

Sanitary information and administrative transparency: power, symbolic violence and domination¹

Informações sanitárias e transparência administrativa: poder, violência simbólica e dominação

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Abstract:

This article examines administrative transparency and access to sanitary information from a socio-legal perspective, articulating administrative law and sociology. It highlights the need to critically reflect on the official information of the State transmitted during the international sanitary emergency period caused by the coronavirus. It also examines the relationships between access to information, language, and symbolic power. Questions the neutrality of the public sanitary discourse and the purpose of creating social consensus. Based on judicialized cases concerning administrative transparency and other documents, it investigates the conditions for the possibility of health information contributing to the democratization of the social space itself. It concludes that only by articulating access to information with public policies; socializing information capital is possible to find space for transformation in society.

Keywords: Administrative Transparency. Sanitary Information. Bureaucratic field. Symbolic Power. Sanitary Emergency. The methodology applied was bibliographical research, as well as judicial decisions.

Resumo:

O presente artigo examina a transparência administrativa e o acesso à informação sanitária, sob a perspectiva sociojurídica, articulando Direito Administrativo e Sociologia. A metodologia aplicada foi pesquisa bibliográfica, bem como de decisões judiciais. Assim, destaca-se a necessidade de refletir criticamente sobre a informação oficial do Estado veiculada durante o período de emergência sanitária internacional causada pelo coronavírus. Examina as relações entre acesso à informação, linguagem e poder simbólico. Problematisa a neutralidade do discurso sanitário e o propósito de criar consensos sociais. A partir de casos judicializados em relação à transparência administrativa e outros documentos, investiga as condições de possibilidade de a informação sanitária contribuir para a democratização do próprio espaço social. Conclui-se, portanto, que apenas articulando o acesso à informação com políticas públicas, socializando o capital de informação, é possível fundar espaços de transformação na sociedade.

Palavras-Chave: *Transparência Administrativa. Informação Sanitária. Campo Burocrático. Poder Simbólico. Emergência Sanitária.*

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1 Introduction

Public health information occupies the stage of current debates, due to the recognition by the World Health Organization (WHO) of the pandemic caused by the coronavirus, demanding the provision of qualified information on the health crisis, the risks and the administrative actions of the State. Given the complexity of the issue, this study will investigate the following problem: how does the socio-legal perspective of official State information, in dialogue with the sociology of Pierre Bourdieu, allow for a critical analysis of health information, understanding the power relations in the omission and dissemination of data on the public health emergency caused by covid-19?

The issue related to administrative transparency and access to information is not new in the field of Administrative Law, and has even acquired specific contours since Law No. 12,527/11. However, as will be examined, some actions and omissions of the Federal Public Administration, in the field of public information, contextualized in the regulations of Law No. 13,979/20, gave rise to research from the theoretical perspective worked on here, adopting the assumption that informational capital is configured from clashes with political and economic capital.

The methodology used was bibliographic research, in addition to highlighting some judicial cases on administrative transparency and access to health information. The objective is to excel in the interdisciplinary relationship between Administrative Law and Sociology.

In the first part of the research, a reflection is developed on health information and the characteristic of the public good, but articulating the relationships between the official discourse of the State with questions of language, power and symbolic systems. Next, the neutrality of official information, the structured and structuring nature, the need to build quality health information and the ability to influence the practices of the social world are discussed. In the end, from the socio-legal perspective, some indications are proposed to work with the democratization not only of access to information, but also of informed content, since access to health information is a condition of possibility to expand access to public health in periods of pandemic.

2 Health information in the bureaucratic sphere: socio-legal perspective of the official language of the State

In March 2020, the World Health Organization (WHO) declared the existence of the pandemic caused by the coronavirus (Brasil, 2020a, p.2), because at that time covid-19 was already widespread in more than a hundred countries, which required effective actions. Brazil, in the above scenario, to the recognition by the WHO, through Decree No. 10.212, of 30.01.2020, promulgated the revised text of the International Health Regulations, agreed by the 58th General Assembly of the World Health Organization, on 23.05.2020. Another movement consisted of the enactment of Law No. 13,979 on 06/02/2020, which establishes measures to face the public health emergency of international concern derived from the coronavirus, under the terms of Article 1.

Within the framework of this situation, several debates arose around the health information disclosed by the Public Administrations, the Union, the states, the Federal District and the municipalities, and since the beginning of the pandemic, important work has been carried out to control administrative transparency through the Covid-19 Transparency Index. an initiative of Open Knowledge Brazil (OKBR), in order to evaluate data and information. Bulletin No. 1, of April 2020, indicated the result that transparency in 90% of Brazilian states was insufficient in that period. The vast majority of states have not yet published enough information to monitor the spread of covid-19. Other worrying data: only 01 state disclosed the number of available tests on its website and none disclosed the number of beds, especially in occupied Intensive Care Units (ICUs), in relation to the total available (Okbrasil, 2020a, p.1).

The issue of access to information was soon judicialized and taken to the Supreme Federal Court (STF) (Brasil, 2020b) through a Direct Action of Unconstitutionality filed by the Federal Council of the Brazilian Bar Association against Provisional Measure No. 928/20, which modified the wording of Article 6 of Law No. 13,979/2020, suspending the deadlines for responding to requests for access to information, preventing the knowledge of the appeals filed against the denial of response, and imposing on citizens the burden of reiterating within 10 days the request for access to information pending response during the pandemic period.

Such references are relevant to understanding how much access to public information is related to the exercise of power, since we cannot forget Bourdieu's observation that the State is not a bloc, but a field²:

[...] The administrative field, as a particular sector of the field of power, is a field, that is, a space structured according to oppositions linked to specific forms of capital, to different interests. These antagonisms, whose place is this space, have to do with the division of the organizational functions associated with the different corresponding bodies. (2014, p. 50).

The problematization developed in this brief study allows us to evidence in the exercise of informational administrative competencies, in addition to communicative relations, relations of symbolic power (Bourdieu, 1996, p. 24), both from the point of view of the internal functioning of the bureaucratic sphere, and from the set of interactions with citizens. The complexity of public information implies bureaucratic provisions, responsible for the *Habitus* of public agents and the very way of functioning of the administrative field, with its official languages, acting as a system of meanings and censorship. Envelope *Habitus* The following reference is relevant:

[...] systems of enduring dispositions, structured structures predisposed to function as structuring structures, that is, as a generating and structuring principle of practices and representations that can be objectively regulated and regulated without being the product of obedience to rules, objectively adapted to their purpose without assuming the conscious intention of the ends and the express mastery of the operations necessary to achieve them and orchestrated collectively, without being the product of the organizing action of an orchestra conductor. (Bourdieu, 1994, p. 61).

It cannot be forgotten that the *Habitus* it functions as a system of cognitive and motivating structures, allowing us to escape the prison of the realism of the structure to the extent that it is presented as the way in which the external need can be embodied and incorporated (Sousa, 2018, p. 80).

There are no neutral words (Bourdieu, 1996, p. 27) and the official discourse of the Public Administration is the language, it is inserted in the process of neutralization, the result of the institutionalization of norms proper to the functioning of the administrative field. Reflecting on this way of constructing information is the way to glimpse the symbolic effect of the language of information provided by the State. It is a discourse legitimized through the authority carried

² To better understand the importance of the concept of field, it is worth making the following reference: "According to field theory, we can approach the understanding of how the relationships between camp participants depend more on the hierarchical position they occupy, with their own prestige, income, and power, than on the form of direct interaction or friendship that may exist between individuals" (Praxedes, 2015, p. 16). The field occupies a crucial space in Bourdieu's Sociology, to better understand the relative autonomy of cultural productions, including Law (Castro, 2019, p. 167).

by the official discourse (Bourdieu, 1996, p. 28) and that it may even be empty. In Brazil, during the period of the pandemic, as will be discussed, several anti-democratic actions occurred with respect to health information, partly as a result of the militarization of the federal Public Administration³.

Information is related to the construction of the State, insofar as it has a monopoly on physical violence (Weber, 2015, p. 529) and symbolic violence, according to Bourdieu: "If the State can exercise symbolic violence, it is because it is embodied both in objectivity, in the form of specific structure and mechanisms, and in subjectivity or, if you will, in minds, in the form of mental structures, schemes of perception and thoughts". (1997, pp. 97-98). Thus, the public entity results from the accumulation of various types of capital, including informational capital (Bourdieu, 1997, pp. 99 and 104). Concentration gives rise to the appearance of what could be called bureaucratic capital, typical of the administrative field, which exerts influence on other fields of the social world.

The centralization of information capital, on the other hand, causes the unification of the public information market. The Administration concentrates information, analyzes it and redistributes it, imposing, above all, theoretical unification (Bourdieu, 1997, p. 105). Responsible for totalization operations. As the sociologist argues, there are certain codes responsible for the way in which (public) information circulates, whether from an administrative, legal, social or even linguistic point of view. The state is the unifier of such codes, especially through the bureaucratic field through the construction of institutional classification schemes.

Information, in the sense of something to be communicated, plays a central role in contemporary society (Capurro, 2007, p. 149). an expression that has Latin roots (*Informatio*) and with different contexts of use, including the act of shaping the mind and the act of communicating knowledge, actions that are closely linked (Capurro, 2007, p.155), and the transition in the use of the term from the Middle Ages to Modernity meant attributing the

³ Militarization, from the theoretical perspective adopted here, has several consequences, since it is not only a matter of the insertion of military agents in the bureaucratic field, but also of imprinting the logic of the barracks on administrative practices and erecting a specific *habitus* capable of allowing the acquisition of capital to feed institutionalized power relations. Corollary, the risks of anti-democratic political actions and discourses, transfigured into the official discourse of the State, going so far as to speak of "unfinished democracy" (Schurster; Silva, 2021). The barracks discourse, in turn, is configured as a set of messages symbolically marked by the reading of the agents of the military field, and what is more effectively capable of circulating, fed by patriotic positions, conservative values, hierarchy and discipline. As Nascimento adds: "discipline and hierarchy are two intrinsic characteristics in any military institution today. The military institution, as we know it today, derives, above all, from the emergence of nation states and the need for the existence of a professional military force, an armed wing for the maintenance of political sovereignty in the event of external aggression" (2014, p. 2).

meaning of "giving a (substantial) form to matter in order to communicate something to someone" (Capurro, 2007, p. 158). From the perspective of the State, public information can be configured based on the following understandings:

Public information is a public good, tangible or intangible, in the form of graphic, sound and/or iconographic expression, which consists of a cultural heritage of common use by society and owned by public entities/institutions of the centralized administration, municipalities and public foundations. Public information can be produced by the public administration or simply be in its possession, without the *condition* of secrecy so that it is available for the public/collective interest of society. When accessible to society, public information has the power to affect elements of the environment, reconfiguring the social structure. (Batista, 2014, p. 138).

Public information is produced by agents in the bureaucratic field or, materialized in data, is stored by the Administration; but, in both cases, it contributes to the construction of information capital related to the actions and programs carried out by the State, information about the State, and also information produced in the social world, although endowed with relevance to a certain administrative action.

The bureaucratic field exerts a direct influence on public information, as a result of the conditions of operation of the institutional space of the Administration, and, adopting the consonant point of view, the field is defined on the basis of the set of objects of controversy and specific interests, in addition to the public agents, endowed with *Habitus*, members of this field, recognizing its rules of operation (Bourdieu, 1983, p.89). It is clear that here is the specificity of the structured space of positions, positions and positions, with properties derived from the power struggles between the new members and the dominant ones, with actions aimed at defending the monopoly of legitimate discourse⁴.

The judgment handed down by the Federal Supreme Court (Brazil, 2020b), on the occasion of the ADI 6351 judgment already highlighted, indicates the interests involved in public information and the links with the field of power. The Federal Public Administration, taking advantage of the pandemic period, decided to restrict access to information, with the intention of transforming the exception – confidentiality of information – into a rule, eliminating the incidence of the principles of publicity and transparency, as argued by Judge

⁴ The bureaucratic field is configured as a kind of field of power: "The field of power (not to be confused with the political field) is not a field like any other: it is the space of power relations between the different types of capital or, more precisely, between agents sufficiently equipped with one of the different types of capital to be able to dominate the corresponding field and whose struggles intensify every time the relative value of the different types of capital are called into question [...]". (Bourdieu, 1997, p. 53). Public information derives from the way in which power relations function between public agents in charge of producing official information or setting themselves up as representatives of the legitimate discourse of the State, depending, in many cases, on the type of capital that prevails. Information capital, in specific circumstances, is configured from clashes with other capitals, such as political and economic.

Alexandre de Moraes, ignoring that the participation of citizens in representative democracies strengthens the environment of visibility and exposure of criticism on the public policies.

The situation has taken on special contours in the face of the health crisis installed by the coronavirus. Judge Gilmar Mendes, in casting his vote, specified, especially in exceptional times, that "access to information must be expanded and used as an instrument of control and, above all, of social awareness" (Brasil, 220b). It is due to this situation that health information acquires fundamental importance in a period of pandemic, constituting a public good, encompassing health services, health bureaucratic structures, the actions developed in this area, the investments made, the epidemiological or personal data of users and patients of the public health network, delimited by the principle of information focused on the doctor-patient relationship:

The information provided by the doctor and also by the health institutions that receive the patient must contain data on the patient's diagnosis, the different possible treatments, the research and prevention activities that are specific to it, the risks to which the patient is subject (due to the disease and the treatment), the possibility or impossibility of other treatments and the consequences that could arise from a possible refusal of the patient to continue the suggested treatment. (Aith, 2007, p. 257).

Such indications are pertinent to show that health information is not an object with immanent properties⁵, but is derived from the ways in which the administrative field functions, a space of power disputes for the monopoly of bureaucratic capital, similar to the symbolic capital worked by Bourdieu⁶, connected to the ideas of prestige and recognition. The capital disputed by public agents also adds the dimensions of economic capital, manifested by the very value of remuneration in the administrative sphere, of cultural capital, considering the whole of knowledge, especially institutionalized cultural capital and, finally, of social capital, formed by

⁵ Health information will not be discussed in this brief study through categorizations, but in a relational way (BOURDIEU, 1989, p. 28), and the debate is not restricted to the set of textual references. Although they are important, they constitute the tip of the *iceberg*, since health information is characterized by administrative actions, based on relational processes, configured as social and institutionalized practices. In this way, they are produced from the set of dispositions of the agents of the social field, structuring and structured, driven by capital and interest. This assumption of reflection is part of Bourdieu's understanding of the sciences and the construction of the scientific object, which should not be restricted to the formal plane of reason, but should assume "the socio-historical character of science" (Mercuri, 2006, p. 330).

⁶ The idea of capital was used by Bourdieu (2001, p. 133), distancing himself from economic significance, since he understood this concept as fundamental to account for the structure and functioning of the social world, constituting an inherent force in objective and subjective structures and, at the same time, in a fundamental principle of internal regularities. In the sociologist's opinion, due to the multiplicity of fields in the social world, there are capitals with different natures (Santos, 2020, p. 21), economic, social, cultural, political, etc., and which appear as social resources for agents. Symbolic capital is related to the meanings of prestige and recognition, characterized as follows: "it is nothing other than economic or cultural capital when it is known and recognized, when it is known according to the rules of perception that it imposes, the relations of force tend to reproduce and reinforce the relations of force that constitute the structure of the social space" (Bourdieu, 2004, p. 163).

the set of relations maintained in the space of the bureaucracy of the Administration (Thiry-Cherques, 2006, p. 39).

Through the examination of some social facts related to the health emergency declared in Brazil and the measures provided for in Law No. 13,979/20, it is possible to identify the dispute over legitimate health information and the public agent carrying the authentic bureaucratic capital of an epidemiological nature. The text of the legislation regulated the measures that could be adopted to deal with the public health emergency (Art. 1), always linked to the protection of the community and based on scientific criteria, which in fact gave rise to intense disputes within the scope of the Federal Public Administration, in order to legitimize the agent who carries the official truth⁷.

3 Health Information and Symbolic Power: integration, neutrality and practical actions of the social world

In the terms already mentioned, health information is crucial to enable the understanding of the current state of public emergency caused by the coronavirus, not only from the internal perspective of the administrative sphere, but also with regard to the exercise of citizenship, encompassing data and information on public health, integrating what Bourdieu (1989, p. 08) it presents as symbolic systems, instruments of knowledge and construction of the health reality itself, encompassing the regulatory production, epidemiological plans and actions, documents and various information in the possession of the Administration. Thus, the connection between health information and symbolic power is highlighted⁸, adopting the assumption that symbolic power:

[...] is a power for the construction of reality that tends to establish a gnoseological order: the immediate meaning of the world (and, in particular, of the social world) presupposes what Durkheim calls *logical conformism*, that is, "a homogeneous

⁷ The confrontations between the former Minister of Health Luiz Henrique Mandetta and the President of the Republic can be cited as a reference to exemplify the practical context in the construction of health information. The first by adopting the understanding, using health language, according to which in March 2020 the best option for citizens would be to incorporate social distancing, avoiding crowds, considering the growth in the transmission of the coronavirus and the consequent need to impose the cessation of activities, technical guidance that is in contradiction with the information transmitted by the President of the Republic, including collaborating for crowds in public demonstrations, according to an interview given in a media outlet (Cancian, 2020, p. 3).

⁸ The health information disseminated about the coronavirus pandemic is situated as a symbolic system and the notion of symbolic power allows us to better explain the social function, as the sociologist adds (Bourdieu, 1989, p. 10), of the symbolic dimension, giving visibility to the political function of the information itself, which is not reduced to communicating something on its own, but to institutionalize social integration, enabling a certain consensus on the social world and, in the case of the public health emergency, the advances and setbacks of the disease in society, producing a kind of logical integration.

conception of time, space, number, cause, which makes possible the agreement between intelligences" (Bourdieu, 1989, p. 10).

To the extent that, as instruments of knowledge and understanding, such information can only exert a structuring power because it is structured, to use the references of Bourdieu (1989, p.9), a circumstance capable of explaining the constant struggle for the monopoly of the legitimate discourse of information on the advance of covid-19 in Brazil.

Bulletin No. 11 prepared by Open Knowledge Brasil (2020b) portrayed well the administrative decision of the Federal Public Administration to remove the database with the historical series on the pandemic from the website of the Ministry of Health, only revealing new cases, provoking a strong reaction from society and forcing the Administration to reverse the decision, also highlighting the oscillating trajectory of the Federal Government in terms of the transparency of information on the coronavirus. As highlighted in the Bulletin, in some periods there were medium, low and opaque levels of administrative transparency, in terms of data aggregated by state and without an open format, an entry panel with distributed tests and epidemiological bulletins, no publication of a detailed bulletin and one of the panels offline for more than 24 hours. which stopped publishing microdata from the eSUS-VE, accumulated cases and open format in the panel (OKBR, 2020b, p.02).

It was forgotten that health information, even because of its public nature, with the aim of greater social effectiveness, had to have some indicators: truthful, timely, complete, clear, adequate and updated, according to Boza (2004, p. 22). Law No. 12.527/11, Law on Access to Information, disciplined what is meant by information and document, addressing some qualities of information: availability, authenticity, integrity, and primacy⁹, imposing on the Administration the promotion of information, regardless of the requirements (active transparency), in addition to the need to guarantee access to information (passive transparency), a request that can be submitted by any interested party.

⁹ Article 4 of the Law on Access to Information contains normative provisions used for the interpretation of the text. Applied to health information, it is the set of data, processed or not, that can be used for the production and transmission of knowledge on public health, health and epidemiological issues, contained in any support, support or format (item I). From the perspective of access to health information, a document is the unit of registration of health information, regardless of the medium or format (item II). In order to adequately dimension the issue, it is pertinent to understand that, under the terms of Article 7, paragraph V, of Law 8,080/90, public health actions and services and private or contracted services that are part of the Unified Health System (SUS) have as a principle the right to information, to the people assisted, about their health. More specifically, in the exercise of health surveillance, Article 2, paragraph VIII, establishes that it is the responsibility of the Federal Government, within the scope of the National Health Surveillance System, to maintain a health surveillance information system, in cooperation with the states, the Federal District and the municipalities. The Health Surveillance Agency itself has the duty to maintain a continuous and permanent information system to integrate its activities with other health actions, giving priority to epidemiological surveillance actions and outpatient and hospital care.

The qualities of the health information disseminated, especially by the Federal Public Administration, although endowed with the character of officiality, increasingly indicate the need for a discussion on the neutrality of public information. In Bourdieu's analysis, the State can be defined "as a principle of orthodoxy, that is, a hidden principle that can only be captured in manifestations of public order" (2014, p. 30), functioning as an element of integration into the social world. With regard to the coronavirus pandemic, counting on the fear of the citizens themselves, the symbolic function of health information becomes more evident in the Administration's purpose of creating social consensus on: the number of infected, deaths, available hospital structures, etc. The State, in this way, positions itself in the information game as the institution destined to serve public health and, therefore, occupying the place of neutrality (Bourdieu, 2014, p. 31). However, the sociological perspective adopted here is useful in unveiling how arbitrary and ineffective public information is, insofar as it is the result of struggles waged in the fields of power of the bureaucracy¹⁰, or even inefficient information structures.

Corollary, glimpsing only the formalistic dimension of officially disclosed information leads to the condemnation of "seeking the power of words in words, that is, looking for it where it is not found" (Bourdieu, 1996, p. 85). The authority of health information comes from the outside and depends on the legitimacy of the speaker and how he or she is situated in the issuance of information after disputes in the administrative sphere, as well as on the institutionalized functioning of the information space of states.

The case for the DPF action 669-Federal District, examined by the Federal Supreme Court (Brazil, 2020c), accurately portrays the above. It was a lawsuit filed against an act of the Federal Government, of preliminary disclosure and contracting of an advertising campaign called "Brazil Cannot Stop", under the argument of violation of the right to life, health, information, morality, probity, transparency and efficiency (articles 5, XIV and XXXIII; 37, caput, and §1; 196; 220, and § 1 of the Federal Constitution). The dimension necessary to understand the symbolic power of the public information that was intended to be transmitted

¹⁰ The construction of public information, in the orbit of Administrative Law, to a certain extent, adopts the logic of the legal discourse itself, portrayed as follows: "The discourse of Law represents, to a large extent, the option for a vision of the world, that of the dominant groups, which begins to be inscribed and absorbed in the social logics, in such a way that it is no longer questioned, becoming natural." (Rocha, 2008, p. 21). It is imperative not to fall into the temptation of working with (Administrative) Law, considering it endowed with inherent properties, ignoring the fact that it is the result of the internal struggles of the legal field. In this regard, Rodrigo Ghiringhelli de Azevedo's observations on Law as a practice for the elaboration of rules and procedures, as a result of the division of legal labor (2011, p. 34), are relevant.

was not in the *slogan*, but in the power relations of the bureaucratic field, waged to legitimize the official discourse on the pandemic.

The internal disputes to obtain the authoritative discourse referred to the very dimension of the symbolic efficacy of health information, since the institutional discourse on the pandemic would serve as a model for states and municipalities¹¹. Moreover, if it is uttered by an administrative authority stripped of the "power" of speech, the public content would be doomed to failure, which refers to the need to correlate the properties of the health discourse with "the properties of the one who utters it and the properties of the institution that authorizes him to utter it" (Bourdieu, 1996, p. 89).

In the decision of the Supreme Federal Court (Brazil, 2020c) there is the intention of the Public Administration to use social networks to expand the symbolic dimension of the *slogan* "Brazil cannot stop", in order to influence the community to relativize the policies of social distancing and suspension of activities. The justification for the exemption from bidding to hire an advertising company was even published in the Official Gazette of the Union, using the following argument: "disseminate information of public interest to society" (Brasil, 2020c, p.3), conferring on the understanding of the Head of the Executive Power, divorced from the criteria of the Ministry of Health, the quality of public interest.

However, that content of the official information did not prevail. The Administration, when providing information in the ADPF's records, alluded to the fact that it did not intend to trigger the questioned advertising campaign, despite the fact that the preliminary video was already circulating on the internet, which led to the extinction of the lawsuit filed with the STF (Brasil, 2020d, p.2). In any event, the grounds for the precautionary decision issued were relevant, recognizing the non-informative nature of the speech officially issued.

Such health information would only contribute to the disintegration of the *Habitus* related to the fight against the pandemic caused by the coronavirus. Or *Habitus*¹² It appears as an

¹¹ The bureaucratic discourse on the health information to be disseminated is the result of the interests at stake and power disputes among State agents, with a tendency to maintain the direction that best circulates and contributes to the functioning of the rules of the game (Castro, 2020, p. 178). To properly understand the functioning of the Ministry of Health's field during the pandemic period, it is necessary to allude to the purpose of militarization assumed by the Head of the Executive Branch of the Public Administration, for example, through the appointment of several ministers of the barracks system. Once a kind of military logic was established in administrative decisions, the bureaucratic field "[...] tends to play an important role in the preservation of the *status quo* for the benefit of the State and the dominant elites, as well as, through the construction of a complex system of hierarchies and bureaucracies, it is rigid to the changes that could be produced internally by its own agents" (Castro, 2020, p. 179).

¹² On the importance of habitus, to better understand the functioning of legal norms, see the text by Soraya Nour Sckell (2016, p. 159161) in which the author highlights the importance of the concept in Bourdieu's work and explores the possibilities of its use in law, in order to overcome the naivety of "juridism" that considers practices as an exclusive product of obedience to rules. He argues that the cultural *habitus* is decisive for the convergence

important element to investigate health legal standards and the convergence of social actions. It is a considerable challenge to obtain high levels of regulatory effectiveness, for example, with regard to social distancing health measures. The problem is that the practices of the social world are not only the result of obedience to rules, because the *Habitus* determines the *Praxis*, because "the norm does not automatically have effectiveness by itself" (Bourdieu, 2004, p. 96). In the sociologist's understanding, together with the rules, there are other principles that generate practices, referring to the discussion on a type of sense of the game, which requires the necessary reconstruction of the capitals of the informational schemes responsible for the production of social actions, of the historically and socially erected practical schemes, determinants of social integration (Bourdieu, 2004, p. 98). The STF's decision touched on an issue of great importance, the official health information of the State must contribute to the strengthening of the collective dispositions of citizens in contexts of health crisis. Misinformation and messages of distrust in epidemiological criteria lead to the disintegration of the *Habitus* social factors, conditioning factors for the content transmitted, and built from health criteria, to cease to make sense for society.

Health information capable of contributing to the practical sense of citizens and producing symbolic efficacy, being recognized as such, needs to be accepted as a) legitimate information (Bourdieu, 1996, p. 93), thus, the public agent must present himself and be perceived as legitimate, that is, depository of the information of the health administrative field and not as someone who speaks in his own name or based on personal criteria, political and ideological, in addition to (b) representativeness (Bourdieu, 1996, p. 83), since official health information is derived from bureaucratic acts of delegation.

In fact, the content transmitted by the authority must represent this delegation, through the implementation of actions carried out based on the codes, rituals and provisions of the health bureaucracy. Article 3, paragraph 1, of Law No. 13,979/20, indicates an important code that health information must observe, by disciplining that measures to prevent and combat the coronavirus can only be determined on the basis of scientific evidence and the analysis of strategic health information.

It should be noted that health information confers a power of appointment on the State (Bourdieu, 2001, p.34). The dissemination of information is not only the transmission of

of behaviors in a society: "As a structuring structure, the *habitus* produces actions and is simultaneously determined by historical and social conditions (without being completely determined). *Habitus* is the product of strategies that have no explicit purpose based on rational knowledge of objective conditions. These strategies are not produced by mechanical determinism, but are objectively adjusted to different situations." (Skell, 2016, p. 160).

content, but the institution of mechanisms for the perception of the pandemic. From the perspective of Administrative Health Law, the State is one of the principles of public order (Bourdieu, 2014, p. 37), of public health, which encompasses both temporal and territorial organization. Sanitary measures, under the terms of Article 3, paragraph 1, of Law No. 13,979/20, must be limited in time and space to the minimum necessary for the promotion and preservation of public health.

The Public Administration is responsible for building the public time necessary for the adoption of measures, whether from the point of view of the duration of restrictive actions, social programs to help the vulnerable and, likewise, of the temporary programming of flexibility and gradual opening of services, trade, etc. industrial activities, etc. On the other hand, it is up to the State to territorially define the application of the measures to combat the pandemic, which encompass the symbolic power to erect social classifications, as Bourdieu (2014, p. 38) points out. with respect to health risks.

This highlights the relevance of the critical analysis of the symbolic violence¹³ contained in health information, to the extent that citizens, communities and territories are quantified, classified and codified from the point of view of public health:

[...] it is not simply an instrument that allows us to measure, that allows those who govern to know the governed. They are also legitimate categories, a *nomos*, a universally recognized principle of division within the limits of a society, about which there is no need to discuss (Bourdieu, 2014, p. 38).

Next, administrative transparency and the right of access to health information will be examined, which are important allies of citizens, in order to produce the transformation of the bureaucratic and social conditions of reproduction of the administrative field of health, demystifying the relations of symbolic domination¹⁴ and a better understanding of data and information in periods of public health crisis.

¹³ The State is the holder of symbolic capital, that is, it refers to the capital of information (BOURDIEU, 2004, p. 163), not only a content provided to citizens, but also information aimed at erecting modes and categories of perception, even in relation to the role of the Administration itself in the information process, acting through the use of symbolic violence: "On the other hand, symbolic capital can be officially sanctioned and guaranteed, in addition to being legally instituted by the effect of official appointment. The official appointment, that is, the act by which someone is granted a title, a socially recognized qualification, is one of the most typical manifestations of the monopoly of legitimate symbolic violence, a monopoly that belongs to the State or its representatives." (Bourdieu, 2004, p. 163-164).

¹⁴ Bourdieu's reflexive sociology functions, according to Jessé Sousa, as a relevant instrument to unveil and reveal the opaque and distorted forms of domination, in this case, the informational bureaucratic class, and "this strategy of disillusionment has as its common thread the deconstruction of the masks that constitute the basis of domination and social oppression in the broadest sense and that guarantee its legitimacy and acceptance" (Sousa, 2018, p. 77).

4 Fundamental Right of Access to Health Information: administrative transparency in times of public health emergency

Based on what has been explained in the previous items, situating administrative transparency and access to health information in the context of the relationship between the Public Administration and society requires going beyond category thinking to reflect in a relational way (Bourdieu, 1989, p. 23). There is no doubt that the text of Law No. 12.527/11 and the provisions of Law No. 13.979/20 are relevant, but the textual references do not exhaust the problematization, since the normative institutionalization of information is based on socio-legal dynamics. The notion of field¹⁵ De Bourdieu helps to understand health information in a relational way, since it is not isolated from the set of other relationships, but subject to the internal practices of the bureaucratic field of the State, to the influences of the political and economic fields on the Administration, in addition to interactions with society¹⁶.

Health information is an act of the State with the intention of producing certain effects in the social world (Bourdieu, 2014, p.39), a consequence of the very functioning of the administrative sphere, in short, it is an act of the State, both from the perspective of the information published ex officio, and those related to the exercise of the right of access to information.

From this arises the need to control the informative act of the Public Administration, such as the ruling of the Precautionary Measure in the Allegation of Non-Compliance with a Fundamental Precept 690-DF by the Federal Supreme Court (Brasil, 2020e). in which it was alleged that the Ministry of Health delayed the disclosure of data on the coronavirus pandemic, changed the format of the Covid-19 Daily Balance, omitting relevant data, as well as eliminated the website for the dissemination of daily data, with an unjustifiable modification of administrative practices.

¹⁵ To the extent that it has already been explained, it is possible to understand that the concepts of *habitus*, field and capital act together, that is, "[...] the notion of field is demarcated in relation to other elements (*habitus* and capital), because, if it were defined in itself, it would run the risk of assuming the *status* of 'conceptual fetishism', which abstracts the socio-historical conditions of the agent participating in a field, insofar as in it the agent sometimes suffers the effects of practice and sometimes produces its effects" (RIBEIRO, 2014, p. 102).

¹⁶ As Lucileide Andrade de Lima do Nascimento and Maria Beatriz Lima Herkenhof highlight: "information is ubiquitous, it is at the center of social life and functions as a great catalyst (communicator and informer) making all the relational activity of the subjects converge towards itself" (Nascimento; Herkenhof, 2009, p. 2).

The aforementioned ADPF illustrates the relevance of emphasizing that health information has the purpose of informing, however, in the name of a sphere of power, whose internal structuring for the development of relations between agents is decisive for the full exercise of the so-called active administrative transparency, in the terms of Article 8 of Law No. 12,527/11. The provision explains the duty of public bodies to promote, regardless of what is requested, the disclosure in an easily accessible place, within the scope of their competences, of information of collective or general interest produced or in their possession. In the area of health information, the precept applies that the observance of publicity is the rule and secrecy the exception (Article 3, I, Law No. 12.527/11), even more so in the case of health and epidemiological information concealed during the health crisis.

It should not be forgotten that improving administrative transparency involves rebalancing power relations, as it is subject to criticism and control by citizens:

Transparency is, in fact, a key resource for citizens to develop direct influence over public administration, in order to compensate for power asymmetries in the formation of public decisions and in the generation of public goods and services. Firstly, because citizen participation, the choice made possible by competition between public services, and co-production, which constitute the three main means of democratising public management, have been subordinated, and the condition of transparency has been guaranteed. Second, this is because sometimes transparency becomes the only possible means of influence. (Cunill Grau, 2006, p. 25).

Magistrate Alexandre de Moraes, in partially granting the precautionary measure¹⁷, highlighted the relationship between the right to public health and the duty of administrative transparency, materializing public health policies and the execution of epidemiological surveillance actions, "including the provision of all the information necessary for the planning and combat of the pandemic caused by COVID-19" (Brasil, 2020e, p. 5). Active administrative transparency, as a result of the forces of the bureaucratic field, allows us to see only what the field of power itself allows us to see, since official health information is established and authorized (Bourdieu, 2014, p. 40).

Another aspect to be highlighted is in paragraph V of Article 4 of Law No. 12,527/11, according to which the idea of administrative transparency is combined with the treatment of information: the "set of actions related to the production, reception, classification, use, access, reproduction, transport, transmission, distribution, archiving, storage, elimination, evaluation, destination or control of information". The symbolic dimension of information (Bourdieu,

¹⁷ The decision issued partially granted the precautionary measure to "order the Minister of Health to maintain, in its entirety, the daily dissemination of epidemiological data related to the pandemic (covid-19), including on the website of the Ministry of Health and with the cumulative numbers of occurrences, exactly as it was carried out until June 4" (Brazil, 2020e, p. 7-8).

2014, p. 41) it involves two aspects: a) the content transmitted; and (b) the manner in which the information is made available. The two approaches are connected to the imposition of public information through bureaucratic taxonomies¹⁸: the classification systems that organize the process of understanding and influence the practice of social actions, precisely on the basis of the data processed by the State, erecting categorizations, but based on the neutrality attributed to the official language of the administrative field (Bourdieu, 2012, p. 195)¹⁹.

The data published in Bulletin 01 – States, Open Knowledge Brasil (OKBR, 2020c), of July 10, 2020, indicate that half of the states do not disclose suspected cases of COVID-19. Only 18% of states report databases with complete notifications, but information is essential to understand the dimension of the pandemic in Brazil. The content of the aforementioned Bulletin (OKBR, 2020c, p. 2), Although it highlights a greater number of states with high and good indices in terms of transparency, it provides worrying data in the following terms:

Half of the country is still in the dark regarding the total number of suspected cases of covid-19 that have been reported in the health system. According to the unpublished survey by Open Knowledge Brasil (OKBR), only 14 of the 28 entities evaluated – states, the Federal District and the federal government – disclose this information, at least as a total number, on their digital platforms.

Passive transparency or the right of access to health information (Article 10, Law No. 12,527/11), even more so in periods of pandemic, is directly linked to citizenship. Access to information is a condition of possibility for the exercise of the fundamental right to public health, even acquiring the legal qualification of transindividual, configuring itself as an indication of the emancipation of citizens, since "the right to information is also considered a precondition for personal development, the continuous training of subjects, the elaboration of

¹⁸ In the domain of reflective sociology, practical taxonomies are of great relevance: "Our perception and practice, particularly our perception of the social world, are guided by practical taxonomies, oppositions between high and low, masculine (or virile) and feminine, etc., and the classifications that produce these practical taxonomies owe their virtue to the fact that they are practical, to allow the introduction of a logic in the right proportion to practical needs [...]". (Bourdieu, 2004, p. 92). Bureaucratic taxonomies, those produced by the administrative field, work to institutionalize official classification systems, allowing a bureaucratic classification operation to be carried out, but masking it, taking advantage of the neutrality attributed to official language so as not to show what it really does (Bourdieu, 2012, p. 195).

¹⁹ Some normative references in Law No. 12.527/11 should be understood as safeguards for the control of health information, requiring the disclosure on the official websites of the World Wide Web (Internet) of information of collective or general interest, produced or in the possession of the State (Article 8, paragraph 2), also imposing the guarantee of authenticity and integrity of the information available for access (item V, § 3, Article 8) and the timeliness of such information (point VI, § 3, Article 8). Regarding the context of the health crisis, the legislation in force during the state of international health emergency derived from the coronavirus establishes that the Ministry of Health will maintain public and updated data on confirmed, suspected and under investigation cases, related to the public health emergency situation, safeguarding the right to confidentiality of personal information (paragraph 2, Article 6 of Law No. 13979/20).

knowledge and, ultimately, for the constitution of subjectivities and autonomy of individuals" (Martins; Reis, 2014, p. 165).

The right of access to health information has a relevant social dimension, both in its content, in terms of the access granted by the Public Administration, and in relation to the procedure, the form used by the State to transmit requests for access made by citizens. In both hypotheses, health information characterized as social information is discussed, that is:

[...] clarifying, it is worth noting that this name – *social information* – means that we understand it as a social product, the result of the relations between men in a historical-political and cultural context, a fact that makes it reflect the interests, contradictions, ideology and historical limits of society (Reis; Silva; Massensini, 2011, p. 17).

Official health information cannot become hostage to the formalism of bureaucratic taxonomies, in the terms already highlighted in this brief study, otherwise it will not achieve the desideratum of social efficacy in the period of the pandemic caused by the coronavirus. These taxonomies function as classification systems, in terms of health risks, bureaucratic procedures, social actions, public health programs, and that organize the process of social understanding, influencing the practice of informative actions.

During the months of January 2020 to July of the same year, through the Report on Access to Information Requests and Applicants (Brasil, 2020f), it is possible to detect important data on requests for access to information during the health emergency period, processed within a period of 7,218 and attended by the Public Administration 78,750, also indicating the total number of questions addressed, 114,617 and 45,603 applicants. The topics were categorized, and there were several topics that the requests addressed, *government* and *politics* was the subject with the highest percentage (11.35% of the requests) and *Coronavirus* (COVID-19) shortly after with the percentage of 11.21%, with the others diluted in *Science, Information and communication* (8,4%), *Higher education* (4,68%), *economy* and *Finance-Economy* (4,28%).

Thus, it is increasingly necessary to develop public actions to democratize the content of the information provided and not only access, which refers to the ability to identify the symbolic dimension of health information. When access requests are granted by the Administration, the public entity uses bureaucratic categorizations to treat health information and the requirements of authenticity (Article 4, item VII, Law No. 12,527/11), integrity (Article 4, paragraph VIII, Law No. 12,527/11), primacy (Article 4, paragraph IX, Law No. 12,527/11) and timeliness (item IV, Article 6, Law No. 12,527/11). In addition to the textuality of the rules, the informative content must connect with the practical sense of citizens, going beyond the *Doxa* formalism and instrumentalism.

According to Bourdieu the *Doxa* it plays an important role in the construction of understanding, since it refers to the set of assumptions qualified as evident, beyond all discussion, among other things because, by virtue of symbolic mechanisms, they constitute a tacit condition for discussion (1994, p. 145), either in the scientific field or in the structure of the State itself. The orthodox understanding functions, precisely, as an element of censorship of the very way in which the field functions, what is admitted for discussion, debates, reflections and what is totally out of question. The *Doxa* It is related to the set of beliefs and opinions, it contains the meaning of the determining aspects of the *Habitus* from agents to objective structures, contributing to the reproduction of the existing order, imposing evidence that forms common sense (Bourdieu, 1994, p. 145).

There is no type of universal and rational citizen in the communicational relationship of access to health information. The democratization of the content of information provided by the State is directed towards the democratization of information consumption (Nascimento; Herkenhoff, 2009, p. 6)²⁰.

The expected effectiveness of the text of Law No. 13.979/20, in terms of the ability to communicate something, requires more than just granting requests for information, crucial, of course, but it is also imperative to build public networks for the dissemination of accessible health information, connected to the daily lives of citizens, promoting entry into the set of practical provisions, determining elements of social actions, Beyond the logic sometimes present in the bureaucratic field of the State, impersonality:

[...] Knowledge and information cannot be transferred by impersonal means, the availability of technological means (through their dissemination and access) is not enough. The transfer of information depends on a common reference between the sender, the message and the receiver (Nascimento; Herkenhoff, 2009, p.6).

Democratic information on health must be inserted into the *Habitus* and contribute to socialization in public health, enabling the ability to act in various areas of the social space, providing them with a diverse and sufficient cultural capital for the processes of social

²⁰ From the perspective of democratization, Bourdieu's sociology helps in the debates on social emancipation. The health information that is transmitted needs to be democratized, in the terms alluded to, but democratization requires questioning the social conditions of this democratization process. In an important text on the subject, Soraya Nour Sckell (2014, p. 174), in dialogue with Bourdieu and the role of jurists and law, argues for the need to democratize the conditions of access to the universal, that is, the conditions for the production of state health information, unfortunately, still elaborated, almost exclusively, by agents of the bureaucratic field. of the internal logics of the functioning of the official sphere.

alternation²¹, especially in the context of health and epidemiological actions. Here, more than ever, it is important to highlight the characterization of information as a symbolic resource:

It is in this sense that we understand the right to information, a symbolic resource that reproduces and represents information as a mediator of social relations of an informative nature. The application of this right by the State is expressed in public policies related to communication and information, promoting the opportunity for transformation of this social subject through the expansion and qualification of its social stock of knowledge, providing universal and more egalitarian access to knowledge, mediated by contextualized information networks. Through redistribution, information must be based on equality and universality, being a factor that contributes to the democratization of this society. (Nascimento; Herkenhoff, 2009, p.10).

The topics highlighted reinforce the role of the right to information, both in the bureaucratic sphere, contributing to regulation, control and participation, but, above all, in the social sphere, transforming the lives of citizens, in order to enable access to essential health information to expand the democratization of society and qualify knowledge regarding health measures to prevent and combat the coronavirus.

5 Conclusion

Health information is a public good of a relational nature, since it can only be examined from the historical, social and political relations of a given society. During the period of the pandemic caused by the coronavirus, administrative transparency and access to information are essential to think in terms of health justice. Article 6, paragraph 2, of Law No. 13,879/2020, imposed on the State, through the Ministry of Health, the duty to maintain public and updated data on confirmed, suspected, and under investigation cases related to the public health emergency situation.

This introductory study sought to work with health information, articulating the informational relations of public discourse with the problems of the structure of the bureaucratic

²¹ The expression is used by Berger and Luckmann (2014, p. 201) to indicate transformations by social processes, to the point that they present similarities with the processes of primary socialization, configuring themselves as resocializations of agents, requiring social and conceptual conditions, in order to erect a new structure of plausibility, connecting with other existing meanings (Berger; Luckmann, 2014, p. 202). Health information, depending on the conditions of production, is capable of expanding the roles that citizens play in the social structure, taking the form of a kind of symbolic conversion through language. However, the alternation further evidences the insufficiency of the information, requiring a relationship with the historical and social conditions of the informed subjects (Nascimento; Herkenhoff, 2009, p.9-10). It is necessary to maintain the conditions of informational plausibility for the new, and the fields of social structure are also responsible for the maintenance of alternations or can make them succumb to *dox relations*.

field and the symbolic power of official communication. The quality of the information transmitted is relevant for the construction of the *Habitus* of citizens in terms of health problems, both from the point of view of risks, preventive actions and also the necessary restrictive measures. Disjointed, incoherent official content, far from scientific evidence and symbolically housed in the logic of militarization, is capable of discrediting the administrative actions adopted by the State during the pandemic period.

Administrative transparency must be understood from a critical point of view. It is not enough to disseminate data and informative content. Health information must make sense for the community and be part of the set of structured and structuring provisions responsible for social actions. It is urgent to democratize not only access, but also the content of information, allowing citizens to articulate the various sectors of the social space and, consequently, expand access to public health.

The discussions carried out here allow us to conclude that the socialization of health information allows the process of assimilation and transformation. Bourdieu's reflexive sociology is a relevant theoretical dimension to broaden the debates on the democratization of public information, deconstructing the purpose of symbolic domination imposed by a discourse of authorities, imbued with the logic of the barracks, that is, hierarchical and distant from society. The Public Administration has the duty to rethink bureaucratic structures, in order to better transmit useful and indispensable information in the field of health, especially with regard to the institutionalized functioning of administrative fields, otherwise, the *Doxa* will absorb like a great Leviathan any informative plausibility for the emergence of the new in public health.

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