periods when the state apparatus holds total control over civil society. Emphasizing what Campos (2006) and Correia (2002) explained about the first definition of social control in relation to the State that is based on the dominance over social segments in an authoritarian way; As a reaction, practical activities reflected in the democratization processes emerge.

According to Correia (2009) the first public policy management councils in Brazil had as reference the area of Health, because of the expansion of popular participation, encompassing social movements, political parties and even intellectuals linked to universities in the 1970s. It was a paradoxical period, because the civil-military dictatorship (1964-1985) was experienced in the country and, at the same time, the Health Reform Movement emerged, demanding a universal, decentralized and participatory public health system in which all citizens could have the basic right to health services and start to intervene in the respective policy, through social control.

In this sense, social control in the field of Health was a pioneer, bringing together segments of civil society, in order to fight for the redefinition of the state and conquer the Health Policy as a universal, decentralized and participatory model that we have in contemporary times (BRAVO; CORREIA, 2012). These experiences in the field of Health ended up extending, later, to other policies and areas of rights, being implemented by the following Laws: the Organic Law of Health (LOS) in 1990, Statute of the Child and Adolescent (ECA) in 1990, Organic Law of Social Assistance (LOAS) in 1993, as well as in other fields of social protection that has been expanding.

For Behring and Boschetti (2011), this process of popular participation was given by the working class and popular sectors that became an essential "political ingredient" for the construction of the Brazilian democratic historicity that ended up overcoming the supremacy of the ruling elites in relation to the period of the civil-military coup (1964-1985), succeeding the process of redefining the democratic state of rights, due to the boiling of the active participation of civil society. Thus, the second half of the 1980s constituted an intensive stage in the process of mobilization and "manifestations of the subaltern classes in the field of civil society" (DURIGUETTO, 205, p. 309) that demanded the expansion of the institutional mechanisms of active participation between the spheres of civil society and the State and, consequently, the struggle for the enlargement and realization of social rights, civil and political for the whole society.

The "democratic wave in Brazil" materialized in intense mobilizations and demands by civil society that was dissatisfied, due to the growth of socioeconomic inequalities in the country (BEHRING; BOSCHETTI, 2011). The "democratic yearnings of society" (DURIGUETTO, 2015) are represented by the intense processes of struggles and mobilizations of popular sectors that were



answered by the elaboration of the Citizen Constitution of 1988, contemplating the whole of Social Security (Health, Social Assistance, Social Security).

The joint management councils of public policies from the Constitution of 1988, constituted themselves in instruments and materialization of these yearnings for a democratic management. According to Campos (2006), the councils have the fundamental role in the formulation, monitoring, supervision and verification of public actions regarding the respective public policies, particularly the Social Assistance Policy. Its main support is the interests of all civil society to put pressure on the state apparatus, interfere in the social sphere and fulfill its responsibility to ensure and, above all, to realize social rights for the whole of society.

The councils are indispensable for the democratic exercise, containing the link between governmental and non-governmental subjects (RAICHELIS, 2011; GOHN, 2001). The representation of civil society is strengthened, in the way of interfering in government decisions, either through demand, in the redefinition of priorities, in the elaboration of new policies, services for the monitoring of state actions and the evaluation of the provision of services that corroborates for the strengthening of the public space.

In this perspective, Dagnino (2004) addresses the issue of breaking the polarity between the State and society; society is not a "pole of democratizing virtues" anchored in homogenization and, much less, the State as the "incarnation of evil" anchored in the conception of Satanization in which, many times, it ends up attributing to this state sphere all the vices and evils of politics. The interests of civil society do not always contribute to the expansion of the public sector, causing in this process the strengthening of "associative practices of civil society", which corroborates the expansion of Non-Governmental Organizations (NGOs). According to Dagnino (2004) and Raichelis (2006), they consist of the newest forms of social management between the state machine and civil society that end up providing services of public interest, but in reality, it concerns something private, by meeting the basic and social needs of portions of civil society in partnership with state financing. The aggravating factor is the lack of responsibility of the state apparatus and its transfer of tasks to civil society, corroborating the weakening and precariousness of state public services.

However, the joint management councils of public policies concern as a mechanism of "democratization" (DURIGUETTO, 2015) and in the interpretation of Bravo (2009) these democratic spaces were configured in open instances to promote deliberations of actions and inspections. These decision-making in the field of social protection must contain the transparency and visibility of the state resources that are used for public policies, thus allowing the whole of society to visualize the procedures that are carried out in the parity councils.



3 SOCIAL CONTROL IN SOCIAL ASSISTANCE POLICY: PARTICIPATION STRATEGY?

As we have already pointed out, the 1980s were effervescent regarding popular participation and incorporation of civil society in the establishment of primacies and monitoring of implementation in the field of social protection, in particular Social Assistance as a modality of public policy and state priority, and the State is responsible for effecting it and guaranteeing it to all citizens who need it (RAICHELIS, 2015). Thus, the composition of administrative decentralization is defined due to the sharing of tasks in the federative entities, being necessary the "presence of social control through the adoption of mechanisms that enable the publicization of the use and transfer of public resources" (RAICHELIS, 2015, p. 156).

In this context, the implementation of democratic instances, in particular the social assistance councils emerged in the 1990s, in a conjuncture adverse to the expansion of social rights, in relation to the context of capitalist restructuring and, mainly, of the establishment of the neoliberal model at a global level (RAICHELIS, 2015). The bourgeois state based on neoliberal ideology has the central objective of "diminishing the state and cutting its fats" (NETTO; BRAZ, 2007, p. 227) in relation to social policies; this decrease does not correspond to the shape of the State itself, but in its actions "cohesive."

Contrary to neoliberalism, the mechanism of social control of the Social Assistance Policy was recommended by the Organic Law of Social Assistance (LOAS) in 1993, emerging the formation of the joint management councils of the policy. The LOAS provides the main instances of a deliberative, parity and permanent nature, the structuring and creation of social assistance councils at different federative levels. In this perspective, the councils in the field of Social Assistance work in the three federative levels (national, state and municipal) and in the Federal District.

These democratic spaces consist of deliberative instances to decide strategies, agendas, resolutions of the referred policy, containing its permanent and paritary character that is related to the organs that can participate, namely: entities of the public and private segments that are related to associations, philanthropic entities and the representatives of users of the policy.

For now, we will emphasize the Municipal Council of Social Assistance (CMAS), to which Campos (2006) explains its equal composition (due to the equality in the representation of governmental and non-governmental segments), its deliberative nature (in relation to decision-making regarding the respective policy used within the community) and its permanent character, since they are established by the CF/1988 being institutionalized by organic laws of the respective policy, as well as by their own statutes or regiments that establish their operation.

These councils potentiate new ways of (re)defining public and political agendas, making the state apparatus act in favor of society, through the presentation of various interests (BRAVO, 2011). Campos (2006) points out that these democratic spaces cannot be understood as environments of



impasses, but of understandings in relation to the improvement of the public sphere and, consequently, in the care of the recipients of the Social Assistance Policy.

The mechanism of social control, with regard to the scope of public policy councils, in particular the Social Assistance Policy, represents an open instance for the debate of the interests in dispute, constituting itself as privileged spaces for the expansion of the political exercise. With the participation of civil society, the construction of a new democratic culture based on the perspective of a less exclusionary and more egalitarian society is enhanced, since participation is intended to give visibility to the subaltern layers that were historically excluded from public decisions, introducing these subjects into the scope of the decisions of the public sphere (CAMPOS; MACIEL, 1997).

According to Raichelis (2006), although these paritary management councils are spaces that provide the construction based on the pillars of participatory democracy, there are still in them "correlations of forces" that are represented by the segments of civil society and also by the governmental sphere, expressing the interests of antagonistic classes that end up building in these democratic spaces the conflicts and tensions related to the negotiations of actions or proposals that, They often end up representing the minority in relation to their own interests.

Campos and Maciel (1997) also point out that the paritary management councils constitute "contradictory spaces" when referring to democratic control, since they can legitimize and deliberate matters of collective interests, but can also be spaces of co-optation that accommodate electoral interests. It is necessary to analyze the conception of the contradiction mentioned in these spaces, along the lines of democratic exercise, regarding the construction of the new public agenda linked to the expansion of citizenship and to overcome elitist, clientelist and assistentialist practices that end up reconfiguring public policy as a citizen's right and a duty of the State.

As already pointed out, there is not always an interest on the part of some civil society organizations in expanding the public space, resulting in corporatist practices (DAGNINO, 2004) with the disresponsibility of the State for constitutionally guaranteed rights, as is the case of the social assistance policy that has been a privileged space of action for these practices. In fact, there is no homogeneity of interests, since there is the presence of multiple interests in democratic spaces, enhancing the growing attendance of private networks anchored by NGOs, corporations articulated by large business and political interests of a clientelistic nature in the dispute for hegemony and, mainly, for public resources for the provision of services to the population (CORREIA, 2002).

Thus, it is necessary to highlight the importance of the participation of the representations of the public sector represented by the segments of the government and, mainly, the segments of the users



in these spaces of struggles in the paritary management councils, as well as in the conferences² that act as deliberative instances for the defense of social policies.

According to Paiva, Rocha and Carraro (2010), these representations of users are expressed in the perspective of "popular protagonism" for the expansion of social rights in democratic spaces, which is promulgated in the Federal Constitution of 1988 and in the legal norms of social assistance policy, such as the LOAS/1993, the National Social Assistance Policy (PNAS/2004) and, later, the Unified Social Assistance System (SUAS/2012).

As already pointed out, social control in social assistance policy is demarcated in the LOAS (Law No. 8,742, of 12/07/1993), which provides for the organization of social assistance; it is the legal support about the political-administrative decentralization, the social participation in the democratic instances in the formulation of strategies and the priority of the State in relation to the politics in question. Because of this, we have the guidelines:

I - political-administrative decentralization to the States, the Federal District and the Municipalities, and single command of actions in each sphere of government; II - participation of the population, through representative organizations, in the formulation of policies and in the control of actions at all levels; III - primacy of the responsibility of the State in the conduct of social assistance policy in each sphere of government (BRASIL, 1993).

On Item I, the issue of shared funding between the federative spheres is to avoid repetitions of social actions; in Item II, we have the issue of popular participation with equal composition in the perspective of guaranteeing and making decisions about politics, through the instances of councils and conferences at all levels, in which the State has the task of ensuring its effectiveness in all governmental spheres (BOSCHETTI, 2000).

Regarding social participation by society, particularly in the segments of users in social control, it is something relevant for the construction of participatory democracy that will provide a strengthening of expanded citizenship. The perspective of democratic control is based on the participation of society having control of state operations meeting the demands of the majority, that is, the needs of the collectivity.

In this sense, social control, via joint councils in the scope of social assistance should be synonymous with collective participation in public management, in which it ends up enabling the population, with regard to citizens to act in social policies, not only in "decision making", but in the elaboration of proposals and supervision of the actions of the State in relation to the public services that are being made available to the population, thus enabling the transparency of information and the usefulness of public resources (SOUZA, 2010).

² The purpose of the conferences is to evaluate the situation of the policy and propose guidelines for the improvement of actions, being held every biennium, at the national, state and municipal level to ascertain the advances and setbacks of the respective policy, and may receive suggestions brought by the council in their spheres to expand the democratic instance (BRAVO, 2009).



A relevant aspect to consider is that the joint management councils of public policies, of social assistance, promote the expansion of citizenship and boost social protagonist in an active way to give place and voice to the subjects. This element of participatory character ends up enabling the visibility and representativeness of users in the definitions and uses of the public fund. These participatory experiences in these democratic spaces consolidate the search for a new societal project guided by principles of struggle and uncompromising defense of rights, in the conception "of reducing inequalities and promoting social justice" (CAMPOS, 2006, p.109).

According to Paiva, Rocha and Carraro (2010) the welfare heritage, still impregnated in actions of the social assistance policy, ends up hindering the popular protagonist and the emancipation of the subaltern class to actively participate in the processes of defining priorities of public management, resulting in the process of (in)visibility of these subjects in the spaces of struggle and defense to guarantee and effect social rights, The challenge for social control is to face these limits with a growing articulation of Non-Governmental Organizations (NGOs) anchored in the perspective of providing services and care to those in need.

With regard to the challenges of the participation of users in the respective social assistance councils, particularly contained in the PNAS/2004, it is highlighted;

One of the biggest challenges of this policy is the creation of mechanisms that will guarantee the participation of users in the councils and forums as subjects no longer underrepresented. Thus, it is essential to promote thematic events that can bring users to the discussions of politics, fostering the protagonism of these actors. [...] Finally, it is important to emphasize in this axis the need for information to users of social assistance for the exercise of social control through the Public Prosecutor's Office and other State control bodies so that they can make this policy effective as a constitutional right (BRASIL, 2004, p.53).

Thus, Raichelis (2006, p.113) explains that one of the challenges in the councils is still the small attendance of civil society in these spaces of expansion of democratic control, with a "fragile presence of popular segments in such spaces, through associations and collective representations. [...] lack of political representation in political spaces" that corroborate the depoliticization and fragmentation of public policy that would require more subjects to actively participate in this democratic exercise that is anchored in the term of citizenship. This emptying in the representation of civil society, particularly in the user segments, is due to the lack of necessary conditions for these subjects to participate in these democratic spaces, not guaranteeing effective participation in the joint management councils. The author reinforces that in these councils, all "speak on behalf of users, but they appear in the public space through lack and a kind of substitution by entities and organizations that rob them of their speech and autonomous presence", in this way, there is a strong presence and expansion of NGOs, in many causing the replacement of users to provide "social welfare".

Other challenges are placed in the spaces of social control, such as the effectiveness of the role of the management councils, due to the lack of qualification of the counselors and the participants



themselves to exercise the function of supervision and monitoring, in which we can assimilate the disrespect of the public power towards the social area, with regard to the non-fulfillment of its function as a "duty of the State" to ensure the expansion and enforcement of rights by means of the execution of their actions (FREITAS, 2018, NASCIMENTO, 2017; RAICHELIS, 1998).

It is necessary to affirm the need for training and qualification of counselors, particularly the segments of users so that they can perform their craft in the representation and defense of rights in the public sphere, provide them with the necessary information to relate to the practice experienced to intervene and execute citizenship (GOHN, 2001).

This conception of participation is not focused only on the attendance of users, but on the instigation of a "real participation" of the subordinate classes; this "real participation" should be prioritized in its essence, starting with the part of the rulers and also society in general so that all subjects actively participate in the democratic exercise, in the perspective of breaking with the history of clientelism and assistentialism in the scope of social assistance policy (PAIVA; ROCK; CARRARO, 2010).

This popular participation is also regulated in the SUAS. It constitutes a new renewed design that, according to Paiva, Rocha and Carraro (2010) through it, occurs a reformulation in the social assistance policy, constituting a management model that advocates citizen participation, concerning the conception of one of the organizational principles of the SUAS for the strengthening of participation and democracy (BRASIL, 2012).

According to Campos (2006), the SUAS model that is anchored in a decentralized and participatory management that emphasizes the creation of public policy management councils as relevant and crucial mechanisms for the construction of a democratic culture in which social control has the potential for the performance of public management, consisting of an irrefutable need, ensuring the monitoring of the actions of the State for the attendance of the services to the demanders of the social assistance policy.

Another important aspect for the strengthening of democratic exercise beyond the scope of the social assistance council, according to Raichelis (2015, p. 158): "Councils, of course, are not the only conduit of social control in the scope of social policies." On the contrary, it depends on associations with other forms of political forces capable of enhancing their action, through articulation with other instruments of social control, such as: Public Prosecutor's Office, security commission, city councils, court of auditors, social movements, conferences, professional inspection councils, forums, popular fronts and popular action (CORREIA, 2002) (BEHRING; BOSCHETTI, 2011).

Thus, these democratic mechanisms mentioned above are allies of social control to provide the expansion of citizenship articulated to encourage the participation of users, being designed as instruments of "innovation of public management" associated with a "new architecture" of democratic



and decentralized participation. Other mechanisms have emerged to strengthen citizenship, whether through forums, rights councils, participatory budgets, public hearings promoting the struggle and the intransigent defense of social, civil and political rights with the purpose of carrying out popular pressure to the attacks of the neoliberal conjuncture (RAICHELIS, 2011).

In this sense, the democratic instances, in particular the joint management councils of public policies consist of spaces of struggles, disputes and tensions that result in the expression of differentiated interests, but constitute spaces of resistance, mainly, the intransigent defense in the quality of the services made available to society (BRAVO; CORREIA, 2012).

It is in this perspective of struggle and resistance of this perverse context that social control will act, according to Duriguetto (2015, p.308), as "[...] instrument of defense of a quality state public action in the field of creation, consolidation and expansion of rights", thus, the joint management councils constitute instances of struggle against the rebuttals of neoliberalism.

For Behring and Boschetti (2011), the meaning of democratic instances within the Brazilian context is based on the perspective of "rowing against the tide" in relation to the conjuncture of reforms, or rather, counter-reforms, explained very well by Behring (2003) in the sense of carrying out the dismantling in the field of social protection and, mainly, destroying the social rights that were hard-won by the working class.

However, the policy management councils are spaces of participatory democracy that ensure the control of the population in relation to the right to deliberate, monitor and intervene in state actions in order to carry out evaluation, monitoring and implementation of public policy and whether the policy is actually being carried out in the form of providing services to the population in accordance with legal regulations (CAMPOS; MACIEL, 1997).

With regard to the councils managing policies in the spaces of the municipalities, it is necessary to emphasize their relevance in the processes of construction of democracy at the local level, according to Jovchelovitch (1998) in which municipalization,

[...] It presupposes a form of mediating power broader than the mayor and his aides. [...] Of course, the indispensable role of the Joint Sectoral Councils, responsible for the approval and control of public policies at all levels. The sectoral councils (Health, Social Assistance, Children and Adolescents, Education) that exist today in the municipalities are forms of mediation between civil society and the Executive power. They work, including as a power-sharing strategy in local government. (JOVCHELOVITCH, 1998, p. 42-43).

In short, it is in the municipalities that the policy materializes, even if the responsibility is shared with the other federated entities. Therefore, the joint councils of public policies fit the population and policy managers within the municipalities, enhancing democratic practices through the participation of citizens, institutions and organizations in the scope of local government based on the perspective of decentralization.



4 CONCLUSION

By instigating the debate on the exercise of participation and social control through joint councils of social assistance, it is essential to understand the emergence of these councils at the national level. It is from this historical retrospective that one understands the clashes of political and societal projects arising from diversified conceptions (BRAVO; CORREIA, 2012).

Having been institutionalized in the scenario of neoliberal offensive in the 1990s, social control, via paritary councils, was constituted as privileged and strategic spaces of participation that corroborates for the expansion of participatory democracy and citizenship, since it brings together various segments of society and government in the search to elaborate, monitor, supervise, control, deliberate and intervene in actions, projects and services that can positively impact the quality of life of citizens through the action of the State.

It is not too much to reinforce that neoliberalism has been harmfully affecting the collective rights of the Brazilian population, negatively impacting on the reduction of social policies, causing intense processes of fragmentation, selectivity, precariousness, focusing and scrapping in social protection, triggering, in such a way, intense processes of dismantling of social rights (PEREIRA, 1998). And, among these dismantlements, we find the attempt to empty the joint management councils. Therefore, it is necessary to oppose the transfer of the duty of the State to civil society, which would reproduce "the resurgence of private charity", associated with solidarity and volunteering.

Thus, the current challenges are increasing in the face of recurrent demands, which are: the fragmentation of representativeness, especially of the users who most use and know the services of Social Assistance; the lack of knowledge of the population, especially the most vulnerable layers, regarding the existence of the management council in relation to its activities and actions; and, the fragmentation in training and courses for counselors that ends up causing the precariousness of knowledge, which leads to mistaken decision-making (FREITAS, 2018; Smith, 2017; BIRTH, 2017).

Given this, it is necessary to emphasize that the management councils of the Social Assistance Policy, despite experiencing the challenges given their heterogeneity, are marked as alternatives of intervention and approximation between civil society and the governmental sphere in matters related to public management and that can constitute instances of struggles against neoliberalism (DURIGUETTO, 2015), since they consist of spaces of resistance for the intransigent defense of social rights in what corresponds to the quality of goods and services to be made available to all civil society. In short, it is a potential space of democratic exercise that needs to be strengthened, rather than neglected.



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