

# State modernization and the building of bureaucratic capacity for the implementation of federalized policies

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This article analyses the process of the state modernization in Brazil, associating it with the concept of state capacity, in particular the professionalization of the federal bureaucracy in charge of conceiving and implementing public policies. The article concludes that, despite multiple mechanisms used by different governments and political regimes to recruit their bureaucracies, the federal Executive has always been capable of generating the capacity to implement the policies of its choice. Over the past two decades, however, the federal Executive has recruited its bureaucracy primarily through public sector entrance examinations. As result, Brazil today has a consolidated bureaucracy that is involved in overseeing rules, procedures and fiscal controls, but that is still incomplete in some areas of public policy. These new features of the federal bureaucracy suggest that certain characteristics of the Weberian bureaucracy have indeed been created but others are still awaiting institutionalization, which therefore affects the capacity of the state in implementing certain policies.

**Keywords:** modernization of the state; state capacity; federal government; bureaucracy.

## Modernização do Estado e construção de capacidade burocrática para a implementação de políticas federalizadas

O artigo analisa o processo de modernização do Estado brasileiro associando-o ao conceito de capacidade do Estado, em especial, a profissionalização da burocracia federal que atua na formulação e implementação de políticas públicas. O artigo conclui que, a despeito da ocorrência de múltiplos mecanismos utilizados pelos diferentes governos e regimes políticos para o recrutamento da sua burocracia, o Executivo federal sempre foi capaz de gerar capacidade para implementar suas políticas preferenciais. Nas duas últimas décadas, contudo, o Executivo federal passou a recrutar sua burocracia majoritariamente por meio de concursos públicos, havendo hoje uma burocracia consolidada atuando no controle de regras e procedimentos e no controle fiscal, mas ainda incompleta em algumas áreas de políticas públicas. Essas novas características do sistema burocrático federal indicam que algumas das dimensões de uma burocracia weberiana foram construídas enquanto outras aguardam institucionalização, afetando, portanto, a capacidade do Estado em determinadas políticas.

**Palavras-chave:** modernização do Estado; capacidade estatal; governo federal; burocracia.

## Modernización del Estado y la creación de capacidad burocrática para la ejecución de políticas federalizadas

El artículo analiza el proceso de modernización del Estado brasileño y su vinculación con el concepto de la capacidad del Estado, especialmente la profesionalización de la burocracia federal dedicada a la formulación e implementación de políticas públicas. El artículo concluye que a pesar de la aparición de múltiples mecanismos utilizados por los diferentes gobiernos y regímenes políticos para la contratación de su burocracia, el Ejecutivo federal siempre ha sido capaz de generar capacidades para aplicar sus políticas preferidas. Sin embargo, en las dos últimas décadas el Ejecutivo federal comenzó a reclutar a su burocracia principalmente a través de concursos públicos. Existe hoy una burocracia consolidada sobre las normas y procedimientos de control y el control fiscal, pero todavía incompleta en algunos ámbitos de la política pública. Estas nuevas características del sistema burocrático federal indican que algunas de las dimensiones de una burocracia weberiana se construyeron mientras que otras esperan institucionalización, lo que afecta a la capacidad del Estado en ciertas políticas.

**Palabras clave:** modernización del Estado; capacidad del Estado; gobierno federal; burocracia.

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## 1. INTRODUCTION

Since the 1930's the issue of modernization has been at the center of the debates that sought to identify the reasons for underdevelopment, as well as finding solutions to the obstacles faced by the countries of the so-called 'Third World'. The diagnosis was that the main reasons for underdevelopment would be endogenous to the countries themselves, such as poor education, conservative elites, traditional agrarian structure and lack of infrastructure. The idea was that the problem of underdevelopment lied in the attributes of the state, and the solution would be its modernization, which would emerge from the emulation of development models and institutions adopted by developed (and 'modern') countries.

Later, social scientists such as Mann (1984) and Skocpol (1985) based their contributions on history and on the work of Max Weber, and took the debate about modernization and underdevelopment to another level. They understood that the attributes of the state, although necessary, are not sufficient to produce public goods and services. In other words, the fact that a state presents some attributes, these alone would not be sufficient to modernize a country. It would be necessary to create mechanisms in order to make the power of the state viable and able to reach different social and territorial groups. One of these mechanisms would be the establishment of professional bureaucracies. The contributions of these authors originated the concept known as the 'state capacity'.

This article analyzes the process of modernization of the Brazilian state focusing on one of the elements associated with state capacity: the professionalization of bureaucracies. The final objective is to analyze the process of professionalization of the federal bureaucracy, as well as its most recent changes from the perspective of the concept of state capacity, still little discussed in the Brazilian literature. Thus, the subject of this study is the modernization of the Brazilian state and the analytical focus is the building of bureaucratic capacity in order to formulate and implement public policies.

The data presented covers the period 1995-2010, for two reasons. First, this period shows that different political parties in charge of the federal government (PSDB and PT) had different agendas regarding the strengthening of the bureaucracy. Second, the focus on inflation control by the PSDB government, from 1995-2002, made it difficult to rebuild the federal bureaucracy, whereas the period of economic growth experienced by the PT government from 2003-2010 favored the process of bureaucratic building.

This article aims to answer two questions. The first is why has the recent strategy of recruiting federal bureaucrats followed the path of its growth (in terms of number of public servants) and its selection through entrance exams. Although this form of selection has been a constitutional requirement since 1934, until mid-2000 the selection of bureaucrats reconciled entrance exam with other recruitment practices. The second question is why were bureaucratic capabilities built in some areas and not in others, and what are the consequences for the implementation of public policies?

In order to answer these questions, this work is based on the literature of state capacity and does not use the explanatory scheme based on correlations or in the analysis of the efficacy as such.<sup>1</sup> Thus, instead of analyzing correlations between inputs and outputs, the explanatory power of the analysis based on the concept of state capacity lies in showing that the attributes of the state are complemented

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<sup>1</sup> For a debate about the efficacy of the bureaucracy in Latin America associated to the concept of political culture, see Bozeman (2015).

by mechanisms capable of inducing the implementation of policies, i.e., capacity is seen as a way to achieve certain objectives.<sup>2</sup>

The article concludes that, despite the existence of multiple mechanisms used by different governments and political regimes for the recruitment of bureaucrats, the Brazilian federal executive branch has always been able to generate capacity to deal with the priorities of different political regimes, the demands of different coalitions, and to implement their favored policies. Although permeated with paradoxes, since the government of President Vargas, in the mid 1930s, the bureaucratic system was able to deal with the task of modernization of the Brazilian state. From the mid-1990s, however, Brazil passed through profound changes. Among these changes was the professionalization and qualification of bureaucrats, who began to be recruited mainly through entrance examination. Even though in some policy areas these changes are incomplete, this was not the case of the bureaucracy responsible for controlling norms and procedures regarding the accountability of bureaucrats themselves and of public spending control.

These changes indicate that Brazil now fulfills one of the requirements of a modern and democratic state included in the globalized economy, i.e. a professional bureaucracy controlled through administrative and legal procedures, and a commitment to fiscal adjustment. It also indicates the prevalence of a type of control in which other bureaucrats, rather than elected representatives, oversee the bureaucracies that formulate and implement policies. If one of the main requirements of a Weberian bureaucracy is recruitment based on merit, its control for Weber lies with elected representatives and not with bureaucrats themselves. Finally, the article concludes by confirming one of the assumptions in the state capacity literature: capacity is not evenly distributed among all government agencies, thus affecting state capacity in certain policies.

This paper is structured in four parts. The first part presents a theoretical-conceptual synthesis on modernization and state capacity. The second analyzes attempts to build bureaucratic capacity at the federal level. The third discusses the various forms of recruitment of the federal bureaucrats and the consequences on state capacity. The fourth and final part presents the conclusion and final considerations.

## 2. MODERNIZATION AND STATE CAPACITY: CONCEPTUAL NOTES

Proposals for reforms aimed at the modernization of the state, which were popular during several decades of the last century, were later criticized. While some proclaimed its anti-historical features and the imposition of the North American and capitalist model of development, others challenged the argument that economic and social modernization would automatically lead to political modernization, i.e., to stable democracies. This is because, according to Huntington (1968), as societies modernize, they become more complex and disordered and, if economic and social modernization does not go along with political and institutional modernization — i.e., by creating institutions able to

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<sup>2</sup> The expression “capacity of the state” or “state capacities” to be later discussed can be unfolded in multiple dimensions. One of them is bureaucratic capacity, which is the object of this article. For more about these dimensions and their connections with issues regarding the development of Latin American countries, see Corporación Andina de Fomento (2015). For more on the dimension’s applicability in social policies, see Repetto (2003).

manage the demands and tensions of modernization — the result would be violence and the advent of antidemocratic and anti-capitalist regimes.

Confronted by other theoretical frameworks (such as the dependency theory, and, more recently, the globalization theory), modernization and its ‘recipe’ have been criticized without a more rigorous evaluation of its importance for overcoming some of the barriers to Brazilian development. Although criticized, modernization has not been discarded and is still one of the main paradigms of the Brazilian development model. Actually, it has returned to the academic agenda with new names, features and approaches, such as governance.

Modernization may unfold in three major forms, all of which have an impact on the role of the state: (a) social, in which the state is pressured by society to promote change, i.e., a process that develops from society to the state direction; (b) social via the state, in which the pressure to reform society comes from the state itself, i.e., a process that develops from the state to society’ direction; and finally (c) the state, which the focus is on efficiency. Its most well-known expression is the institutionalization of bureaucratic organizations as advocated by Weber, i.e., a process that develops in the state to state direction.<sup>3</sup> This paper focuses on the latter form of modernization.

In spite of the enormous theoretical and empirical production on modernization, the criteria by which structural or institutional changes can be classified as “modern” have never been sufficiently clear. Modernization is associated with the idea of progress and a disruption with the past, in what is considered as unsatisfactory and as an obstacle to the development of the economy, society and the state. It is important to emphasize that modernization is an ongoing process, and does not have an end. It is possible to say that the most structured attempt to establish criteria capable of classifying a reform or a policy as “modern” was made by Margetts (2010). Based on ample literature on the subject, the author identified three recurrent characteristics: (a) elements of economic rationality, i.e. incentives that stimulate changes by actors and institutions; (b) formalization of rules and standardization of procedures; and (c) specialization of tasks and professionalization based on technical and scientific knowledge. The last characteristic is the focus of this work.

However, as argued before, the concept of modernization alone is insufficient for the state to exercise its power to formulate and implement policies. This is why the concept of modernization can be associated with that of state capacity, as suggested, among others, by Mann (1984) and Skocpol (1985), concerning the understanding of the mechanisms that can transform attributes into power.

The concept of state capacity was first proposed by Tilly (1985), with the purpose to analyze the power of the state when it comes to tax collection. Today, the concept is applied in several fields of social sciences. Its dissemination resulted from the importance and impact of another concept — that of relative state autonomy — developed in the book organized by Evans, Rueschemeyer and Skocpol (1985). The relationship between relative autonomy and state capacity was well captured by Skocpol (1985:9), who defines state capacity as the “capacities of states to implement official goals, especially over the actual or potential opposition of powerful social groups”.

The concept has been the subject of research by renowned authors such as Mann (1984), Skocpol (1985), Skocpol and Finegold (1982), Evans, Rueschemeyer and Skocpol (1985), Chubb and Peter-

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<sup>3</sup> For a debate on the different types of modernization, see Margetts (2010).

son (1989), Geddes (1994) and, more recently, Grindle (2012), who specifically focus on the role of bureaucracies in developing countries.

State capacity has been defined in different ways, each capturing different aspects of the concept. Mann (1984) defines it as the capacity of the state to penetrate society and logistically implement political decisions, coined in the expression “infrastructural power of the state”. Evans (1992) defines it as the state’s capacity for action, i.e., the set of instruments and institutions available for the state to establish goals, transform them into policies and implement them. For Skocpol and Finegold (1982), state capacity means that governments have, or can quickly mobilize, knowledge, institutions and organizations capable of implementing policies.

The importance of the concept stems from the fact that the desire of political actors is not enough to achieve goals. In the same way, the attributes of the states need to be complemented by mechanisms that enable their action. In short, the state must be able to penetrate its territory, reach different social groups (Mann, 1984) and rely on instruments, institutions and organizations for the provision of goods and services (Evans, 1992, Skocpol and Finegold, 1982).

As recognized in the literature, the concept is broad, involves numerous dimensions, and incorporates political, legal, organizational/administrative and public policy aspects. The political aspect refers to the “rules of the game” that regulate political, societal and economic behavior. The legal aspect refers to the laws governing the behavior of actors and institutions. The organizational/ administrative aspect refers to the ability to provide goods and services efficiently. Finally, the public policy aspect, the object of this article, concerns institutions and strategies that influence decisions about policies, their formulation and implementation. This aspect involves the construction of bureaucratic capacity and the degree of professionalization of bureaucrats to investigate the conditions under which policies are formulated and implemented. However, one of the most important caveats about state capacity is its inequality or its differences between policies areas (Skocpol and Finegold, 1982).

One of the issues arising from the concept of state capacity refers to the kind of capacity one is referring to. The most common responses are related to the capacity to collect taxes, to provide goods and services, to enforce contracts and to protect rights. Thus, it refers to both bureaucratic and territorial dimensions.

Finally, state capacity is a process. This means that its analysis captures one moment in time, although some capacities can be maintained for centuries. It is also important to emphasize that the findings of research based on the concept of state capacity are proxies to support conclusions about one or some of the numerous capacity dimensions.

### **3. CHANGES IN THE ROLE OF THE BRAZILIAN STATE: FROM STATE BUILDING TO MODERNIZATION**

Since the beginning of the last century, the structure and functioning of the Brazilian state in modern standards, and with the ability to produce economic and social changes, have been the focus of different political, economic and social actors and of different political regimes. These changes also required the creation of new institutions to formulate and implement policies, as well as to adapt them to the new circumstances and the growth of the demands. The creation of institutions for this new state required a bureaucratic body as proposed by Weber, due to the traditional and long-standing leadership of the Brazilian state in these kinds of changes. Notwithstanding, the recruitment process of this bureaucratic body has very much varied over the decades.

The establishment of institutions of a modern, capitalist, industrial, and urban Brazil began in the period known as the “*Vargas Era*”. The apparatus for the functioning of government started with the creation of the Public Service Administrative Department (Dasp), in 1936. Established with the specific purpose of recruiting and training professional bureaucrats, Dasp’s mission went further: to eliminate the obstacles to economic and social development, that is, to build capacity. Several evaluations about this experience show its successes and failures, but mainly, the resistance posed by political and bureaucratic groups. Yet, the selection of bureaucrats through entrance examinations has yielded mediocre results.<sup>4</sup> Until 1960, only 10% of the bureaucrats had been recruited through entrance examinations (Gaetani and Heredia, 2002). Indeed, recruiting bureaucrats for government agencies through examination was not a current practice, suggesting that the low percentage of civil servants recruited this way would continue to be low. Figueiredo (2010), citing Celso Lafer (who used data from Dasp), suggests that, in 1943, only 37% of the employees working in government were civil servants and only 11% of them were recruited through entrance examinations.

After the experience of Dasp, public administration continued to be subject to reform, as well as the quest for constituting a professional bureaucracy. In the Kubitschek’s administration, some attempts to reactivate Dasp’s initial proposals were made. Yet, the government ultimately chose the strategy of insulating some of the public agencies responsible for promoting the main policies of the government Plan of Goals. Since that time, specifically during the military regime, the growth of the state apparatus began with the creation of decentralized agencies that generated — later on and due to their replication — problems of coordination, accountability and control. During this period, different forms of recruitment also coexisted.

The 1967 administrative reform proposed by the military regime was largely driven by the need to deepen the import substitution policy, in which the government expanded its participation in the economy through large projects aimed at completing infrastructure and industrialization. Evaluations conclude that this reform resulted in the expansion of public bureaucracy, government sector expenditures, and the number of decentralized agencies reached 274 by the end of the regime (Graef, 2009). During this period, the main form of bureaucrat recruitment was through numerous decentralized agencies. The legal framework adopted was the Consolidation of Labor Laws (CLT), which meant higher wages and indirect social benefits, but also took tenure of civil servants away.

The accelerated expansion of the government began to show some signs of exhaustion, along with the military regime. The so-called fiscal crisis, whose most visible element was the impossibility of controlling inflation, was one of the legacies of the expansionist and fragmented phase of the federal government, an expansion that also occurred in the states.

With the redemocratization process that resulted in the Constitution of 1988, several principles and rights were enshrined, which later came to be seen as obstacles to the modernization of the government apparatus, to inflation control, and to the inauguration of a new state that would replace the developmental state established during the *Vargas Era*. From the perspective of the recruitment process, the legislators of the 1988 constitution maintained the prohibition of entering the career in civil service without passing examinations, taking this exigency to employees of decentralized agencies

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<sup>4</sup> For more on the contradictions and conflicts faced by Public Service Administrative Department (Dasp), see Draibe (1985), Geddes (1994) and Nunes (1997). Wahrlich’s (1983) work portrays a reconstruction of the department’s history.

such as autarchies and foundations. This decision was a response to the diagnosis that civil service had been used as an instrument of patronage. The decision, however, had an impact: personnel from these agencies and others ruled by the *CLT* (without tenure) became part of a single statutory regime of employment and thousands of them moved to a regime of tenure and full pension after retirement.<sup>5</sup> Another consequence was that around 45,000 civil servants, most of whom were newly incorporated into the statutory regime, required retirement (Gaetani and Heredia, 2002). Between 1988 and 1994, the number of federal civil servants dropped from 705.548 to 587.802, part of them because of the layoffs promoted by President Collor and part of them by the retirement of civil servants who did not submit to entrance examinations and were under the *CLT* contracts (Gaetani and Heredia, 2002).

During Fernando Henrique Cardoso's administration, Brazil experienced examples of reforms known as 'managerial' or 'New Public Management', which were designed to reduce state intervention in the economy and in public policies, as well as to control public spending. In Brazil, the assumptions were that the state was responsible for the fiscal crisis and for the persistence of inflation, was a poor manager, lacked accountability mechanisms, and was embedded in patronage and patrimonialism. These assumptions led to three main consequences. The first was the extinction of several decentralized agencies and the layoff, during President Collor's term, of a large number of federal civil servants (as an attempt to fulfill one of his campaign promises, to take down abusers of the state). Collor also banned new civil service entrance examinations. The 274 decentralized agencies created by the military regime were reduced to 52, which were deployed in 68 subsidiaries (Graef, 2009).

The second consequence was the elaboration of the 'Plan for the Reform of the State Apparatus', which aimed to establish and value what the Plan called the typical careers of the state. Among these careers was the one of Senior Executive Services (EPPGG), a specialist on public policy and government management, known as 'government manager', created in 1989. The third consequence was a reform of the structure and functions of governments, through various amendments to the Constitution, with measures aimed at deregulation, breakdown of state monopolies, and participation of national and foreign private capital in activities and sectors where state action prevailed.

The diagnosis of an inefficient government and irresponsible spender of taxpayers' resources did not last very long. Civil service entrance examinations was restarted in 1995 but it is after 2003 that an aggressive policy was initiated to reestablish the federal bureaucracy. This was going to be made through the promotion of entrance examinations, the strengthening of the governmental system - notably the tax system - , expenses' control, external and internal control of public administration (Accounts Tribunals, Public Prosecutor's Office and General Comptroller's Office), and the administrative and judicial police activity (Federal Police).

The bureaucratic and institutional strengthening of the control agencies points to a new agenda of state modernization, which incorporates in addition to the continuous professionalization of bureaucrats and the search for the effectiveness of public policies and their management, the creation and strengthening of institutions that maintain the democratic state. That is, the state is no longer understood as an accessory to economic activities and an inducer/provider of social development, but also as an instrument for the strengthening of democracy through its control.<sup>6</sup> However, as with

<sup>5</sup> The estimative is that 400 to 500 thousand civil servants acquired tenure. Available at: <<http://innomics.wordpress.com/2007/11/23/entrevista-com-francisco-gaetani/>>. Accessed on: 12 Oct. 2010.

<sup>6</sup> This is not only a phenomenon that occurred in Brazil. As argued by Olsen (2005), this has happened all over the world.

reforms of all kinds, modernizing or not, this new role of the state also has unexpected costs and consequences.

The synthesis of this section is that Brazil continues to pursue a modernization in the direction of ‘state to state’ and ‘state to society’. At the same time, the country introduced new public policies (universalization of health care and basic education and expansion of programs to fight poverty), and more refined instruments of control (accountability of government and of its bureaucracy) typical of advanced democracies. In addition to these modernization policies, Brazil today also incorporates the ‘recipe’ for globalization, with the maintenance of the policy for controlling public spending.

#### 4. THE ATTEMPTS TO BUILD BUREAUCRATIC CAPACITY<sup>7</sup>

There were several attempts to establish the Brazilian bureaucracy, but its main characteristic has been, until the beginning of the 2000s, the choice for various forms of recruitment in order to reconcile the demands of the modernization of the state (with a professional bureaucracy) with the needs of different parties and political regimes. In addition, this process had to consider the immediacy to transform the macroeconomic model and, later, the policy of social inclusion, always under the leadership of the federal government.

Prior to the events of 1964 that led to the military regime, the milestone was the Plan of Goals proposed by president Juscelino Kubitschek, which was considered a successful case of state planning. The BNDE-Eclac (Economic Commission for Latin America and the Caribbean) joint group provided technical support for the formulation and implementation of the Plan. This was the period of the establishment of parallel bureaucratic structures through the creation of special commissions, starting what was called bureaucratic insulation, i.e., a strategy so that the bureaucracy would not be “contaminated” by political-partisan pressures.

The military regime showed its vision on the Brazilian public administration with the edition of Decree-Law nº 200 in 1967. The decree transferred a large number of public activities to decentralized government agencies, which had flexibility in recruiting their technical staff. This strategy shifted to these agencies the main economic activities of the state, from which also the bureaucratic staff were recruited, leaving the other policies in charge of a not very professional bureaucracy.<sup>8</sup>

The 1988 Constitution maintained as mandatory only one statutory regime for all civil servants and withdrew from public foundations and autarchies their operational flexibility and the possibility to hire civil servants through the CLT regime. These organizations were then submitted to the same operating standards as those guiding the direct administration. At that time, the transition of the political regime together with the lack of inflation control, had removed the issue of rebuilding the bureaucracy from the agenda of the federal government.

Even though the 1988 Constitution restored democratic order, the political environment was still turbulent and inflation remained uncontrolled. With the election of President Cardoso, the fiscal adjustment policy was deepened and the issue of the establishment of a new bureaucracy returned to the government’s agenda with the 1995 Plan for the Reform of the State Apparatus. The plan focused

<sup>7</sup> This issue is also studied by Abrucio et al. (2010).

<sup>8</sup> For more on the separation between the bureaucracy of the macroeconomic policy and the bureaucracy in charge of social policies in Brazil, see Evans (1993) and Schneider (1991).



on rebuilding the bureaucracy, its professionalization, and adjustments in civil servants payments. The proposal was concentrated on the so-called strategic nucleus of the state, which comprised, in the terminology of the plan, five typical state careers: law, diplomacy, public policies, police and control.

Prior to the Plan, the career of Senior Executive Services (EPPGG) was created. The proposal was made official in 1987 and went through many advances and retreats before being approved in 1989. The government manager would be a professional with general education, which would work in senior positions of the federal administration. In order to train these personnel, the National School of Public Administration (Enap) was created, inspired on the National School of Administration (ENA), in France.<sup>9</sup> The process to create this new position was slow and faced vetoes from political and civil servant groups, who opposed the new career.<sup>10</sup> During Collor's administration, for example, the EPPGG career was extinguished, being reestablished during Itamar Franco's government, together with the beginning of entrance exams in 1995. The new career was attractive, which made the exams very competitive in the initial years due to the lack of other positions in government that allowed participation of people holding all types of higher education degrees. Between 1995 and 2010, the group called 'Management' came to count on 3,588 participants, of which the largest number (1,545) was for the post of government manager.<sup>11</sup> The Plan of the Reform of the State Apparatus has enthusiastically incorporated the Senior Executive Service (EPPGG) career.

In 2003, when a different political party took office, the proposal to strengthen only the so-called typical state careers was replaced by an aggressive policy of recruiting civil servants, especially for positions that require higher education. From 2003 to 2010, 213,015 new positions were authorized, of which 206,284 were filled. However, the largest number of vacancies (100,382) refers to the teaching staff of the numerous federal universities and the creation of several new higher education institutions. Other government areas that recruited expressive numbers of civil servants were the Ministry of Health (18,452), Social Security (18,008) and the Ministry of Finance (11,834)<sup>12</sup>. With the exception of the Ministry of Finance, the majority of the positions did not focus on the so-called state careers. This does not mean, however, that these careers have not been structured. Actually, the state careers are the most structured nowadays and their staff are recruited through entrance examinations. This occurred with the Ministry of Foreign Affairs, with the legal careers of the Executive branch, with the Federal Police and with the auditors of the General Comptroller Office (CGU)<sup>13</sup>. The structuring of these careers and their recruitment through entrance examinations show the great importance attributed to control bodies. However, the formation of bureaucracy for other areas, especially those in charge of social policy and infrastructure, is still incomplete, although there has been a growth in the number of civil servants in some ministries in charge of social policies, as shown below. This growth was mainly to positions in the category General Plan of Positions at the Executive Branch

<sup>9</sup> Both the National School of Public Administration (Enap) and the future career of Senior Executive Services (EPPGG) and its training course were inspired by a report prepared in 1982 by ambassador Sergio Paulo Rouanet for the Public Service Administrative Department (Dasp).

<sup>10</sup> For a description of the history of the career of Senior Executive Services (EPPGG) and of the National School of Public Administration (Enap), see Ferrarezi and partners (2008).

<sup>11</sup> This group is formed by the following positions: foreign trade analyst, planning and budget analyst, finance and control analyst, government managers, as well as by intermediate level positions.

<sup>12</sup> Data available at: <[www.servidor.gov.br/publicacao/boletim\\_estadistico/bol\\_estadistico\\_10/Bol176\\_Dez2010.pdf](http://www.servidor.gov.br/publicacao/boletim_estadistico/bol_estadistico_10/Bol176_Dez2010.pdf)>.

<sup>13</sup> Auditors at the Comptroller Office are members of the Management group and are part of the category named 'finance and control analyst'.

(PGPE) to be filled through entrance examinations. These senior, intermediate and auxiliary positions do not belong to a specific career.

Not only did the federal public sector workforce grow, but the number of civil servants with higher education increased from 18,303 in 1997 to 223,404 in 2009 and to 240,485 in 2010, which was more than half of the active civil servants at the federal level (MPOG/SRH, 2010:45). Excluding professors from federal universities, the number of civil servants with higher education recruited through examinations increased from 25.9% in 1995 to 38.58% in 2010<sup>14</sup>. In the absence of studies evaluating the quality of Brazilian bureaucracy, the increase in the number of civil servants with higher education can be used as a proxy indicating its professionalization and qualification. Professionals in politically-appointed positions also have high qualifications. Data from a survey by D'Araújo (2007) on these positions during Lula's administration show that 97% have a university degree and more than 50% have a graduate degree.

How can one interpret the various forms of recruitment of bureaucracy in the light of the concept of state capacity? Moreover, what does the adoption of a form of recruitment — in this case, entrance examinations (nowadays the main form of entrance into the civil service) — mean when it comes to state capacity? The following section seeks to answer these questions.

## 5. FORMS OF RECRUITMENT OF THE FEDERAL BUREAUCRACY AND THE CONSEQUENCES FOR STATE CAPACITY

As argued, there were several ways of recruiting staff for the federal bureaucracy throughout the process of modernization of the Brazilian state. Different models of recruitment coexisted in an attempt to respond to the social, political and economic demands of the country. However, for the first time in the history of the federal bureaucracy, recruitment occurs today through civil service entrance examination as a predominant model. Does this mean that previous interpretations of who is part of the federal bureaucracy and whom this bureaucracy serves lost its explanatory power?

Since Faoro's thesis (1958), bureaucracy began to be analyzed more as an explanatory variable of the relations between state and society and less as an object per se. Faoro's thesis was about the long survival of what he called a "bureaucratic state", which dominated the political and social system, making Brazilian a patrimonial state.

With the arrival of the authoritarian regime in Brazil, the academic interest in the bureaucratic system grew, maintaining the same analytical approach of the state's prevalence over society. Much of the analysis of this period was influenced by the bureaucratic-authoritarian model developed by O'Donnell (1986) to explain the functioning of authoritarian regimes in Latin America.

The analyses of the role of the bureaucracy in the military regime were relatively abundant compared to the previous period, although concentrated in the bureaucracy in charge of macroeconomic policy. The interpretation resulted from the analysis of the period pre- and post-1964 would be that the bureaucracy in charge of macroeconomic policy was a bureaucracy isolated from the interests opposed to the dominant political and macroeconomic project. Meanwhile, the bureaucracy in charge of the social area would be eminently clientelist. Some of the studies that analyzed the role of the bureaucracy of the macroeconomic policies of that period also debated the thesis of its autonomy. Many social scientists have contributed to a better understanding of the bureaucracy formed during

<sup>14</sup> In December 2014, the federal government counted on a total of 568,020 active civil servants and 277,320 of them had higher education.

the military regime for the formulation and implementation of macroeconomic policies.<sup>15</sup> The strength of clientelism, however, would be the main element to characterize the Brazilian bureaucratic system in most analysis. Clientelism combined with bureaucratic insulation of some agencies would be the hallmarks of the Brazilian bureaucratic system.

Thus, two conclusions can be drawn from the literature on bureaucracy before redemocratization. The first is that of its insertion as one of the explanatory factors of the relationship between the state and society, with the domination of the former over the latter and with strong clientelist content.<sup>16</sup> This analytical perspective today has little explanatory capacity because of the predominance of entrance examinations, which makes the selection of bureaucrats barely permeable to the representation of interest groups, partisans or interpersonal relations, thus requiring the study of bureaucracy as an object per se. However, in spite of forms of recruitment incorporating different “political grammars”, to use an expression coined by Nunes’s (1997), strategies were set up so that the preferential policies of different governments and different political regimes were implemented. The second is the existence of bureaucratic capacity in some policy areas and not in others. This conclusion survives, albeit with new interpretations, and can be better understood through one of the main assumptions of the concept of state capacity: the capacity of the state to formulate and implement policies is unequal among policies.

With the redemocratization, the promulgation of the 1988 Constitution, democratic normality and the initial policies of fiscal adjustment for the control of inflation and public accounts, the government of President Cardoso begins to recompose the federal bureaucracy. The government initially sought to follow the guidelines of the Plan for the Reform of the State Apparatus. The main idea of the reform would be the adoption of managerial forms of public management in line with the New Public Management approach mentioned above. However, there was little success in the adoption of managerial principles in the administration, whereas the rebuilding of the bureaucratic career was more successful (Gaetani and Heredia, 2002), although this rebuilding had been concentrated in what the Plan considered ‘typical careers of the state’. Both of the two major objectives of the Plan found strong resistance and faced vetos within the government itself, in other sectors of the bureaucracy, in the judiciary, and in Congress.

The formation of a new bureaucracy to be recruited by entrance examination was a complex task. Paradoxically, a few decentralized agencies have always used recruitment processes to hire their staff. This was the case, for example, of the Brazilian Development Bank (BNDES) and Petrobras. The entrance examination has been compulsory for legal careers of the Executive branch, the Central Bank, the diplomatic career and the military. These entities, because of their characteristics, have not created decentralized agencies.

One of the diagnoses of the Plan of the Reform of the State Apparatus was that the measures of the 1988 Constitution regarding public administration and civil servants were a step back by strengthening what the Plan called ‘bureaucratic rigidity’. Constitutional Amendment 19, of 1988, was an attempt to reform part of the Constitution that regulated the matter, but the amendment ended up creating more restricted rules on retirement and pensions.<sup>17</sup>

<sup>15</sup> For example, see Diniz and Boschi (1978), Evans (1995), Gouvêa (1994) and Martins (1991). For a literature review, see Figueiredo (2010) and for an analysis on the links among bureaucracy, executive branch, political parties and interest groups in macroeconomic policy, see Loureiro and partners (2010). On this subject, see also Pires and Gomide (2015).

<sup>16</sup> For example, see Campelo de Souza (1976).

<sup>17</sup> Later on, constitutional amendment 41, from 2003, also created stricter rules regarding retirement and pension for civil servants.

The alternative found by the government of the PSDB to respond to the diagnosis of ‘bureaucratic rigidity’ created by the 1988 Constitution was to conceive a model of organization that would allow the participation of the private sector in the provision of public services and, therefore, contracting through the CLT regime. Law 9,637/1998 thus established the Social Organizations scheme (OSs) through which private nonprofit organizations selected by the government were allowed to undertake some public services. However, the PT and the PDT parties proposed a Direct Action of Unconstitutionality against the law. After successive postponements, the merit of the Action started to be examined only in 2011, 13 years after the proposal of the OSs, and was not, until this date, concluded.<sup>18</sup>

The Plan’s proposal to professionalize only the bureaucracy of the so-called state careers turned out to be unrealistic. With the low qualification and decrease of civil servants, the federal government had to look for other alternatives to attract qualified staff. In addition, at that time, the restrictive spending policy was in progress, which prevented an increase in payroll expenditure. The alternative found was contracting out through international organizations that are part of the United Nations system in Brazil. The main bodies that housed these civil servants were Unesco, UNDP, FAO and WHO (OECD, 2010). The estimate was that about 8,000 people were hired in this way (Gaetani and Heredia, 2002). However, this type of hiring was short-lived, having been in force between 1995 and the beginning of the years 2000. It was extinguished by the intervention of one of the control agencies, the Labor Public Prosecutor Office. As a consequence — and pushed with the election of a new party coalition led by the Workers Party (PT) — the number of positions increased and entrance examinations were no longer restricted to the typical careers of the state, although, as will be seen, they are today the most structured.<sup>19</sup>

Table 1 shows the number of civil servants recruited through entrance examinations in the last 15 years.

**TABLE 1** NEW CIVIL SERVANTS RECRUITED THROUGH ENTRANCE EXAMINATIONS (1995-2010)

Position/career	Number of recruited people
Teacher/Professor	52,699
Technical and administrative staff of federal higher education institutions (lfes)	36,599
General plan of positions at the executive branch (PGPE)	29,627
Pension, health and labor	13,669
Auditing	11,259
Social Security	8,437
Federal police	7,382
Regulatory agencies	5,551
Law	5,434
Federal highway police	4,790

*Continue*

<sup>18</sup> Social organizations (OS) were adopted by states and municipalities, but not by the federal government.

<sup>19</sup> Between 1995 and 2002 (Cardoso’s government) 51,613 civil servants were recruited through entrance examinations, whereas between 2003 and 2010 (Lula’s government) 154,671. This represent an increase close to 200%. The decision of Lula’s government may have resulted from an increase of 27% in the average of the real GDP between the two governments (GDP data available at: <www.ipeadata.gov.br>).

Position/career	Number of recruited people
Science and technology	4,388
Control	4,040
Management	3,588
Environment	2,017
Pension	1,878
Diplomacy	1,703
Land reform	1,475
Brazilian Institute of Geography and Statistics (IBGE)	1,084
Federal penitentiary	880
National Department of Infrastructure and Transport (Dnit)	865
Oswaldo Cruz foundation (Fiocruz)	819
Culture	804
Air defense and air traffic control	658
Finances (intermediate level)	656
Infrastructure	632
Agriculture, fishing and food	491
Mineral production	461
National fund for education development (FNDE)	401
Securities and exchange commission	378
Military technology	327
Institute for Applied Economic Research (Ipea)	261
National Institute for Educational Studies and Research "Anísio Teixeira" (Inep)	194
Superintendence of Private Insurance	164
National Agency for Waters	77
Others	605
Total	206,284

**Source:** Adapted from Boletim Estatístico de Pessoal n. 176, December 2010. Available at: <[www.servidor.gov.br/publicacao/boletim\\_estatistico/bol\\_estatistico\\_10/Bol176\\_Dez2010.pdf](http://www.servidor.gov.br/publicacao/boletim_estatistico/bol_estatistico_10/Bol176_Dez2010.pdf)>. Accessed on: 10 Nov. 2011.

As a way to deal with the complexity of opening recruitment processes through examinations, the federal government has also adopted another type of recruitment, known as temporary contracts. As in the case of the positions filled through examination, temporary contracts also continued to grow, starting in 1995 with around 5,000 and reaching more than 12,000 in 2010.<sup>20</sup>

Politically-appointed positions also did not stop growing. The total number increased from more than 70,000 to about 85,000 between 1997 and 2010. Staff in these positions are part of a category called Directors and Senior Advisors (DAS). They can be appointed by politicians but these positions can also be occupied by career civil servants and experts, totaling around 22,000.<sup>21</sup> As with the professionalization of the bureaucracy resulting from the recruitment through examinations, the occu-

<sup>20</sup> Temporary contracts include professionals with high school or higher education. These contracts also include substitute professors at the federal universities, who represent about half of the contracts.

<sup>21</sup> Regarding the profile of people in these positions during President Lula's term in office, see D'Araújo (2007). Loureiro and Abrucio (1999) analyzed the politically appointed positions at the Ministry of Finance during the first term of President Cardoso. Lopes (2015) studied the issue in association to the concept of the coalition presidential system.

pation of a DAS position began to value career civil servants. In 2005, Decree n. 5,497 determined that 75% of the DAS levels 1 to 3 (lower level) and 50% of level 4 (medium-level) would be occupied exclusively by civil servants selected through entrance exams.

What are the consequences of this new way to recruit bureaucratic staff? Evans (1992, 1995) points to the main institutional characteristics of a Weberian bureaucracy: meritocratic recruitment, rules for hiring and dismissing in order to replace appointments with political criteria and dismissals without criteria, and filling the high office of the bureaucracy through internal promotion. In the same direction, Peters (1995) proposes the following indicators to analyze the degree of professionalization of a bureaucracy: (a) recruitment — methods and standards; (b) program management structure — internal organization, variations and reorganizations; (c) relations with pressure groups, parties, unions, NGOs, and organizations of social assistance; (d) control of the bureaucracy, i.e., its accountability and responsiveness and its relationship with elected politicians. Therefore, both by Evans' criteria and by Peters' indicators, the Brazilian federal bureaucracy today has the main characteristics of a Weberian bureaucracy.

Despite the great increase in the number of professionals in the bureaucracy and the improvement in their qualifications, the process of bureaucratization of the federal public sector is still incomplete. This is particularly important in careers in the social areas and in one of the key ministries responsible for infrastructure policy: Transport. There are, therefore, heterogeneities in the distribution of professional bureaucracy among ministries that formulate and coordinate different policies.

In spite of the high priority of social programs in the governments led by the Workers Party (PT), entrance examinations for civil service in the career related to social policies, created at the end of 2010, took place only at the end of 2012. These examinations would recruit specialists to work at the Ministries of Education, Health, Social Development, Rural Development, Human Rights, Women's Rights, Racial Equality and Employment. The government opened 825 vacancies of the 2,400 positions authorized by Congress. These specialists have an initial salary of R\$ 5,466.53, contrasting with the initial salary figures of tax specialists, of those working for the General Comptroller Office (CGU) and government managers.<sup>22</sup> The same happens with the career of analyst in transport infrastructure, whose initial salary is R\$ 7,815.81. This confirms, once again, what the literature says about state capacity: the inequality between policy areas. Does the decision to professionalize the control positions more and social and infrastructure policies less have repercussions on the ability of the state to implement these policies?

If the structure of the careers responsible for social policy is still incomplete, this does not mean that policies in this area are not being implemented. The policy of social inclusion has shown significant results, as well as that of basic education and basic health care. It should be emphasized that significant results here only mean that (a) numerous evaluations of income transfer programs and non-contributory pensions show their impact on poverty reduction; (b) the fall in indicators of child mortality and the advance in life expectancy at birth can be credited to the basic health care policy; and (c) basic education was universalized, which opens a new agenda aimed at improving its quality.

<sup>22</sup> During this time, the federal government launched recruitment processes for the following positions and respective salaries: financial and control analyst, R\$ 12.961,00; tax auditor of the Federal Revenues Agency, R\$ 13.600,00; financial and control analyst at the Comptroller General Office, R\$ 12.960,77 and government manager R\$ 10.905,76. Data available at: <[www.esaf.fazenda.gov.br/concursos/concursos\\_selecoes/ATPS-2012/ATPS\\_2012\\_home.html](http://www.esaf.fazenda.gov.br/concursos/concursos_selecoes/ATPS-2012/ATPS_2012_home.html)>.

Infrastructure policy, unlike social policy, has faced many problems. Several evaluations point to the enormous difficulties of its implementation.

Previous data show that both the bureaucrats in social and infrastructure policies have lower wages than those that work in control agencies (Planning, Finance and CGU), and their professionalization, if measured by entrance examinations, is still incomplete. So, how can the relative success of implementing social policies and the difficulties found when it comes to infrastructure policies be explained? These different results can be explained by the two main classical definitions of state capacity previously mentioned. In the case of social policies, the definition of Mann (1984), that there is capacity when the state has instruments to penetrate the territory, may be the explanatory variable. The extensive network of branches of the federal commercial bank “*Caixa Econômica Federal*” and offices of the national lottery, coupled with the previous experience of municipalities in the provision of basic education and basic health care services, may be the explanatory factors for the rapid implementation of these policies.<sup>23</sup> This explanation is complemented by the definition of Skocpol and Finegold (1982) that capabilities are built when governments have, or can rapidly mobilize, knowledge, institutions and organizations able to implement policies.

Another indicator that may explain the reasons for the implementation of social policies is the support they receive from the EPPGGs. Data show that in 2010 the largest absolute and relative number of government managers was allocated mainly in the areas of planning (13%) and finance (8.4%), responsible for fiscal control, and in the Presidency office (8.5%). However, the number of government managers in the social areas is not negligible: 7% in the Ministry of Education and 5.5% in the Ministry of Social Development and in the Ministry of Health, against 0.89% in the Ministry of Transport.<sup>24</sup>

Regarding infrastructure policy, the mechanism used to deal with the restrictions of an incomplete bureaucratic body was to change the bidding rules to be able to implement numerous construction works destined to support large sport events which occurred in Brazil in the period 2014-16 and to streamline infrastructure construction works of selected projects under the umbrella of a program called PAC (Growth Acceleration Program). Thus, in 2011, Law nº 12,462 established the Differentiated Regime of Public Contracting (RDC) for the construction works of sport events and in 2012, Law nº 12,688 extended this regime to the construction works of PAC. The RDC allows bids and contracts for public works more flexible.

If, as Evans (1992, 1995) argues, replacing a patronage or clientelist system with recruitment by merit is a necessary, although not sufficient, condition for a state to be considered ‘modern’, the indicator of bureaucratic control pointed out by Peters (1995) is also relevant. However, the control of the bureaucracy by elected representatives, especially those that are part of the Legislative branch — which is an aspect highlighted in North American literature<sup>25</sup> and also by Weber — is practically non-existent in Brazil, as shown by Arantes et al. (2010), Olivieri (2011) and Pacheco (2010), and as argued by a government manager in an interview (Ipea, 2012).<sup>26</sup> This means that the Brazilian

<sup>23</sup> The concept of infra-structural capacity of the state was tested by Alves (2015), when analyzing the health policy in Brazil.

<sup>24</sup> Data available at: <[www.planejamento.gov.br/secretarias/upload/Arquivos/segep/eppgg/EPPGG-DEZ2012-1.pdf](http://www.planejamento.gov.br/secretarias/upload/Arquivos/segep/eppgg/EPPGG-DEZ2012-1.pdf)>. Accessed on: 12 Nov. 2015.

<sup>25</sup> This literature is part of the delegation theory and assumes that there is the risk bureaucrats take over the role of elected politicians in processes related to policies. See, among others, Huber and McCarty (2004).

<sup>26</sup> Interview with Francisco Gaetani, published by Ipea (2012).

public apparatus is today characterized by bureaucracies (CGU, Public Prosecutor's Office and Court of Accounts) that exercise control over other bureaucracies that participate in the formulation and implementation of policies. In other words, agents control agents with little participation of the main actors: politicians and citizens.

## 6. FINAL CONSIDERATIONS

This article showed the occurrence of multiple mechanisms used by different Brazilian governments and political regimes in order to create bureaucratic capacity. Despite the simultaneous coexistence of different mechanisms and the prevalence today of a specific one, governments have always been able to build bureaucratic capacity to implement the priorities of different political regimes, different governing coalitions and different public policies, facing the task of modernization (state-society and state-state). It is clear that the bureaucracy is only one of the dimensions of state capacity and other dimensions play an important role in the results of public policies. However, the bureaucratic system built in Brazil in this century is quite distinct from previous ones because of the predominance of a form of recruitment based on competition and merit. In this sense, the Brazilian bureaucratic system fits perfectly into one of the criteria that constitute a "modern" state, i.e., the federal bureaucracy is characterized by the specialization of tasks and the professionalization and qualification of the bureaucracy. This does not mean, however, that the Brazilian state of the last century lacked the capacity to implement its policies.

The article also showed changes in the Brazilian bureaucratic system that was characterized by patronage. Today, there is a prevalence of universalism of procedures and the professionalization and qualification of the bureaucracy through entrance examinations. However, the greatest change seems to be the strengthening of the bureaucratic capacity of control bodies, whether fiscal, or those in charge of the compliance with rules and procedures. If, on the one hand, this strengthening is an indicator of the maturity of Brazilian democracy and the inclusion of the country into the globalized economy, it can also mean the prevalence of the means — or control — over the ends or the results of policies. Therefore, one of the characteristics of the Weberian bureaucracy — which is the political control over bureaucrats — is still off the agenda.

Finally, the article confirmed one of the hypotheses of the concept of bureaucratic capacity discussed here, the hypothesis that this capacity is not distributed evenly between policies.



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