

Governance mechanisms, societal institutions, and State bureaucracy: concerns over societal institutions and governmental porosity

Mecanismos de governança, instituições societárias e burocracia estatal: reflexões sobre instituições societárias e porosidade governamental

José Mendes Ribeiro¹

DOI: 10.1590/0103-11042022E4051

ABSTRACT This essay discusses participative governance mechanisms in the public sector grounded on theories of civil liberties, dialogical democracies, patterns of state bureaucracies, and public governance reforms. We aimed to analyze the effects of these issues on political agendas and public and participative governance alternatives in Brazil, emphasizing conflicts among rulers, politicians, civil servants, interest groups, and advocacy coalitions in dispute in decision-making processes. The article signals a hybrid nature of the Brazilian democracy in which Weberian universalism and rules of Welfare State institutions inscribed in the 1988 constitutional matrix operate through competition between two other logic streams – strata inheritance of state bureaucracy on the one hand and initiatives in favor of horizontal and participative governance on the other. The dynamic contradictions among these four issues will define the pattern of current competition for State apparatus.

KEYWORDS Governance. State bureaucracy. Societal institutions.

RESUMO Este ensaio discute os mecanismos de governança participativa no setor público a partir de teorias sobre liberdades civis, democracias dialógicas, formações burocráticas estatais e reformas de governança pública. O objetivo foi analisar a repercussão desses temas em agendas e alternativas de políticas de governança pública e participativa no Brasil com ênfase nos conflitos entre governantes, políticos, funcionários, grupos de interesses e coalizões civis em disputa nos processos decisórios. O artigo assinala o caráter híbrido da democracia brasileira, em que o universalismo weberiano e a orientação às instituições de Estado de Bem-Estar que foram entrelaçados na matriz constitucional de 1988 operam em competição com duas outras lógicas – por um lado, a herança estamental da burocracia pública e, por outro, as iniciativas de governanças horizontais e participativas. As contradições dinâmicas entre esses quatro eixos definirão a competição pelo aparelho de Estado no contexto atual.

PALAVRAS-CHAVE Governança. Burocracia estatal. Participação societária.

¹Fundação Oswaldo Cruz (Fiocruz), Escola Nacional de Saúde Pública Sergio Arouca (Ensp), Departamento de Ciências Sociais (DCS) – Rio de Janeiro (RJ), Brasil.
ribeiro@ensp.fiocruz.br

Introduction

Based on influential ideas on political democracy, this paper discusses the alternatives of institutional changes for participatory governance in the public sector. In the background are the classic hierarchical structure of modern state building and the dynamics between citizens, rulers, political organizations, and civil servants.

This work mainly aims to reflect on these ideas and their repercussions for public governance in contemporary Brazil. The type of influence of these stakeholders in government institutions defines modern States' configurations. These contours date back to the revolutionary cycles and social crises of the 17th century. Furthermore, the English, North American, and French revolutions are their permanent marks.

In terms of political pluralism and representation of social groups consolidated in the industrial revolution, the main changes that impact the current backdrop keep on resulting from the assembly of the post-war European Welfare State.

These ideas reflect the conflicts between vertical hierarchies and horizontal governance that shape the State's structures. These are dilemmas of government porosity to the means of participation of individuals and civil organizations. These movements are identified in the Brazilian case as the point of arrival of this paper.

Relaxing hierarchical controls does not imply virtuous results and can generate obstacles such as the emergence of new strata or greater vulnerability to particular interest groups in the competition for public funds. The societal participation that penetrates through vertical controls (hierarchies) and horizontal arrangements (governances) can produce varying governmental porosity levels.

This paper adopts selected authors per their convenience to the argument developed. Argumentative logic and coherence are adopted as a criterion of validity for

convincing, accepting, and applying the propositions per the traditions of policy analysis¹. The analytical model follows criteria employed in the recent update of this field of knowledge to the Brazilian backdrop².

Government porosity is defined as the capacity of the government and public bureaucracy to create and sustain participatory institutions that induce the action of social groups and citizens to compensate for the disadvantages and inequalities inherent to market economies. It is part of the participatory governance mechanisms found in contemporary political debate. This analysis adopts:

- i) The democratic tradition of free citizens' participation in the production of governments and the exercise of social pressure on rulers and officials in favor of equitable policies;
- ii) The repercussion of the type of political exchanges that affect participatory governance.

The text is organized into topics on i) civil liberties and democratic forms; ii) bureaucratic rationalities and establishment of the State apparatus; iii) institutional trajectories and governance mechanisms and iv) establishment of the Brazilian State apparatus.

In the final considerations, we highlight the more significant political permanence elements for identifying political alternatives in contention in the Brazilian setting.

Civil liberties and democratic forms

The construction of sustainable and adaptable political and democratic institutions for society exhibits a long history of disputes over ideas. Countries traverse change and are subject to extra-institutional conflicts that affect these institutions, and innovations can recreate other trajectories. Such disruptive

and changing cycles reflect the distributive conflicts of these societies.

Issues such as the maximization of civil liberties, the formation of State bureaucracies, government functions, and fiscal policies cover centuries-old cycles. Among the principal cycles are the repercussions of the industrial revolution, the post-war organized and regulated capitalism, and the distributive crises of neo-corporate social welfare arrangements in the 1970s.

One of the leading political dilemmas of the 21st century is the capacity of democratic institutions to regulate, organize, and face the capitalist system's tendencies to produce social inequality on a large scale. The democratic utopias that shape this type of government capacity are consistent with the defense of decision-making mechanisms and governance endowed with broader participatory spectrums.

In abstract terms, social justice (fairness) is addressed as a result of the choice of constitutional rules of mutual protection made by individuals who are previously unaware of their primary disadvantages (veil of ignorance), which is the concept established by John Rawls³ and used in this paper to cover the principle of equity in democratic environments.

In the search for patterns of democracies, Macpherson⁴ formulated an evolutionary typology from the English liberal tradition of the 19th century to propositions of participatory democracy not systematically attempted.

The concept of protective democracy is linked initially to utilitarian thinking, according to which the best set of laws would be the one that promoted the 'greatest happiness' for the greatest number of people, which is its classic expression. The role of governments is to compensate for the marginal adverse effects deriving from excess wealth produced and appropriated in a non-equivalent, proportionate way to maximize 'collective happiness', which is only possible with the proportional distribution of the wealth produced.

This is the fundamental contradiction of the utilitarian argument about the functions of government in promoting the free market. The protective nature of this type of democracy is defined as the defense of free citizens against the 'oppression of officials', which are the same officials society employs in its defense and to control the wealth concentration harm. By this circular argument, universal voting (mitigated by selective exclusion franchises) would protect citizens from the excessive 'happiness' of rulers, a regulation by the selective right to vote.

Critical events, such as the English suffragette and feminist movement, the popular revolutions of their time, and the spread of Marxist thinking in society defined the limits of utilitarianism and were perceived by Stuart Mill in his classic written in 1859⁵. Contexts matter, such as the previous elaboration of the Communist Manifesto written by Marx and Engels⁶ in 1848 and its effects on the collective action of workers of the industrial revolution.

Mill⁵ submitted the principle of maximizing individual freedom to a logical analysis based on everyday examples (gambling, prostitution, and majority assemblies) and speculated about rules to limit the tyrannical action of governments and society over individuals. In other words, the search for rules and values – moral philosophy and sociology – for the tenuous balance between individual independence, governmental delegation, and social values.

Protection from governmental tyranny stems from the mechanisms adopted for their formation and replacement. However, the protection of individuals against societal tyranny is grounded on the premise that this society is not virtuous in itself; indeed, a premise of constantly renewed topicality.

The principle of self-protection delimits society's right to interfere with individual freedom of action, whether by physical force, penalties, or moral coercion by public opinion. The only reason power could be rightly exercised over any member of a civilized community against his/her will would be to prevent

harm to others. Harming oneself, whether physically or morally, would not be reason enough. In this formulation, the soon-to-be-born Freudian thought is absent. The scope of what is considered to harm others is addressed speculatively and logically.

This package of ideas includes measures to limit rulers' autonomy (and happiness). However, attention is drawn to the emphasis given to the tyranny exercised by circumstantial majorities that oppress minorities of various types. Protection against the tyranny of dominant opinion and sentiments and the tendency of society to impose its ideas and practices, as behavioral rules, on those who disagree is postulated – in other words, avoiding the establishment of 'any individuality in disharmony with its paths'⁵. A (political) fear of the action of multitudes of disadvantaged people and a (sociological) fear of moral constraints caused by circumstantial tyrannies within any group in everyday life are observed. Civil liberties addressed broadly are one of the main pillars of democratic systems; however, they are not the only ones.

Macpherson⁴ correctly points out that Mill's approach to what he called the developmental model best represents liberal democracy as a political mark and its limits. The original utilitarian protection argument was resumed from the evidence that workers' living conditions are crucial obstacles to individual self-development. Acceptance of the unequal distribution of property and the social division of labor has been contradicted by the 'exaggerated' levels at which it operates.

Stuart Mill believes that distributive injustices are a feudal heritage in the formation of capital. In his recent analysis of the historical persistence of social inequality, Thomas Piketty⁷ attributes their long permanence and resistance to revolutionary and democratic cycles to institutional legacies arising from ternary societies and vertical divisions into typical European feudalism orders (and non-European countries shaped by divisions into similar orders).

Macpherson⁴ recalls that many elites considered the universal vote, oriented towards the development of individuals, a risk that most workers would compromise the so-called 'just merits' of the capitalists. The solution adopted was plural voting, but subject to electoral franchises with the selective exclusion of the poor. This 'domestication of the democratic franchise' was due to the success of the party system in controlling democracy, voiding social participation, and producing an 'elitist and pluralist balanced democracy' – a simply authoritative system of governments.

Several typologies of democratic regimes have been proposed based on this societal participation role, whether in the production of governments or in between-election periods. We should mention the original work by Robert Dahl⁸, written in 1956, on the emergence and dynamics of polyarchies constituted from Madisonian political traditions. This unique type of pluralism matrix underscores that democratic dynamics in everyday life between electoral cycles are part of the essential theme of democratic, consensual, and negotiated arrangements in intermediate political bodies discussed later.

The elitist nature of democracies encourages aspirations for participatory democracy. Macpherson⁴ reminds us that low democratic participation and social inequality are mutually-influenced events. This image was strengthened by what he labels the 'new left' movements since the 1960s (student and workers' movements on a world scale).

Two patterns are discerned. One in the pyramidal and direct form from local assemblies and successive establishments of councils. The other combines a direct pyramidal apparatus with a delegative party system.

They are abstractions still searching for their virtuous experiences. Historically, hybrid systems have prevailed, as in the post-war European Welfare State case. Even between varying polyarchies per electoral systems and rules of regular agreements between peak organizations and political intermediation

institutions, the hybrid nature underpins the institutional basis and critical points of contemporary democracies. The historical trajectories show, in varying doses, the disputed ideas about polyarchies, neo-corporate arrangements, political concertation, and sectoral chambers – in other words, the role of mediation intermediary bodies.

Welfare State institutions developed in countries that experienced long-lasting economic growth cycles amid expanding their social protection systems and the middle classes. However, the level of social inequality reduction varied according to the case and the sustainability over time. Piketty⁷ recognizes this circumstantial reduction but relativizes its impact on income concentration compared to the more significant decline observed in the great world wars. Formulations relating the golden cycle of the Welfare State as a type of regulated or organized capitalism stimulated beliefs about the compatibility between democracy, equity, and markets regulated by prices, wages, productive processes, and taxes.

However, not only the action of intermediary bodies, as in polyarchies, can favor social protection. Other sociological dimensions beyond Stuart Mill's are considered in creating protective institutions. Throughout the 1990s, Putnam⁹ studied institutional performance between regions in Italy from the reform of the creation of regional governments in the 1970s. This comparative performance across regions showed a high positive correlation between good governance, economic modernity, and intense associative life. The backdrop is the traditional Italian north-south contrast. He argued that the civic community was the most significant variable to explain such differences: the northern regions had a more intense associative life and horizontal social relationships. The civic community results from participatory attributes such as political equality, solidarity, trust, and tolerance, and promotes cooperation social structures. There was greater political patronage where civic communities were very fragile. Civic

traditions of long historical maturation influenced the emergence of these communities and grounded the basis for establishing social capital as the main factor for socioeconomic development and governance quality.

Lijphart¹⁰ analyzed the convergence between agreed and consensual democracies and better social protection. Two polar models were identified by comparative research among democracies that met strict inclusion criteria: the majority model, in which the rule of concentration of powers arising from political majorities determines governmental action; and the consensual one, in which the sharing of powers by region, community, or culture structures the action of governments through reiterated agreements. These configurations traverse different systems – unitary and federative; parliamentary and presidential – however, the results indicated that consensual democracies are more prone to higher economic and social development standards.

Controversies aside – and there are quite a few – the analyses of this type favor the beliefs that dialogic, slower, and contradicted decision-making processes bolster collective protection and political sustainability without obstructing virtuous economic cycles by expanding the scope of decision-making arenas.

However, this theme was updated due to the so-called crisis of the Welfare State of the 1970s. Notwithstanding this, it must be nuanced by the effects already felt in the world of work changes, the political emergence of individual identities, and weaker collective industrialist identities. In such conditions, the systems of legitimation of regulated (or organized) capitalism typical of the Welfare State were strained, and their current repercussions are evident.

Authors such as Offe¹¹ were exemplary in analyzing the organized/regulated model crisis and the re-emergence of disorganized capitalism, albeit in different patterns from the industrial revolution. They are echoes of widespread perceptions of post-industrial societies as an expression of the crisis of work

identities and their traditional ties to left-wing political parties. Such contexts are reflected in how participatory governance is currently structured outside the traditional national peak organizations.

Bureaucratic rationalities and establishment of the State apparatus

The structure of public bureaucracy is essential for developing participatory governance. Insulated bureaucracies protected by professional monopoly and functional careers limit the authority and specialized knowledge. When this profile assumes the political dimension status, it paves the way for the emergence of barriers posed by organized interests better positioned in the decision-making process.

Such themes are addressed by theories about state and business bureaucracies and gained momentum from the 19th century onwards. Moreover, knowledge about the functioning of the modern state and its means of legitimate coercion was accumulated. Furthermore, political and fiscal capacities and valuation systems have been intertwined since the exemplary Western revolutions of the 17th (English) and 18th (American and French) centuries. In this sense, two intellectual traditions remain influential – Weberianism and institutionalism.

Max Weber addressed bureaucratic rationality as an intellectual legacy, and his treatise published posthumously in 1920 – ‘Economy and Society’¹² – is exemplary of his sociological approach. His theory is intimately articulated with historical experience, and his concepts took shape in the ideal types that marked political sociology and remain a compulsory reference. The thesis about the mechanisms of domination necessary for consolidating beliefs in their legitimacy and the domination forms – affection, custom, and interests – is classic. A rational-legal and reliable bureaucracy capable

of producing norms and guaranteeing their enforcement underpins the basis of obedience which, in turn, derives from this legitimacy and facilitates the acceptance of domination.

These (abstract) ideal types coexist in time and space and evolve as the case may be. Weber¹² believes that, due to primary necessity or the experiences analyzed, the rational-legal domination forms favored social development in capitalist societies and their link to democratic regimes: formalized democracies embedded in elitist bureaucracies.

The issue of legitimation is central to the Weberian approach and has been addressed as a necessary attribute in the normative structure of the modern State. It is found in post-war critical theories, and the analysis by Habermas¹³, developed in 1973, at the onset of the so-called crisis of the Welfare State, deals with this issue as a crisis of legitimate regulation in the protective, regulated, and organized State. In this sense, the issues of legitimacy of the State apparatus preserve its centrality in the world of politics.

Returning, then, to issues of legitimate domination, unlike charismatic forms (orders linked to the leader or revelations) and traditional forms (the legitimacy of habits, traditions, or masters), rational bureaucracies are sustained by rational interests and the legitimacy of orders instituted and expressed in the right of command by appointed superiors and per impersonal criteria and practices. Thus, any law (agreed or imposed) can be established rationally and guided by the desired ends and professed values. It is an ideal type and, therefore, abstract, operating as an idea that induces decision-making. It is inevitable to remember the echoes of Hegelian thought in this model and the current arguments of institutionalists discussed later.

In the modern State, under the leadership of rational-legal domination, the law is established as abstract rules applicable to the particular case and administered under impersonal hierarchies and by the continuous exercise of official functions per specific competencies.

Rules stem from norms and postulates prepared by experts, and their application requires high professional qualifications from the officials who represent the administrative staff of these rational associations. The company's absolute separation between capital and private equity is observed (or advocated). In the State, we observe an absolute separation between public and private property and between the workplace and the domicile of employees. Public office is not the property of its holder. It is the world of experts certified by legal institutions and predominant scientific knowledge over the charismatic attributes of leaders or the subordination to religious, family, or noble traditions.

In this type of bureaucracy, non-expert citizens and collective entities do not participate in critical or routine decisions. Participation takes place in elections to produce governments; these are also subject to democratic procedures of a rational-legal nature and mediated by their experts – the politicians.

Unsurprisingly, the Weberian model is at the center stage of conflicts in governance reforms for greater participation of citizens and civic communities in public decisions.

Rational bureaucracy employees are shaped by professional careers and are politically free. They only obey the obligations of their position, have fixed functional competencies, and are selected through verified professional qualifications. Their salaries are fixed and staggered hierarchically, as they enjoy career protections that favor seniority and efficiency. The expected outcome is a discipline subject to a central chain of command in which leaders decide per their legal restrictions. State power control can stem from more significant (virtue, election) or lesser (appropriation, inheritance) legitimacy. The model results from the maximization of technique, professional specialization, detailed documentation, and absolute formalism, presupposing the universal recruitment of the most qualified.

This type of functional insulation and professional monopoly, in turn, generates veto

points for the influence of individuals and groups outside the workforce, as already highlighted. The non-expert and accepted decisions are those of politicians; in other words, they are the only professionals legitimized by elections and mandates. They are also subject to legal norms designed by experts (jurists) and constitutionally sanctioned. It is a closed and normative game.

Weber¹² argues that this domination is neutral, 'without hatred nor passion'. Here too, as on the issue of English utilitarianism, the close political counterpoint is the thought of Marx and Engels. The domination's nature in the capitalist State derives from irreconcilable conflicts among social classes under contradictory dynamics between the productive forces and their productive relationships⁶. Original Marxism paid less attention to the internal dynamics of the upbringing of public bureaucracy.

In contemporary contexts, experts have drawn attention to administrative reforms that lead to greater relaxation of the rational-legal and centralized model and in favor of more open governance in the societal sense. Peters^{14,15} considers decision-making mechanisms per their varying political and territorial decentralization or bureaucratic verticalization levels. He points to the pendulous nature of the orientations of these reforms as they gravitate within 'more Weberianism, less Weberianism'.

In a historical-institutionalist study, Silberman¹⁶ argues that the setting up of bureaucracies is affected by the leaders' level of trust in the governmental succession rules. The constitution of organizational bureaucracies (close to the Weberian rational-legal type) derives from the high level of political uncertainty in the succession process of government production. On the other hand, environments of greater certainty about succession mechanisms tend to produce professional bureaucracies characterized by a greater circulation of experts outside public careers and hierarchies. In these cases, insulated bureaucratic cores

and permanent state structures are more selective and less far-reaching. The cases studied according to historical trajectories – France, Japan, the United States of America, and Great Britain – are from countries that have achieved high political and socioeconomic development; and, Silberman affirms, the type of bureaucratic rationalization adopted was not a decisive factor for these results.

In this argument, bureaucratic rationality serves two types of orientation: professional orientation (the United States of America and Great Britain), characterized by individual expertise acquired and regulated by the training of the professions, which defines entry (and exit) at the most advanced levels of the administration; and organizational orientation (France and Japan), which, in turn, involves robust control over access to and use of information gained by early entry into bureaucratic career schools. In these cases, careers are predictable, hierarchy predominates, and expertise has departmental features. Its configuration is similar to the Weberian rational-legal matrix.

Organizationally oriented bureaucracies involve i) access to public service restricted to those with formal and higher education; ii) functional predictability and reduced uncertainty; iii) superior positions limited to career servants; iv) promotions based on clear rules and seniority; v) departmental specialization; and vi) autonomy to external interventions.

Professionally oriented bureaucracies include i) professional qualification as the primary criterion for direct entry into higher positions; ii) predominant professional status over functional careers; iii) specialization takes place in external and professional self-regulation environments; iv) recruitment of professionals trained in different institutions reduces the incentives for early enrollment in public administration schools; v) greater entry flexibility, side entry, performance-based promotion, contract flexibility and greater autonomy; and vi) less systematic careers.

This typology of bureaucratic rationalization

processes can be adopted in studies on hybrid cases and compared according to trajectories. The hypothesis of institutional hybridity can be empirically tested in the Brazilian case from theoretical elements pointed out in this essay and the critical conditions of political choice observed in the 1988 Federal Constitution. In this case, the environment of political uncertainty due to the end of the military regime would favor the emergence of insulated Weberian bureaucracies competing and cohabiting with the historical strata heritages discussed in the last topic of this paper.

Institutional trajectories and governance mechanisms

Concepts of institutional economics have been applied to topics such as governance and agency to analyze decision-making processes in democratic and highly complex decision-making environments. Microeconomic approaches, such as those of Williamson¹⁷, which address decisions taken when rationality is limited by technological complexity and asset specificity, have been applied to analyze the effects of this type of contract on particular institutional arrangements, as in the so-called agency model. Such theories have expanded to support analyses of the relationships between service providers and public bureaucracies.

The theoretical and methodological implications between rationality, institutional rules, and decision-making underpin a field of knowledge recognized by its foremost exponents. Several updates and reviews of these studies, which date back to the first reflections on theories of the firm from several decades of maturation, are available. An essayistic assessment conducted by James March¹⁸ based on his classes, instigated by his students, and an example of the articulation between the conceptual basis and the research design serves as a reference for the language used in this

paper. The time perspective implications on decision-making processes, in turn, follow Pierson's¹⁹ arguments discussed below.

The notions of path dependence and self-reinforcing political trajectories are essential for analyzing institutional changes. Pierson¹⁹ summarizes the influence of events per timing and sequence: i) multiple equilibrium (starting conditions followed by positive feedback circumscribe the results to specific ranges); ii) contingency (small events occurring at the right time can have lasting consequences); iii) timing (moment may be crucial, early parts may have more influence than later ones and late event may have less effect than in different timing); and iv) inertia (when it consolidates, positive feedback induces a unique balance resistant to change). Therefore, relevant questions about political paths and institutional dependence emerge:

- a) History is part of the decision-making model, and the sequence of events affects the dynamics of change;
- b) The best-consolidated trajectories derive from the mutual influence between positive feedback and path dependence;
- c) Increasing returns induce winning cycles, and repeated obstacles can lead to interrupted trajectories, path changes, or crystallized veto structures;
- d) Random events running through selective structures generate dependent sequences;
- e) Changes and vetoes resulting from consolidated trajectories are part of the political game and competition for agendas and alternatives.

Institutionalist theories have been applied in contexts of rational limits for decision-making because of the well-known informational asymmetries and the institutional evaluative and normative structure. Thus, changes tend

to occur by specific level of incrementalism embedded in rules and values, affected by historical sequences of critical events, which is the case of the debate initiated by managerialism in the 1980s about the governmental structure and its political capacity. It is an example of the emergence of events resulting from crises in social protection systems in the 1970s and the disputes between different political and party orientations over the functions and procedures of governments and their bureaucratic structure.

Hood's²⁰ review of New Public Management (NPM) policies highlighted the foundations of this public sector reform agenda aimed at its horizontalization, decentralization, and openness to corporate action. Its ambiguous or contradictory effects are known. The first cycle of these reforms included the agenda's political superposition to reduce State functions, typical of the old English utilitarianism and the mimicry of the managerial processes of private companies.

The political ideology of reducing the scope of State intervention (less regulation) and greater privatization of public companies (patrimonialist reforms) predominated in conservative governments. As a generic agenda, the NPM has been criticized and adapted. The permanence of ideas in favor of participatory governance mechanisms focused on the search for quality and the capacity of governments to produce better social results was noted in specific cases. However, this situation must be analyzed case-by-case, and part of this ideology dissolved over time due to the limitations of business managerialism smuggled into the State apparatus.

Critical analyses of some of its foundations or their normative application followed one another²¹⁻²³. However, some components were absorbed into contemporary agendas and redefined as items of reforms oriented to local and global governance. Global cooperation agencies such as the Organization for Economic Co-operation and Development (OECD)²⁴ have disseminated and redesigned these ideas

as “open government” propositions whose implications still lack a better understanding and analysis of their effects.

Hood²⁰ summarized the remaining elements of NPM’s doctrinal heritage in search of professional management and direct accountability; well-defined performance targets and indicators; predominant control of results over procedural; separation of funding and provision of public services; contracted decentralization strategies; adoption of private sector management styles by validated tools; and budgetary discipline and thrift.

There is an open conflict with the verticalized and insulated Weberian model as a political agenda and more significant blurring of boundaries between State, Society, and Market.

The political conflicts involved are known, especially regarding the reduced governmental capacity to promote the political agenda supported by general elections¹⁵ and some limited strategies to control uptake by private interests. We also have the issue of social inequalities amid the political pitfalls of the trade-off between efficiency and equity. Critical analyses by Offe²⁵ and Jessop²² on governance failures are counterpoints to be considered.

Such governance mechanisms combine administrative accountability and contractual relationships to provide services to the public sector. The dissemination of regulatory agencies to manage these contracts and citizen participation led to establishing local or sectoral collegiate organizations. These new arrangements are shaped by dialogue and negotiations as opposed, on the one hand, to command and control decision-making structures and exchanges in poorly regulated markets on the other²².

Governance is characterized, therefore, by reflexive rationality, in which the negotiated consensus defines the success criterion. Its typical organizational form is networks. The calculations of the participants in the decision-making game respond to predominantly political criteria.

Failures do not primarily stem from economic inefficiency or ineffective commands but ‘noises’, ‘chatters’, or excessive digressions that obstruct decision-making processes. The gains, in turn, are evident when they promote consensus, equity, and sustainability. Continuous adaptation is the norm. Meta-governance strategies (comparisons with virtuous processes) are used to face such governance failures²².

Developing participatory mechanisms in democracies is directly linked to these governance forms and challenges.

Establishment of the Brazilian State apparatus

The previous items addressed public governance challenges and alternatives with direct implications for Brazil. The conflict between patrimonialist (uptake of the State by business groups, political elites, and senior civil servants) and equitable logic (institutions and policies to reduce social inequalities and protect the vulnerable) is an example of its political relevance. Two distinct and vigorous analyses help organize this theme and adopt analytical assumptions about the current context of public regulation.

The establishment of the Brazilian State apparatus was analyzed, among many other great authors, by Raimundo Faoro²⁶ in his 1958 seminal work, revised in 1973 in its definitive version. Weberian patrimonialism was translated into how the singular establishment of bureaucratic strata historically marked the formation of this State.

The unique way patrimonialism shaped the relations between State and Society in Brazil stemmed from the historical influence of Iberian feudalism, in which monarchs established centralized relationships that could not be delegated to nobles, aristocrats, and bourgeois. Unlike the typical feudalism of northern Europe, for comparative

purposes, these relationships were hardly contradicted by local and regional powers.

The centralized logic and the monopoly of ownership of the primary power resources (status and territories) grounded patronage and clientelism that lasted in the different cycles of civil and military governments of the Brazilian Republic. This singular patrimonialism developed through a slow, penetrating, and progressive emergence of bureaucratic strata within the State expressed in its employees. These strata aimed to obtain, historically and incrementally, control of power resources in different political regimes. Furthermore, the regulating principle of the establishment of the Brazilian State was the 'politically-oriented capitalism' where reality showed 'the secular persistence of the patrimonial structure' whenever exposed to the different capitalist cycles and forms.

We observe a tripod²⁶ between i) patrimonialism, as an organizing element; ii) bureaucratic strata, as a long-established and singular construction; and iii) politically-oriented capitalism, as a model that changes over time, in political and economic cycles, and preserves state control in public bureaucracy.

The echoes of Bonapartist-type political domination are explicit, and the dialogue with the theses of Marx and Engels on the autonomous State was well established by Faoro²⁶ in his thought-provoking final chapter.

The lasting effects of long-established strata structures operate as vetoes to participatory mechanisms in dispute for political space in the administrative and regulatory order. In a sense put forward by Putnam, we observe a blockage to the development of civic communities and social capital.

Edson Nunes²⁷, in turn, studied the historical paths since the Vargas cycle and started, coincidentally, from Faoro's point of arrival. He demonstrated the continuous search for containing patronage logic. The alternative paths that competed for solutions, the 'political

grammars', followed the logic of corporatism, contingent bureaucratic insulation, and Weberian-inspired universalism.

Political and social intermediation forms are emphasized, and each pattern operates in an ongoing dispute. We should remember each model that operates in continuous competition. Each strategy had a moment of more significant impact, but the clientelist matrix was enduring as a patrimonial expression.

Clientelism is a social 'pyramid of relationships' between political parties, bureaucracies, and strata arrangements ('cliques'). The 'procedural universalism' was the expression employed to identify political initiatives to formalize the primacy of norms, impersonality, and equal rights before the law in the national bureaucratic framework.

The 'bureaucratic insulation' strategies manifested as 'islands of rationality' and technical specialization. The control of clientelism would take place, then, by reducing the scope of the arena in which particularistic interests and demands exert influence.

Corporatism was the form with the greatest institutionality and social tradition. It is a robust legal statute reflecting the search for functional rationality. By its nature, it is a logic opposing clientelism's informality²⁷.

The conceptions of Faoro²⁶ and Nunes²⁷ can be adopted to analyze the institutional, evaluative, and normative results of the 1988 Constitution. In a critical transition to political democracy, the Weberian rational-legal inspiration is recognized by adopting universalist procedures in establishing a renewed civil service and structuring regulatory bodies. The final constitutional framework also incorporated structures that echoed the post-war European Welfare State.

However, the renewed strata rationale remains an obstacle to greater government capacity and its porosity to civic communities. These hindrances add to the previously mentioned characteristics of command and control hierarchies and functional monopoly

in the relationships with civil social justice coalitions.

On the other hand, the merit and professional expertise control relaxation must be guided by the risks of appropriation of status resources and public funds by economic agents, civil and military corporations, political coalitions of particularistic interests (churches, businesses), and diffuse patronage forms.

The institutions of the 1988 Constitution gave rise to an innovative and virtuous convergence by seeking to integrate non-strata universalist procedures with the citizenship rights of the protective State. Some current implications for developing research models and alternatives for participatory governance are pointed out as final considerations.

Final considerations

The issues related to the actions of society for justice among democratic institutions were analyzed from reference authors and reflections on the selected themes.

Political democracy was discussed based on the maximization of civil liberties and their implications for social protection (competition and consensus); bureaucratic rationalities in the establishment of the State apparatus (Weberianism and parastatal professionalization); and the trajectories of governance changes (incrementalism, delegation, and decentralization).

The historical construction of civil liberties and their maximization as a protective factor against the tyrannies of the State apparatus and society show a long tradition of political liberalism. Whether by the typical incrementalism of English utilitarianism or by the echoes of the French revolution in defining the public rights of the people as a social class, political liberalism was transformed over time through reinterpretations within various democratic theories and under intense partisan and intellectual dispute.

Also, at the apex of the industrial revolution, the effects of the Marxist critique on the class domination of the modern State and the selective notions of civil liberties served as a powerful contradiction. It was followed by the influence of the protective systems of the Welfare State that relaxed the economic assumptions of liberal thought. All these influences brought the principle of enhancing individual well-being closer to collective well-being. The democratic forms diversified and expanded political spaces for greater social penetration and redistributive and equitable policies. These transformations are far from exhibiting any linearity and sense of univocal determination. This political utopia is a process under construction and without guarantees of closure.

However, the trajectories of institutional changes and the theories applied to their study reveal a promising path. The establishment of the modern State apparatus is crucial for thinking about democracy in its distributive and societal dimensions. The State apparatus under the little-contradicted performance of insulated careers and officials endowed with high technical and coercive status is an obvious hurdle to the developing participatory and equitable governance.

On the other hand, the traditional response of original English utilitarianism does not resolve these constraints by emphasizing the role of society in protecting people against the tyrannical ruling. The resulting political agenda ends up downplaying the protection and equity functions for which governments are essential.

On the other hand, the contractualized, decentralized, and externally monitored State by professionals, defense coalitions, agencies, and dialogic arrangements has the challenge of coercing its uptake by asymmetrically dominant interests and preserving its consensual, concerted, and socially fair orientation.

Such traditional themes in establishing democracies have repercussions in the Brazilian case. Brazil represents a hybrid case due to

its historical development. The strata nature cohabits with selective patrimonial control logic through corporate group actions or technical elites. Typical plutocratic or continuous dispute movements between economic corporations and business elites for control of the state apparatus operate in synergy with politically-oriented capitalist strata. Taken together, they curb the governmental capacity to promote social justice.

The marked hybridism was given as a response to the 1988 Constitution, in which the universalism of Weberian- (or Napoleonic-) inspired procedures was inseminated in a sophisticated, complex, and virtuous way with post-war modern European Welfare State objectives and values.

This hybridity in motion expresses the political conflict and the participatory and equitable reform agenda for Brazilian society in the 21st century. The changes in favor of expanded participatory governance mechanisms stripped of their downplaying influences of the protective State represent the main challenge for political, social, and economic development.

Collaborator

Ribeiro JM (0000-0003-0182-395X)* is responsible for the paper's design, research, and final writing. ■

References

1. Majone G. Evidence, argument, and persuasion in the policy process. New Haven: Yale University Press; 1989.
2. Vaitsman J, Ribeiro JM, Lobato L. Policy Analysis in Brazil. Bristol: Policy Press/University of Bristol; 2013.
3. Rawls JA. Theory of Justice. Cambridge: Harvard University Press; 1971.
4. Macpherson CB. A democracia liberal: origens e evolução. Rio de Janeiro: Zahar Editores; 1978.
5. Mill JS. On Liberty. London: Penguin Books; 2010.
6. Marx K, Engels F. Manifesto Comunista. São Paulo: Boitempo; 2021.
7. Piketty T. Capital et Idéologie. Paris: Éditions du Seuil; 2019.
8. Dahl R. Um prefácio à teoria democrática. Rio de Janeiro: Jorge Zahar; 1989.
9. Putnam RD. Comunidade e Democracia: a experiência da Itália Moderna. Rio de Janeiro: Editora Fundação Getúlio Vargas; 1996.
10. Lijphart A. Patterns of Democracy: government forms and performance in thirty-six countries. Yale: Yale University; 1999.

*Orcid (Open Researcher and Contributor ID).

11. Offe C. *Disorganized Capitalism: Contemporary Transformations of Work and Politics*. Cambridge: MIT Press; 1985.
12. Weber M. *Economia e Sociedade: Fundamentos da Sociologia Compreensiva*. Brasília, DF: Editora da UNB; 1999.
13. Habermas J. *A crise de legitimação no capitalismo tardio*. 2. ed. Rio de Janeiro: Edições Tempo Brasileiro; 1994.
14. Peters G. *The future of governing: four emerging models*. Lawrence: University Press of Kansas; 1996.
15. Peters BG. The two futures of governing: decentring and recentering processes in governing. *The J. Public Adm. and Policy*. 2009; 2(1):7-24.
16. Silberman BS. *Cages of Reason: the rise of the rational state in France, Japan, USA and Great Britain*. Chicago: The University of Chicago Press; 1993.
17. Williamson OE. *The mechanisms of governance*. New York: Oxford University Press; 1996.
18. March JG. *A primer on decision making: how decisions happen*. New York: Free Press; 1994.
19. Pierson P. *Politics in Time: History, Institution, and Social Analysis*. New Jersey: Princeton; 2004.
20. Hood C. A Public Management for all seasons? *Public Adm.* 1991; 69(1):3-19.
21. Pollitt C. Is the Emperor In His Underwear?: An analysis of the impacts of public management reform. *Public Manag.* 2000; 2(2):181-199.
22. Jessop B. *Governance and Metagovernance: on reflexivity, requisite variety, and requisite irony*. Department of Sociology. Lancaster: Lancaster University; 2003.
23. Pollitt C, Bouckaert G. *A Comparative Analysis: New Public Management, Governance, and the Neo-Weberian State*. Oxford: Oxford University Press; 2011.
24. Organisation for Economic Co-operation and Development. *Open Government: The Global Context and the Way Forward*. Paris: OECD Publishing; 2016. [acesso em 2022 jan 25]. Disponível em: <http://dx.doi.org/10.1787/9789264268104-en>.
25. Offe C. Governance: an 'empty signifier'? *Constellations*. 2009; (16):550-562.
26. Faoro R. *Os Donos do Poder: Formação do Patronato Político Brasileiro*. São Paulo: Companhia das Letras; 2021.
27. Nunes E. *A Gramática Política do Brasil: Clientelismo e Insulamento Burocrático*. Rio de Janeiro: Jorge Zahar; 1997.

Received on 03/16/2022

Approved on 05/24/2022

Conflict of interests: non-existent

Financial support: non-existent