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Policy Design for Non-normative Gender Identities: the Construction of the Trans Subject in Uruguay

Desenho de Políticas para Identidades de Gênero Não Normativas. A construção do sujeito trans no Uruguai

Margarita María Manosalvas

Juan Camilo Rave

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Policy Design for Non-normative Gender Identities: the Construction of the Trans Subject in Uruguay*

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Margarita María Manosalvas**

Juan Camilo Rave***

Abstract

We analyze institutions and social constructions as constituent parts of the policymaking process. We use Ingram and Schneider's policy design framework, which suggests that, in degenerative contexts, policymakers distribute burdens and benefits to the population based on social constructions and using instruments that maintain or exacerbate some groups' positioning to the detriment of others. However, we take a different path; we carry out a case study of the trans people policy in Uruguay, a context that could be considered progressive. Through category analysis, we identify social constructions and both formal and informal institutions that shape the issue context and its effects on policy formulation. The results indicate shifts in the social construction of trans people driven by a political strategy for agent coordination around the notion of diversity in a context of institutional opening towards more inclusive policies.

Keywords: social construction; target groups; policy design; trans subjects.

Resumo

Analisamos instituições e construções sociais como partes constituintes do processo de formulação de políticas. Utilizamos a estrutura de desenho de políticas de Ingram e Schneider, que sugere que, em contextos degenerativos, os formuladores de políticas distribuem ônus e benefícios à população com base em construções sociais e utilizando instrumentos que mantêm ou exacerbam o posicionamento de alguns grupos em detrimento de outros. No entanto, seguimos um caminho diferente; realizamos um estudo de caso da política de pessoas trans no Uruguai, um contexto que pode ser considerado progressista. Por meio da análise de categorias, identificamos construções sociais e instituições formais e informais que moldam o contexto da questão e seus efeitos na formulação de políticas. Os resultados indicam mudanças na construção social das pessoas trans impulsionadas por uma estratégia política de articulação de agentes em torno da noção de diversidade em um contexto de abertura institucional para políticas mais inclusivas.

Palavras-chave: Construção social, grupos-alvo, desenho de políticas, sujeitos trans

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1 Introduction

Our analysis is an attempt to account for how institutions and social constructions are constituent parts of the policymaking process. We use the policy design framework proposed by Ingram and Schneider, which incorporates a critical perspective and axiological premises related to the expansion of democracy in policy analysis.

From this perspective, policy analysis is conceived as a participatory project inspired by the fundamental principles of democracy, rather than the merely “technical” or instrumental rationality approach¹. Following Laswell’s reflections on the orientation of policies as a strategy for improving the living conditions of the governed, Ingram and Schneider indicate that policy formulation should focus on resolving joint problems effectively and efficiently, granting equitable treatment to people, recognizing their dignity, and calling for an active and responsible exercise of citizenship. These rationales would protect citizens from distortion arising from political calculation-based discourses²

Integrating the regulatory dimension and the rational-analytical dimension has always been a challenge for policy analysis; we believe that Ingram and Schneider’s framework helps analysts address this. We start from a position where researchers explain their decisions regarding research theories and design³. Thus, the method derives from aligning a conception of the world (philosophical ontology) with forms of knowledge production (scientific ontology) about a phenomenon⁴. This implies that researchers are transparent about how they construct their subject matter (public policy in our case) and the theoretical and methodological repertoires they use to generate new knowledge of this subject matter.

We adopt a monistic conception of the social sphere and understand that our research action takes place within the reality that we research. Therefore, the meaning granted to the phenomena of that reality is traversed by an intersubjective understanding of the social sphere⁵. Nevertheless, it is valid and objective to the extent that it follows procedures agreed upon as valid within a scientific community and considers the advances and contributions made to understanding a phenomenon within this community⁶. To generate relevant information about our subject matter, we propose the possibility of building data chains that, without being directly *observable*, are *detectable* from their empirical manifestations.

For a mid-range discipline, such as public policy analysis, these definitions provide meaning in selecting and calibrating the analytical framework, the theories that will validate hypotheses, and the set of methodological strategies for collecting and analyzing data. From this position, Ingram and Schneider’s policy design framework allows for a descriptive-analytical approach to empirical cases, whose understanding and

¹ DELEON, P. Democracy and the policy sciences: aspirations and operations. *Policy Studies Journal*, [S.l.], v. 22, n. 2, p. 200-212, 1994.; DRYZEK, J. S. Policy sciences of democracy. *Polity*, [S.l.], v. 22, n.1, p. 97-118, 1989.; FORESTER, J. Critical theory, public policy, and planning practice. New York: SUNY Press, 1993.; INGRAM, H.; SCHNEIDER, A. L. Policy analysis for democracy. In: GOODIN, R. E.; MORAN, M. (eds). *The Oxford Handbook of Public Policy*. Oxford, 2006.; INGRAM, H.; RATHGBER, S. Public policy and democracy. In: INGRAM, H.; RATHGBER, S. *Public policy for democracy*. 1993.; INGRAM, H.; DELEON, P.; SCHNEIDER, Anne. *Conclusion: public policy theory and democracy: the elephant in the corner*. London: Palgrave Macmillan, 2016.

² LASWELL, H. D. *The decision process: seven categories of functional analysis*. College Park: University of Maryland, 1956.; LASWELL, H. D. *The political science of science: an inquiry into the possible reconciliation of mastery and freedom*. *American Political Science Review*, [S.l.], v. 50, n. 4, p. 961-979, 1956.; LASWELL, H. D. *The emerging policy sciences of development: the Vicos Case*. *American Behavioral Scientist*, [S.l.], v. 8, n. 7, p. 28-33, 1965.; LASWELL, H. D. *A pre-view of Policy Sciences*. New York: American Elsevier Publishing Company, 1971.

³ SARTORI, G. Concept misformation in comparative politics. *The American Political Science Review*, [S.l.], v. 64, n. 4, p. 1033-1053, 1970.

⁴ JACKSON, P. T. *The conduct of inquiry in international relations: philosophy of science and its implications for the study of world politics*. New York: Routledge, 2016.

⁵ YANOW, D. *Conducting Interpretive Policy Analysis*. California: Sage, 2000.

⁶ HABERMAS, J. *The theory of communicative action. Lifeworld and system: a critique of functionalist reason*. Boston: Beacon Press, 1985. v.2.

comparison would later help put forward hypotheses about how and under what conditions it is possible to improve the results of policymaking, understanding “improvement” as increases in the ethical rationales mentioned above. That is, we seek to obtain a greater understanding of “how the purposes and tools of contemporary policy analysts need to change to serve democracy better”⁷.

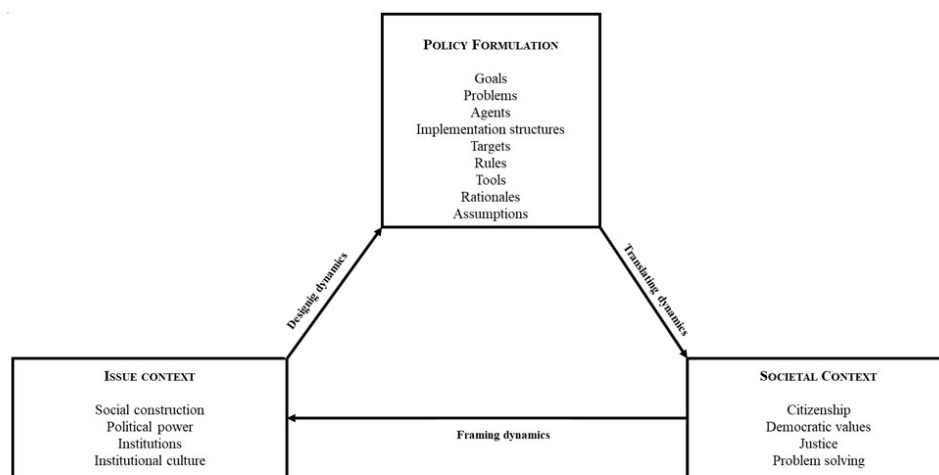
We assert that public policies are mechanisms whereby material and symbolic values are distributed hierarchically in society. We are especially interested in policy formulation as a unit of space-time analysis in which it is possible to observe the construction of these mechanisms and a specific policy’s distributive result.

From the policy design framework, in this case study we ask: What factors explain Uruguay’s LGBT policy formulation? We hypothesize that institutions and social constructions played a constituent role in this process.

2 Analytical framework

Ingram and Schneider proposed the policy design framework in 1997 to overcome the limits found, according to the authors, in major theories (pluralist democracy, policy science, public choice, and critical theories) on public policies. In the authors’ literature, the term “policy design” refers to three aspects: 1) policy contents; 2) the process by which those contents are defined, and 3) the framework they propose to analyze such process and contents. In this paper, we make what we believe to be useful distinctions among the following terms: 1) policy formulation refers to the definition of contents, 2) policymaking, to the process defining policy contents, and 3) policy design framework, to the framework used for the analysis. The policy design framework facilitates addressing questions related to how citizens are represented in policies and how these socially constructed images justify the distribution of burdens and benefits among population groups. It also enables us to analyze the influence of values and power relations in this process or the consequences of policy contents for democracy and citizenship⁸.

To organize a study that answers these questions, Ingram and Schneider’s policy design framework provides three components: societal context, issue context, and policy formulation. Each component contains analytical elements for characterizing their contents and interactions (Figure 1).



Source: Ingram and Schneider

⁷ INGRAM, H.; SCHNEIDER, A. Social constructions in the study of public policy. In: HOLSTEIN, J. A.; GUBRIM J. F. (eds). *Handbook of constructionist research 2*. New York: The Guilford Press.

⁸ INGRAM, H.; SCHNEIDER, A. L. *Policy design for democracy*. Lawrence: University Press of Kansas, 1997.

Although the relationship between the components is represented sequentially to illustrate that the issue's context influences policy formulation, and that said formulation, in turn, has consequences for society, it is also clear that it is not a linear process: the issue context emerges from the broader societal context through a framing dynamics process. Policy context and societal context are linked by "structural nesting," implying a constant exchange between a policy system and its subsystems. The change in each component is not a linear time sequence but, rather, occurs through constant feed-back (informing and modifying actions already performed) and feed-forward (informing and modifying future actions).

Analyses from different approaches, indicate that the issue context frames the policymaking dynamic, affecting how the problem is defined, agenda arrangements are produced, opportunities and risks are calculated, leadership is exercised, and the level of novelty or transfer operating in the design is decided upon⁹. Conversely, other analyses indicate that policy contents affect recipients' experience, creating participation patterns and conveying messages, interpretations, and lessons about the how institutions operate, and the role citizens perform¹⁰. Finally, the societal context conditions the issue context dynamic through the opportunity structure that gives some groups more or less access to the public debate; it also has influence through the distribution and use of knowledge through which the problems and solutions available in the issue context are defined¹¹. Based on these studies' findings, we propose a constituent interpretation of causality to analyze the dynamics of this process (see below).

According to Ingram and Schneider, social constructions are forms and objects that give the social world meaning and order according to mental structures, contexts, and historical legacies. They are created over time by culture (religion, myths, literature, etc.), socialization, and institutions (school, roles, forms of organization, rites, rules, media, etc.). These constructions are generalized and integrated into daily life, so they are usually considered natural conditions and not constructs. Having these constructions incorporated as shortcuts in our cognitive routines is advantageous in that they may simplify daily decisions. The disadvantage is that they can perpetuate unwanted situations, such as inequality and injustice. Given human diversity, these social constructions are not always hegemonic and are subject to controversies, allegations, and disputes.

In the policy design framework, the societal context includes the broader social constructions of a society's democratic values, citizenship notions, and procedures for solving public problems. Scientific knowledge is also a social construction and refers to how facts, beliefs, and experiences about social life are certified as "truths." In the issue context, knowledge is defined as professional and scientific dialogues with political calculation of risks and opportunities and is often instrumentalized by power. The social construction of a public policy's target groups refers to the images, stereotypes, and beliefs whereby identity and values are assigned to specific groups as more or less deserving of benefits or burdens; these definitions also shape relationships between groups.

⁹ BARBEHÖN, M.; HAUS, M. How central is the middle? middle class discourses and social policy design in Germany. In: BARRAULT-SETTELLA, L.; WEILL, P. E. (eds.) *Creating target publics for welfare policy*. New York: Springer, 2018. p.49-66.; BOOTHE, K.; HARRISON, K. The influence of institutions on issue definition: children's environmental health policy in the United States and Canada. *Journal of Comparative Policy Analysis: Research and Practice*, [S.l.], v. 11, n. 3, p. 287-307, 2009.; MONTPEITIT, R. C.; VARONE, F. Institutional vulnerability to social constructions: federalism, target populations, and policy designs for assisted reproductive technology in six democracies. *Comparative Political Studies*, v. 38, n. 2, p. 119-142, 2005.

¹⁰ BRUCKER, D.L. Substance abuse treatment participation and employment outcomes for public disability beneficiaries with substance use disorders. *Journal of Behavioral Health Services and Research*, [S.l.], v. 34, n.3, p. 290-308, 2007.; METTLER, S.; SOSS, J. The consequences of public policy for democratic citizenship: bridging policy studies and mass politics. *Perspectives on Politics*, [S.l.], v.2, n.1, p. 55-73. 2004.; CAMPBELL, A. L. Policy makes mass politics. *Annual Review of Political Science*, [S.l.], v. 15, n. 1, p. 333-351, 2012.; METTLER, S.; SOSS, J. The consequences of public policy for democratic citizenship: bridging policy studies and mass politics. *Perspectives on Politics*, [S.l.], v.2, n.1, p. 55-73. 2004.

¹¹ DIALTO, S. J. From problem minority to model minority: the changing social construction of Japanese Americans. In: SCHNEIDER, Anne L.; INGRAM, Helen M. *Deserving and entitled: social constructions and public policy*. Albany: SUNY, 2005. P. 81-103.; ABBIE, E. H. A new face of poverty? economic crises and poverty discourses. *Poverty & Public Policy*, [S.l.], v. 4, n. 4, p. 183-204, 2012.

Policy formulation analysis includes observable elements, the problem definition, and policy goals. It also includes actors and implementation structures, target groups, rules, and instruments, as well as justifications and assumptions. How the definition of a public problem is defined creates jurisdiction limits and a field of action involving various actors. It also involves different values: the same problem can be defined in moral, health, or economic terms. This framing affects participants' empathy, willingness to see other perspectives, and likelihood of commitment-

Institutions are a fundamental component of the context in which the policymaking process takes place. The authors define institutions as "persistent patterns of relationships and interactions that include legislatures, courts, executive agencies, and other non-governmental organizations". Values, rules, and procedures are represented and reproduced in institutions. Inevitably, public policy occurs within one or more institutional settings. Elements such as citizenship, democratic values, and procedures for conflict resolution are institutions. The institutional context may be more critical for policymaking in some cases than in others. Given this process's dialectical dynamic, policies can modify institutions and even create new ones.

3 Method, design, and data:

Action and decision in public action are influenced by the actors' teleological, intentional, and, to a certain extent, rational action and by the historical paths, contingency, limitations, and ambiguity typical of collective elections¹². This complexity includes the possibility of reconstructing causal explanations about the policymaking process. Understanding causal relationships is central to policy analysis and proposing hypotheses with prescriptive claims. Therefore, the type of explanation we seek must be consistent with the complexity, contingency, and reflexivity of social phenomena.

Thus, we adopt a conception of constituent causality: when observing the empirical universe, we seek to understand in-depth the components of the social process leading to a result, in this case, the constituent parts of the issue context and how actors interpret that context, make decisions, and give meaning to public policies¹³. Based on this understanding, we attempt to clarify the convergence of elements and interpretations that led to a result in order to extract, *a posteriori*, hypotheses for the action, given that, in addition, historical legacies and contingency will always play a determining role in those results. While this limits generalization, it provides valid knowledge of policymaking in different contexts. Our strategy is case study research; we used the following qualitative techniques for data collection:

- a. thirteen in-depth interviews: three with state actors¹⁴ seven with social actors, and one with an academic actor.
- b. review of administrative and legal documents related to components of the policy design framework which were operationalized into variables and macro-categories.
- c. review of local literature on the variables and macro-categories selected.

The data analysis method is category analysis¹⁵, focusing on social practices as templates that encode meanings and views regarding the functioning of social and political orders.¹⁶

¹² KINGDON, J. W.; STANO, E. Agendas, alternatives, and public policies. Boston: Little Brown, 1984.; COHEN, M. D.; MARCH, J. G.; OLSEN, J. P. A garbage can model of organizational choice. Administrative science quarterly, [S.l.], v.17, n.1, p. 1-25, 1972.

¹³ YANOW, D.; SCHWARTZ-SHEA P. Interpretation and method: empirical research methods and the interpretive turn. New York: Routledge, 2015.

¹⁴ One interview with a Ministry of Health official, two interviews with vice-ministers from the Ministry of Social Development, and two interviews with congressmen.

¹⁵ YANOW, D. Constructing race and ethnicity in America: category-making in public policy and administration. London: Routledge, 2015.

¹⁶ Categories are constructs that encapsulate express and tacit ideas about how to name and interpret subjects, their social practices,

Following Ingram and Schneider’s theory, we established three components with their relevant variables to enable empirical observation:

Table 1

Component	Variables	Empirical categories
Societal context	Citizenship	Party system
	Democratic values	Hyperintegrated society imaginary
	Justice	Consensus building practices
	Problem solving	
Issue context	Social constructions	Heterosexual gender roles
	Institutions	Political interplays between social actors
	Institutional culture	Trans subjects Social vulnerability Target universalism
Policy formulation	Goals	Policy Laws
	Problems	Rules
	Agents	Norms
	Implementación structures	Problem’s definition
	Targets	Instruments and implementation structures
	Rules	Target Group definitions
	Tools	Policy rationales
	Rationales	Policy assumptions
	Assumptions	

Adapted from Ingram and Schneider (1997)

Subsequently, we linked categorical sets to analyze how the social construction of trans subjects and its variation over time explain the resulting policy contents. Each framework component is associated with empirical categories based on data from interviews and documents.

The case study is the national policy aimed at trans people in the Oriental Republic of Uruguay, designed by the Consejo Nacional de Diversidad Sexual (CNDS - National Council for Sexual Diversity),¹⁷ attached to the Ministerio de Desarrollo social (MIDES - Ministry of Social Development). It was institutionalized through a law passed by parliament¹⁸ and later regulated by executive branch agencies. Unlike the degenerative contexts in Ingram and Schneider’s proposal,¹⁹ we consider this a representative case of progressive contexts: Uruguay is Latin America’s first country to propose a comprehensive policy for the effective enjoyment of rights by trans people; in other countries these policies focus on a single sector (mainly health).

and relationships (Jenkins, 2000). They operate as classification and status devices of the subjects, justifying the distribution of benefits and restrictions. They define an order of “interiority-inclusion” and “exteriority-exclusion”. See, RESTREPO, E. *Antropología y estudios culturales. Disputas y confluencias desde la periferia*. Bogotá: Siglo XXI Editores, 2012.

¹⁷ A setting for the articulation of social and state actors created to integrate the non-heterosexual sexual diversity approach into public policies “in order to eradicate discrimination against gay, lesbian, transgender, transsexual, and intersex people” (Decree No. 321/015).

¹⁸ Uruguayan Parliament. *Trans Act 19684/2018*.

¹⁹ The degenerative context is one in which, among other things, political support is constructed by appealing to symbols representing some social groups in highly negative and ignoble terms and other groups as positive and exemplary. Under these rhetorical justifications, burdens and benefits are distributed. Consequently, the government aggravates and perpetuates divisions between citizens through unequal treatment.

We believe that the policy design framework is useful for analyzing the policymaking process in both degenerative and progressive contexts, and that, by examining several cases, empirical factors explaining different results can be identified.

4 Results and Discussion

4.1 Societal context: Historical legacies, institutional context, and welfare system

The Oriental Republic of Uruguay became independent from the Empire of Brazil in 1825. Unlike other Latin American countries, the nation-state formation was a case of hegemony achieved since it was not marked by significant ethnic, linguistic, or economic conflicts, or different senses of belonging²⁰. The republic's beginnings are characterized by a "homogenizing claim" and a "hyperintegrating story"²¹ as Uruguayan society's founding myth.

Uruguay has a presidential political system of the pluralistic type. Despite several attempts at a parliamentary system through constitutional reforms (1934, 1942, 1952, and 1967), it has a bicameral legislature. Although it is among Latin American countries that have introduced the most reforms to their government system, specifically, in terms of the institutional design of the executive branch and the way its powers are exerted²². (Chasquetti, 2018), Uruguayan society has also been regarded as "buffering", that it, with a tendency to introduce structural changes gradually.

In Uruguay, political parties have significant institutionalization and electoral representation²³. Constitutional reforms have been determined by contests between declining and rising coalitions. Until 1971 the system was bipartisan (Partido Colorado and Partido Nacional). The parties' internal structure was organized into cohesive segments, but with porous coalitions²⁴. In some cases, the ideological distances among factions of different parties were smaller than those within the same party. The emergence of the Frente Amplio (a coalition of left-wing parties) in 1971 reordered the political arena and interest aggregation strategies. Subsequently, a transition to a multiparty system began, triggering the creation of new coalitions.

Analysts²⁵ of the Uruguayan political system point to institutional factors, political pluralism, and the robust party system to explain the processes of deepening democracy and guaranteeing rights that have allowed peaceful transformations and top-down consensus democracy²⁶. This broader context of the polity

²⁰ FREGA, A. Uruguay: revolución, independencia y construcción del Estado. Montevideo: Planeta, Fundación Mapfre, 2016.; LANZARO, J. Uruguay: un gobierno social democrático en América Latina. *Revista Uruguaya de Ciencia Política*. [S.l.], v. 19, n. 1, p. 45-68, 2010.

²¹ This concept condenses the elites' political and cultural tendency adopted by the state. It refers to a modernizing project resulting in a collective identification with democratic values in the political and social fields. This "excessive" integration created a strongly homogeneous conception of citizenship, which ended up resisting changes and was unable to adapt to the new economic, social, and political circumstances of the second half of the 20th century. CAETANO, G. *Reforma social y democracia de partidos*. Montevideo: Ministerio de Desarrollo Social, 2015.

²² CHASQUETTI, D. Tres experimentos constitucionales. El complejo proceso de diseño del Poder Ejecutivo en el Uruguay. *Revista Uruguaya de Ciencia Política*, [S.l.], v. 27, n.1, p. 41-64, 2018.

²³ BERGARA, M.; PEREYRA, A.; TANSINI, R. et al. Political institutions, policymaking processes, and policy outcomes: the case of Uruguay. 2006..

²⁴ GONZALEZ, L. E. Continuidad y cambio en el sistema de partidos uruguayo. la construcción de instituciones democráticas: sistema de partidos en América Latina. Santiago: Cienplan, 1996.

²⁵ DE RIZ, L. Partidos políticos y perspectivas de consolidación de la democracia: Argentina, Brasil y Uruguay. Documento de Trabajo GTPP, Buenos Aires, 1987.; MOREIRA, C. Problematizando la historia de Uruguay: un análisis de las relaciones entre Estado, la política y sus protagonistas. In: LOPEZ, M. et al. (eds.) *Luchas contrahegemónicas y cambios políticos recientes de América Latina*. Buenos Aires: CLACSO, 2008.

²⁶ Warlike confrontations between blancos (whites) and colorados (reds) from 1896 to 1904 were synthesized as the antagonism

shapes the Uruguayan welfare system. This system dates to the origin of the republic. Its emergence and consolidation occurred until the mid-20th century. The initial arrangements in the provision of social benefits were accompanied by the formation of the party system, the gradual strengthening of collective actors (legalization of trade union activity) and their capacity to intensify conflicts, and by consensus democracy enabling new arrangements for the creation of social benefits²⁷. Thus by 1943, a stratified universalist welfare scheme had been created with three fundamental pillars: health, education, and social security.

For the second half of the 20th century, Uruguay changes its development strategy towards an outward-looking, economically liberal model. However, the welfare scheme design had achieved a locked-in effect that facilitated maintaining and even expanding public benefits²⁸. In 1955, in a context of economic stagnation, complaints of political corruption, and a more significant public presence of the rural population's popular strata, the redistributive conflict became apparent. The government responded with a repressive policy that "degenerated into a semi-authoritarian regime in the transition to dictatorship²⁹".

From 1971 to 1985, the ruling military dictatorship suspended democratic guarantees, contracting the welfare scheme. Between 1986 and 1990, the democratic system was restored. The transitional government faced "the economic and social crisis left as a legacy by the dictatorship" through a gradualist administration. The end of the 20th century began with a weakening in universal benefits and an experimental process targeting vulnerable groups. However, the "resilience" of the social protection scheme was reactivated. The institutional structure's liberal reform was cautious³⁰; the development model's most orthodox version was not fully implemented in social policies³¹. Nevertheless, it affected health and social security policies. The instruments were adjusted, but the protectionist profile was preserved³². The system acquired a dual character: some instruments followed a universalizing logic and others a targeting logic.

In 2005, a sustained reform process begins when the Frente Amplio takes office with a social-democratic ideology and a parliamentary majority. Initially, reform focused on addressing problems derived from class inequalities through poverty-reducing policies, basically monetary transfers. It also sought to correct problems arising from the disconnect between universal and targeted policies. This is evident in the creation of the Ministry of Social Development (MIDES), an agency of the executive branch; among its objectives was a more organic articulation among social policies.

In a second phase, reform focused on recognizing and intervening in other types of inequalities, including gender and sexual diversity³³. Shifts in the policymaking process became more pluralistic and polyphonic. This caused tensions between "political knowledge and technical knowledge," with the collective debate frequently contradicting institutionalized technical criteria. However, it was supported by political actors since their strategy included articulating the interests of social actors horizontally within the new protection

instigating democracy. This context gave rise to a pluralist matrix with a statist and party-centric basis modeled on a value system associated with the vindication of reformism, the exaltation of legalism, the cult of Uruguayan exceptionalism, and an idea of a hyper-integrated society with a cosmopolitan Eurocentric profile committed to the fusion of cultures and feelings. The core of the consensus lies in the fact that "the central tension that divided pre-democratic society was the conflict between parties" See CHASQUETTI, D.; BUQUET, D. *La democracia en Uruguay: una partidocracia de consenso*. Política, [S.l.], n. 42, p. 221-247, 2004.

²⁷ MIDAGLIA, C.; ANTÍA, F.; CASTILLO, M. *Repertorio de políticas sociales: informe de la 1ra etapa*. Montevideo: Ministerio de Desarrollo Social, 2008.

²⁸ AZUA, C. *Real de. El impulso y su freno; tres décadas de batllismo y las raíces de la crisis uruguaya*. Montevideo: Ediciones Banda Oriental, 1964.

²⁹ MIDAGLIA, C.; ANTÍA, F.; CARNEIRO, F. *Orígenes del bienestar en Uruguay: explicando el universalismo estratificado*. Documento de Trabajo, Montevideo, n. 1, 2017.

³⁰ CASTIGLIONI, R. *Retrenchment versus maintenance: the politics of social policy change in Chile and Uruguay*, Notre Dame: University of Notre Dame, 2002.

³¹ ANTÍA, F.; CASTILLO, M.; FUENTES, G. et al. *La renovación del sistema de protección uruguayo: el desafío de superar la dualización*. *Revista Uruguaya de Ciencia Política*, [S.l.], v. 22, n. 2, p. 171-193, 2013.

³² FRANZONI, J. Martínez. *Regímenes del bienestar en América Latina*. Madrid: Fundación Carolina, 2007.

³³ URUGUAY. Ministry of Social Development. *Diversidad sexual en Uruguay: las políticas de inclusión social para personas LGBT del Ministerio de Desarrollo Social (2010-2014)*. Montevideo: Ministerio de Desarrollo Social, 2014.

regime³⁴. According to the policy design framework, scientific and technical knowledge is an important input for decision-making but, as this process also involves value questions that can only be decided democratically, scientific, and technical knowledge does not replace debate and collective reasoning. In a progressive context, both elements are valued, complementing one another, and are not mutually substitutable.

4.2 Issue context: Gender identity-related institutions, the social construction of the target group, and its political power

Heteronormativity is both an informal and a formal institution. It is informal in naturalizing basic notions about the human body and, based on these, establishing a subject recognition standard circumscribed by a dual identity prototype: masculine/men and feminine/women. Heteronormativity shapes ideal types of genders that “regulate the margins of the permissible, legitimate, natural, and desirable³⁵”. It is a formal institution in that notions of the masculine and the feminine are naturalized and institutionalized, from the most basic identity procedures to the norms for judging subjects’ behavior and assigning value to them. The formal and informal rules of heteronormativity are a powerful source of meaning in the social construction of subjects, of their bodies and their identities.

In the Uruguayan case, during most of the 20th century an arrangement of “oppressive tolerance” existed, therefore, dissident practices were confined to the intimate space under penalty of criminal, social, and symbolic sanctions if displayed in the public space. In the 20th century, *social* discrimination against persons with sexual orientations and non-normative gender identities was more significant than *state* discrimination, with some specific peaks.

The dictatorship (1973–1985), imposed a cultural project centered on the heteropatriarchal family; policies reinforced binary gender roles and the defense of a morality based on a “natural order” from which notions of ownership and merit emanated³⁶.

Until the late 1980s, gender identities outside the heteronormative prototype were categorized as “homosexuality.” At that time, transvestites began to frequent the night circuits of commercial sex in Montevideo³⁷ and became subject to regulation by the state. Disruptions of “gender identity normality” were judged “indecent assaults,” “immoral acts,” and “crimes against morality and public decency”. Under this social construction, “transvestite” persons were subjected to physical, psychological, and sexual violence by state agents. Biopolitical strategies were developed to control difference and homogenize subjectivities.

This process was facilitated by two elements of the societal and institutional context: the hyper-integrative imaginary and the authoritarian tendencies replicated at the micro-social level by the surrounding society. During this period, the dictatorship instituted the *razzias*, detention of persons with non-normative sexual orientations or gender identities in places of homosocialization or sex work. Under the *razzia* policy, the social construction of people who embodied dissident practices was associated with deviance and undesirable behavior according to the traditional family model promoted by the dictatorial regime. As stated in one testimony, many cross-dressers died because of the violence, and those crimes went unpunished, leading many others to emigrate.

State violence lasted until the return to democracy. During the transition, social heterogeneity was seen as a threat to “social stabilization” that again appealed to historical homogenizing claims. Nevertheless, so-

³⁴ Interview with public servant I and II from MIDES.

³⁵ URUGUAY. Ministry of Social Development. Políticas públicas y diversidad sexual: análisis de la heteronormatividad en la vida de las personas y las instituciones. Montevideo, 2013.

³⁶ PERELLI, C. Amnistía sí, amnistía no, amnistía puede ser... la Constitución histórica de un tema político en el Uruguay de la post-transición. Kellogg Institute, [S.l.], n. 7, 1987.

³⁷ SEMPOL, D. Transiciones democráticas, violencia policial y organizaciones homosexuales y lésbicas en Buenos Aires y Montevideo. Buenos Aires: Tesis doctoral, Universidad Nacional de General Sarmiento, 2014.

cial diversity had become more evident during the dictatorship. Although the rule of law had returned under the new order, dissident identities experienced legal ambiguity that mediated their relations with other social groups and the state, especially the police, allowing arbitrary detentions, harassment, and extortion. In other words, they did not enjoy full citizenship. Actions and omissions like these demonstrate who is relevant to policy and who is not. Although police persecutions against gays decreased by the 1990s, they continued for cross-dressing sex workers, given the illegality of prostitution and the negative social construction of persons with diverse gender identities.

In the 1990s, dissident sexual and gender identities were politicized in Uruguay; gay organizations emerged to discuss non-normative gender identities but failed to integrate agendas (and interests) with trans groups. In 1991, the Mesa Coordinadora de Travestis (Transvestite Coordinating Board) and then the Asociación de Travestis del Uruguay (ATRU – Uruguayan Transvestite Association) were formed³⁸. These nascent organizations focused on issues related to HIV and social exclusion. At the beginning of the new century, conditions made it possible to challenge the social construction of trans people and design public policies to meet their demands.

At a macro level, from the 1990s to 2004, the party representation system weakened, and the public scene was depoliticized, reducing political discussions to technical-bureaucratic problems. The tension between the state and social actors, coupled with the latter's inadequate organizational capacities, fractured collective action agreements.

In the issue context, there were two tendencies among social actors who fought for the recognition of diversity: one demanded equal right in their citizenship status while the other took a different approach, vindicating difference and questioning the dominant values and how they subalternize difference. This dynamic gave rise to visibility and social discussion while facilitating a rapprochement with leftist parties to establish political alliances. As a result, in 2003, a law criminalizing discrimination based on gender identity was passed. In 2005, a law on sex work was enacted; although trans persons are not explicitly mentioned,³⁹ the law considered some of ATRU's historical claims and police hostilities ceased. In 2009, a law was enacted permitting name and gender changes in identity documents. Debates prior to the law's passage revealed two political narratives on this issue: on the one hand, formal inclusion should not jeopardize the hierarchy socially legitimized by heteronormativity; on the other, the integration of diversity implied rethinking said hierarchy.

When the Frente Amplio took office, trans groups promoted coordination and negotiation with other social and political groups and the state, bringing about a gradual shift from their social construction as a degenerate group towards representation as rights holders. However, until the second administration of the Frente Amplio, trans persons were not considered a policy target group. In fact, in the state's classificatory records, trans women were still "single men"⁴⁰

The new government's openness to agendas related to human rights, social justice, the sources of discrimination and inequality, and the arrival of new social actors in governmental circuits can be identified as a progressive context. In the issue context, these discussions permitted trans groups to develop a new interpretive framework for their demands.

In this framework, the category "diversity" stands out as an artifact of meaning for discussing social inequalities arising from lack of knowledge and exclusion of difference. According to the actors, this category encompasses several meanings: intersectionality as a political praxis for forming networks among actors socially constructed as subaltern and the articulation of demands for sexual and gender diversity with dis-

³⁸ SEMPOL, D. Memorias trans y violencia estatal. La Ley Integral para Personas Trans y los debates sobre el pasado reciente en Uruguay. Revista Digital de la Escuela de Historia, [S.l.], v. 11, n. 27, p. 6, 2019.

³⁹ Category developed by the sexual diversity movement in the 21st century to bring together approaches to gender norm disruption.

⁴⁰ Interview with non-state actor from civil society I and Interview with public servant II from MIDES.

ussions on the redistribution of material and symbolic goods. A certain plasticity in articulating demands is observed, that is, an ability to understand political moments and, based on that, to present identity demands or, together with other groups, demands related to other structural sources of discrimination⁴¹. According to the testimony of one activist⁴² behind the “diversity” category is the notion of a new political subject who can be empirically traversed by one or more sources of discrimination such as class, gender, and ethnicity, among others, and has the capacity to consciously identify with one or the other, at different times, to bring together collective demands.

In 2012, MIDES explicitly included trans people in its social policies after intense pressure from social movements (trade unionists, feminist groups, students, Afro-Uruguayans, persons with diverse sexual orientations, trans persons) and discussions within the state about the limitations of the class perspective to understanding the rights deficit affecting different population groups.

Several tools were implemented, some under a targeting logic (monetary transfers) and others through a universalist orientation with a differential approach to public health⁴³ (sexual and reproductive health) and education (respect for sexual and gender diversity in educational settings). Social movements, officials from the Ministerio de Desarrollo Social, and ruling party legislators formed a policy community that defended the relevance of the policy from a notion of “material equality⁴⁴”.

In 2016, Uruguay carried out its first trans census, providing new data and systematizing scattered old data about trans people’s expulsion from their homes, dropping out of the educational system, state and individual violence, job insecurity, and gender transitioning without medical supervision. According to the census, a trans person’s life expectancy is 36 years, while that of the general population is 77. This evidence, which came from technical knowledge of the living conditions of trans persons, was a powerful argumentation tool during policy formulation.

4.3 Policy formulation: Goals, target groups, rationales, and instruments

In 2015, the Consejo Nacional de Diversidad Sexual (CNDS, National Sexual Diversity Council) was created with the participation of social actors and academics. The CNDS adopted the interpretive framework of “diversity” and later incorporated the trans census results. Among its members was a representative of the leading LGBT organization in the country who also held a high position in MIDES⁴⁵. Thus, the idea of a comprehensive policy took shape, approved first by the upper house and then by the lower house, in both of which the ruling party had a majority.

During policy formulation, the census information provided evidence to reconstruct trans persons as a target group immersed in structural situations of social injustice, which lead to deprivation of rights as a result of material and symbolic violence due to the heteronormative structure.

Before the bill was introduced and then during parliamentary debate, trans and other social groups (around 30 organizations) mobilized to support enactment of the law. Trans persons spoke in the first person, becoming visible as promoters of policy who enjoy broad organized collective support. The sup-

⁴¹ SEMPOL, D. La diversidad en debate: Movimiento LGTBQ uruguayo y algunas tensiones de su realineamiento del marco interpretativo. *Psicología, conocimiento y sociedad*, [S.l.], v. 6, n. 2, p. 321-342.

⁴² Interview with non-state actor from civil society II.

⁴³ URUGUAY. Ministerio de Desarrollo Social. *La identidad de género en las políticas sociales informe de monitoreo de las políticas de inclusión para población trans*. Montevideo, 2013b; URUGUAY. Ministerio de Salud Pública. *Guía clínica para la hormonización en personas trans*. Montevideo, 2016.

⁴⁴ Interview with non-state actor from civil society I, II, III and IV; Interview with congressman I and II.

⁴⁵ The main public servant in charge of the process (as vice-minister) came from the most visible LGBT social organization in Uruguay: Ovejas Negras [black sheep].

port tactic was based on concrete agreements among various social groups to press collectively for specific demands.

While the policy was being formulated, there was also a debate on the trade-off between universalism and targeting. On noting that trans persons encountered barriers not faced by cisgender persons in the exercise of their rights, diversity activists as well as the executive and parliamentarians concluded that state intervention through specific instruments was justified to enable the group to overcome these barriers.

However, the independent party and factions of the Partido Colorado and Partido Nacional, in some cases focusing on beliefs held by evangelical and neo-evangelical groups, argued that the policy created privileges since the Constitution already provided for equality before the law. This opposition was not widespread. In general, addresses by members of the group reflected recognition of the problem's serious nature and rejection of discrimination based on gender identity. Nevertheless, they had qualms about those aspects of the policy that proposed targeted allocations for the trans population.

Legislators from the Partido Nacional argued that the policy for trans groups did not correct discrimination but exacerbated it by creating benefits for a single population group to the detriment of others. They also used the notions of "merit" and "priority" to suggest that there were other population groups, such as children, persons with diabetes, and older adults whose problems should be addressed by the state.

Indeed, in a context with universalist welfare systems, targeting policies can cause discord due to the distribution of benefits to specific populations. In Uruguay, the development of policies and intervention plans for the trans population was declared of general interest. For this policy's promoters, targeting instruments were essential components in their intervention methods and for obtaining relevant financing.⁴⁶ Affirmative action measures were authorized by creating quotas or inserting the differential approach to gender identity. Two types of implementation structures are observed: the ministerial agencies in charge of benefits for education, health, and culture, among other areas, and the commissions created to process matters related to change of name and sex and the reparative pensions provision. Tax exemptions were established for labor inclusion, and monetary transfers were made as a reparative benefit for trans persons who had suffered state violence during the dictatorship and the first years of the return to democracy.

The policy related to trans children and adolescents was the most politically contentious in the parliamentary commission of the upper house responsible for initiating discussion on the matter; it also caused great polarization in the social sphere. There were intense internal discussions in the party presenting the bill and concerns about the political cost of passing it. The first version presented to congress authorized cross-hormonal treatments and surgeries in minors, even without their parents' consent. It was argued that because trans persons are expelled early from their family environments, parental consent as a requirement for identity transit lacked consistency. The principle of progressive autonomy was appealed to,⁴⁷ while opposition legislative actors invoked the principle of parental authority.

During the formulation process, the alignment of political knowledge and medical knowledge is noted. The diversity coalition used the speeches of endocrinologists, pediatricians, family doctors, psychologists, and psychiatrists in the parliament sessions on medical interventions in minors due to discomfort with their hetero-assigned identity. Representatives of national medical organizations, professors from the medical school of the city's major public university, and doctors experienced in the care of trans persons participated. In Uruguay, there were already experiences in medical and psychological care for trans minors. According to the actors, there was agreement in the academic community on administering hormonal treatments

⁴⁶ In 2019, the budget executed for the Trans Act was US\$ 215,000; for 2020, the forecast budget is US\$ 524,000. According to the census, there are 853 trans persons in Uruguay.

⁴⁷ The principle of progressive autonomy in minors was already institutionalized by the Uruguayan legal system and recognized as a principle of international law.

and performing some surgeries in minors on a case-by-case basis “within the framework of comprehensive, interdisciplinary care that respects difference and the non-pathologization of identities.”

The opposition coalition also resorted to medical and expert discourse, with interventions by health professionals linked to Catholic and Christian organizations, specific social organizations, and some endocrinologists with experience in the care of trans children and young people. Emphasis was placed on the irreversibility of hormonal treatments in minors, the statistical trend of the disappearance of discomfort at the end of adolescence, bioethics issues, the blurring of parental authority and their role in decisions concerning minor offspring, the ambiguity in the scientific community regarding the collateral effects of these practices, and the immaturity of a minor in making decisions. This coalition had recourse to medical discourse to reaffirm traditional social constructions: heterosexuality as the social norm and trans identities as anomalous and exceptional, and thus not subject to legislation. From their perspective, biological differences create distinction, not discrimination.

In debating the bill, a social organization that groups trans men and minors with trans life experiences (Trans-Boys, Niñez y Adolescencia) stood out. The most visible figure in this organization was the mother of a transitioning minor, who contributed her experience to an empathetic discussion; many parents viewed with mistrust the possibility of eliminating their consent from their children’s identity decisions. Her testimony as a middle-class hetero white woman, who needed specialized assistance in the transitioning process of her son, made the problem and its social effects widely visible, not as an issue of concern solely to a group of “deviants” but as a condition that can occur to anyone within any family. This intervention reduced the tension between the diversity coalition and the coalition that defended the family institution and the heteronormative order. Her testimony was vital in shifting the target group’s image from the social construction of deviation/perversion to one of vulnerability and “worthiness.” The policy, therefore, should be a tool to guarantee adequate and respectful medical care for minors.⁴⁸ As a result of this process, in Uruguay hormonal treatments are permitted for minors under 18 years of age, even without parental consent; surgeries are permitted for individuals over 18 years of age.

5 Conclusions

In this article, we describe how institutions and social constructions are constituent elements of public policy design. Using Ingram and Schneider’s analytical framework and the category analysis method, we reconstructed the process whereby oppressive power relations, created by the institutionalization (formal and informal) of a sexual and gender order in Uruguay, are recalibrated. The characteristics of the case study facilitate a reevaluation of the analytical framework’s limits and its prospects. Our analysis demonstrates how the issue context falls within policymaking and how the societal context falls within the issue context. We presented the empirical categories of each component of the analytical framework, tracing the process by which some of the context’s key institutions serve as a space for transforming the social constructions of social groups that aspire to obtain measures of recognition and redistribution of material and symbolic goods from the state. In the case study, we found that an institutional history of a gradual universalist welfare scheme, coupled with the social-democratic government’s political interest in rethinking the role of the state and politics in social inequalities (beyond class structure), materialized in policy rationales that increased political actors’ capacity to interpret, establish relationships, and develop proposals to intervene in other social inequalities rooted in the national space.

⁴⁸ However, according to the interviews made, this problem definition strategy was seen by some members of the diversity coalition as a reduction of trans citizenship to surgical citizenship.

The case examined reflects the way in which Uruguayan social movements found novel strategies to bring their organizational field and their militancy spectrum together. The intersectional dialogue among various subaltern sectors and the construction of joint discourses on structural oppression have produced synergies that permit the activation of political action repertoires. Although these repertoires involve particularized demands, the public staging of the problem and policy formulation is delineated by political rationales that provide the symbolic force necessary to make visible concrete practices of oppression, issues that involve rights deficits in formally democratic societies. The approach to structural asymmetries in power relations and the exclusion of political rationales that challenge hegemonic structures found a possible channel in the debates on specific issues from a social force articulated through intersectional dialogue.

Our research looked for evidence of the way social constructions are constituent parts of and influence policymaking. We were interested in observing how a social group is constructed as a meta policy group. We can conclude that the case of Uruguay shows a progressive policymaking context because it involves a context in which a) political actors do not take advantage of the stereotypes that weigh on different social groups to justify their decisions in the distribution of burdens and benefits; b) scientific knowledge has the role of providing evidence in the policy formulation process but is not the only voice taken to be valid, nor is it used instrumentally based on political calculation to avoid risks and take advantage of opportunities vis-à-vis voters, and c) the policy formulation process includes the voice, knowledge, and experience of those affected, not only as a target group but also as citizens with the agency to shape policy.

In this context, policy formulation was used to shift the social construction of the meta group. This transformation occurred through an intersectional coordination strategy, which made evident the structural problems of a society that, while recognizing itself as democratic, continued to be hostile to diversity. This factor, in a broader context of universal institutional tradition, together with the openness of the government, whose ideology was aligned with the objective of expanding the social welfare scheme, would be the condition for the possible emergence of a policymaking process in which trans groups rebuilt themselves as persons with the same duties, rights, and dignity as others, granted by their membership in a democratic political community. This shift allowed the policy contents to finally include the immediate demands of the historical agenda for the rights of persons with diverse gender identities.

This case study is appropriate for reflecting on difference policies and how states can take action to facilitate the social inclusion of those on the margins for embodying negative social constructions associated with abnormality and deviance, constructions which have nothing to do with their status as citizens.

References

- ABBIE, E. H. A new face of poverty? economic crises and poverty discourses. *Poverty & Public Policy*, [S.l.], v. 4, n. 4, p. 183-204, 2012.
- ANTÍA, F.; CASTILLO, M.; FUENTES, G. *et al.* La renovación del sistema de protección uruguayo: el desafío de superar la dualización. *Revista Uruguaya de Ciencia Política*, [S.l.], v. 22, n. 2, p. 171-193, 2013.
- AZUA, C. Real de. *El impulso y su freno; tres décadas de batllismo y las raíces de la crisis uruguaya*. Montevideo: Ediciones Banda Oriental, 1964.
- BARBEHÖN, M.; HAUS, M. How central is the middle? middle class discourses and social policy design in Germany. In: BARRAULT-SETTELLA, L.; WEILL, P. E. (eds.) *Creating target publics for welfare policy*. New York: Springer, 2018.
- BERGARA, M.; PEREYRA, A.; TANSINI, R. *et al.* *Political institutions, policymaking processes, and policy outcomes: the case of Uruguay*. 2006.

- BOOTHE, K.; HARRISON, K. The influence of institutions on issue definition: children's environmental health policy in the United States and Canada. *Journal of Comparative Policy Analysis: Research and Practice*, [S.l.], v. 11, n. 3, p. 287-307, 2009.
- BRUCKER, D.L. Substance abuse treatment participation and employment outcomes for public disability beneficiaries with substance use disorders. *Journal of Behavioral Health Services and Research*, [S.l.], v. 34, n.3, p. 290-308, 2007.
- CAETANO, G. *Reforma social y democracia de partidos*. Montevideo: Ministerio de Desarrollo Social, 2015.
- CAMPBELL, A. L. Policy makes mass politics. *Annual Review of Political Science*, [S.l.], v. 15, n. 1, p. 333-351, 2012.
- CASTIGLIONI, R. *Retrenchment versus maintenance: the politics of social policy change in Chile and Uruguay*, Notre Dame: University of Notre Dame, 2002.
- CHASQUETTI, D. Tres experimentos constitucionales. El complejo proceso de diseño del Poder Ejecutivo en el Uruguay. *Revista Uruguaya de Ciencia Política*, [S.l.], v. 27, n.1, p. 41-64, 2018.
- CHASQUETTI, D.; BUQUET, D. La democracia en Uruguay: una partidocracia de consenso. *Política*, [S.l.], n. 42, p. 221-247, 2004.
- COHEN, M. D.; MARCH, J. G.; OLSEN, J. P. A garbage can model of organizational choice. *Administrative science quarterly*, [S.l.], v.17, n.1, p. 1-25, 1972.
- DE RIZ, L. Partidos políticos y perspectivas de consolidación de la democracia: Argentina, Brasil y Uruguay. *Documento de Trabajo GTPP*, Buenos Aires, 1987.
- DELEON, P. Democracy and the policy sciences: aspirations and operations. *Policy Studies Journal*, [S.l.], v. 22, n. 2, p. 200-212, 1994.
- DIALTO, S. J. From problem minority to model minority: the changing social construction of Japanese Americans. In: SCHNEIDER, Anne L.; INGRAM, Helen M. *Deserving and entitled: social constructions and public policy*. Albany: SUNY, 2005.
- DRYZEK, J. S. Policy sciences of democracy. *Polity*, [S.l.], v. 22, n.1, p. 97-118, 1989.
- FORESTER, J. *Critical theory, public policy, and planning practice*. New York: SUNY Press, 1993.
- FRANZONI, J. Martínez. *Regímenes del bienestar en América Latina*. Madrid: Fundación Carolina, 2007.
- FREGA, A. *Uruguay: revolución, independencia y construcción del Estado*. Montevideo: Planeta, Fundación Mapfre, 2016.
- GONZALEZ, L. E. *Continuidad y cambio en el sistema de partidos uruguayo*. la construcción de instituciones democráticas: sistema de partidos en América Latina. Santiago: Cienplan, 1996.
- HABERMAS, J. *The theory of communicative action*. Lifeworld and system: a critique of functionalist reason. Boston: Beacon Press, 1985. v.2.
- HOLSTEIN, J. A.; GUBRIM, J. F. (eds). *Handbook of constructionist research 2*. New York: The Guilford Press, 2007.
- INGRAM, H.; DELEON, P.; SCHNEIDER, Anne. *Conclusion: public policy theory and democracy: the elephant in the corner*. London: Palgrave Macmillan, 2016.
- INGRAM, H.; RATHGBER, S. Public policy and democracy. In: INGRAM, H.; RATHGBER, S. *Public policy for democracy*. 1993.

- INGRAM, H.; SCHNEIDER, A. L. Policy analysis for democracy. *In: GOODIN, R. E.; MORAN, M. (eds). The Oxford Handbook of Public Policy.* Oxford, 2006.
- INGRAM, H.; SCHNEIDER, A. L. *Policy design for democracy.* Lawrence: University Press of Kansas, 1997.
- INGRAM, H.; SCHNEIDER, A. Social constructions in the study of public policy. *In: HOLSTEIN, J. A.; GUBRIM J. F. (eds). Handbook of constructionist research 2.* New York: The Guilford Press.
- JACKSON, P. T. *The conduct of inquiry in international relations: philosophy of science and its implications for the study of world politics.* New York: Routledge, 2016.
- KINGDON, J. W.; STANO, E. *Agendas, alternatives, and public policies.* Boston: Little Brown, 1984.
- LANZARO, J. Uruguay: un gobierno social democrático en América Latina. *Revista Uruguaya de Ciencia Política.* [S.l.], v. 19, n. 1, p. 45-68, 2010.
- LASWELL, H. D. *A pre-view of Policy Sciences.* New York: American Elsevier Publishing Company, 1971.
- LASWELL, H. D. *The decision process: seven categories of functional analysis.* College Park: University of Maryland, 1956.
- LASWELL, H. D. The emerging policy sciences of development: the Vicos Case. *American Behavioral Scientist,* [S.l.], v. 8, n. 7, p. 28-33, 1965.
- LASWELL, H. D. The political science of science: an inquiry into the possible reconciliation of mastery and freedom. *American Political Science Review,* [S.l.], v. 50, n. 4, p. 961-979, 1956.
- METTLER, S.; SOSS, J. The consequences of public policy for democratic citizenship: bridging policy studies and mass politics. *Perspectives on Politics,* [S.l.], v.2, n.1, p. 55-73. 2004.
- MIDAGLIA, C.; ANTÍA, F.; CARNEIRO, F. Orígenes del bienestar en Uruguay: explicando el universalismo estratificado. *Documento de Trabajo,* Montevideo, n. 1, 2017.
- MIDAGLIA, C.; ANTÍA, F.; CASTILLO, M. *Repertorio de políticas sociales: informe de la 1ra etapa.* Montevideo: Ministerio de Desarrollo Social, 2008.
- MONTPETTIT, R. C.; VARONE, F. Institutional vulnerability to social constructions: federalism, target populations, and policy designs for assisted reproductive technology in six democracies. *Comparative Political Studies,* v. 38, n. 2, p. 119-142, 2005.
- MOREIRA, C. Problematizando la historia de Uruguay: un análisis de las relaciones entre Estado, la política y sus protagonistas. *In: LOPEZ, M. et al. (eds.) Luchas contrabegemónicas y cambios políticos recientes de América Latina.* Buenos Aires: CLACSO, 2008.
- PERELLI, C. Amnistía sí, amnistía no, amnistía puede ser... la Constitución histórica de un tema político en el Uruguay de la post-transición. *Kellogg Institute,* [S.l.], n. 7, 1987.
- RESTREPO, E. *Antropología y estudios culturales.* Disputas y confluencias desde la periferia. Bogotá: Siglo XXI Editores, 2012.
- SARTORI, G. Concept misformation in comparative politics. *The American Political Science Review,* [S.l.], v. 64, n. 4, p. 1033-1053, 1970.
- SEMPOL, D. *De los baños a la calle: historia del movimiento lésbico, gay, trans uruguayo (1984-2013).* Montevideo: Random House Mondadori, Editorial Sudamericana Uruguay, 2013.
- SEMPOL, D. La diversidad en debate: Movimiento LGTBQ uruguayo y algunas tensiones de su realineamiento del marco interpretativo. *Psicología, conocimiento y sociedad,* [S.l.], v. 6, n. 2, p. 321-342.

- SEMPOL, D. Memorias trans y violencia estatal. La Ley Integral para Personas Trans y los debates sobre el pasado reciente en Uruguay. *Revista Digital de la Escuela de Historia*, [S.L.], v. 11, n. 27, p. 6, 2019.
- SEMPOL, D. *Transiciones democráticas, violencia policial y organizaciones homosexuales y lésbicas en Buenos Aires y Montevideo*. Buenos Aires: Tesis doctoral, Universidad Nacional de General Sarmiento, 2014.
- URUGUAY. Ministerio de Desarrollo Social. *La identidad de género en las políticas sociales informe de monitoreo de las políticas de inclusión para población trans*. Montevideo, 2013.
- URUGUAY. Ministerio de Salud Pública. *Guía clínica para la hormonización en personas trans*. Montevideo, 2016.
- URUGUAY. Ministry of Public Health. *Guía clínica para la hormonización en personas trans*. Montevideo, 2016.
- URUGUAY. Ministry of Social Development. *Diversidad sexual en Uruguay: las políticas de inclusión social para personas LGBT del Ministerio de Desarrollo Social (2010-2014)*. Montevideo: Ministerio de Desarrollo Social, 2014.
- URUGUAY. Ministry of Social Development. *Políticas públicas y diversidad sexual: análisis de la heteronormatividad en la vida de las personas y las instituciones*. Montevideo, 2013.
- YANOW, D. *Conducting Interpretive Policy Analysis*. California: Sage, 2000.
- YANOW, D. *Constructing race and ethnicity in America: category-making in public policy and administration*. London: Routledge, 2015.
- YANOW, D.; SCHWARTZ, S. P. *Interpretation and method: empirical research methods and the interpretive turn*. New York: Routledge. 2015.

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