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Skill formation, cultural policies, and institutional hybridity: Bridging the gap between politics and policies at federal and state levels in Brazil

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Abstract: This article analyses ideas, institutions and policy designs that aim at facilitating the resolution of social, economic and cultural problems through the direct involvement of civil society organizations, and other parties. More specifically, it focuses on two hybrid designs of partnerships in Brazil for the deliverance of public policies: the first sealed between the Brazilian government and *paulista* industrialists; the second, between the state of São Paulo government and civil society organizations. From the former stems a set of non-state autonomous entities that, among other functions, provide apprenticeship; from the latter, Social Organizations (OS) are contracted (*contratualizadas*) to deliver policies of culture. This study concludes that distinct *ideas* that opened windows of opportunity to design and implement hybrid partnerships for the deliverance of public policies *beyond the state* led to similar strategies of institutional insulation. The article finishes discussing possible implications of insulation to the Brazilian democracy to suggest some questions to lead to a new research agenda.

Subjects: Public Administration & Management; Social Movements; Government; Governance; Political Institutions

Keywords: skill formation; policy of culture; institutional hybridism; democracy; insulation

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From a historical-institutionalist perspective, the authors assume that the mapping of ideas and institutional processes of decision-making may clarify central points related to democracy, identifying ways through which institutional changes impact directly on how public policies are decided and delivered. The authors apply such methodological perspective mainly on public-private partnerships designed to the deliverance of specific policies, like education and culture.

PUBLIC INTEREST STATEMENT

Public policies of education and culture are important, especially to enhance a convergent and plural society, based on common ideas and knowledge, and shared symbols and memories. This article discusses how political ideas were converted into policies in Brazil, especially in the skill formation policy-area at national level, and cultural policies at state level. We demonstrate how political thoughts, such as national economic development and values associated to the maintenance of a democratic regime, may be embedded into political institutions. We end the article with the evaluation that it is possible to consider that the insulation of hybrid models of partnerships between government and society not necessarily results in better democracies.

1. Introduction

This article seeks to comprehend how ideas have been translated into policies, in Brazil, by comparing two hybrid institutional arrangements that emerged in the 1940s and 1990s to deliver skill formation and cultural policies. In the former policy-area, hybrid engineering took place between public and private sectors; in the latter, between public and non-state public sectors.

Considering the temporal gap, as well as the differences between the cases in relation to their engineering fit (Skocpol, 1992), the article provides historical and economic analyses to depict, in detail, what factors favored the opening of *windows of opportunity* (Kingdon, 1993) for the emergence of such trajectories. Also, the institutional differences that molded the partnerships' designs call attention for the political environment that they were formed.

In the case of skill formation, the idea of a hybrid partnership ended up increasing bureaucratic insulation from the beginning (late 1930s), by concentrating decision-making within the realm of the executive (Nunes, 1984). This situation was aggravated on 10 November 1937, when it suspended democratic elections to impose a new constitution on the country, inaugurating Getúlio Vargas' dictatorship (*Estado Novo*, 1937/1945). Moreover, Art.129 of the 1937 constitution stated that industrial firms and employer federations should take over the *schools of apprenticeship* for their employees' children and associates, while basic education (*pre-professional education for the poor*) was *primarily the duty of the state*. The normative assumption behind Art.129 was that a national development model for the Brazilian economy was constrained by the lack of capacity of federal government to develop a wide national apprenticeship system (Assumpção-Rodrigues, 2013). Therefore, emerging from Vargas' alliance with the industrial patron unions, hybridization in this case delegated responsibility through a set of constitutional rules that aimed at launching the development of a regular and systematic apprenticeship service for workers of a national manufacturing park that had recently been implemented. Furthermore, by relinquishing its authority to industry corporations, the Brazilian state dismantled, from the start, any possibility of introducing effective intermediary skills policies with the cooperation of trade unions.

By the end of the 20th century, however, with the transition to democracy process that culminated in the 1990s, a strong movement for Social Organizations (OS) to deliver public policies emerged in the country, reinforcing important aspects of the Brazilian state reform implemented during the first mandate of Fernando Henrique Cardoso (1995–1998). During democratization, the strategy of entering into contracts (*contractualization*¹) between federal and state governments, and civil society organizations became an important institutional tool to facilitate the deliverance of several public policies that the state, by itself, was not able to do so. In fact, *contractualization*, a phenomenon inspired in the New Public Management school (Rhodes, 1996), emerged in Brazil as a strategic instrument for the deliverance of public policies in a context constrained by hyper-inflation, poverty, and socioeconomic inequalities (Romão Netto, 2016).

In sum, considering that policies and institutions are not frozen residue of critical junctures, we have to pay more attention to the kind of problems (*issues*) that mobilized federal and state levels of the Brazilian government, as well as civil society organizations, in authoritarian and democratic periods. Also, assuming the importance of agenda-setting for decision-making processes, this article makes use of the concept of “window of opportunity” (Kingdon, 1993) associated to specific approaches of the new-institutionalism, such as policy reproduction/change, path-dependence, and the ideational perspective. These procedures may not only facilitate the identification of motives that lead specific issues (and not others) into the public agenda—including the mobilization of governments, citizens, and other actors (like NGOs) but, most importantly, help us draw comparisons between the cases in relation to: (i) the beliefs/ideas that led specific issues into the public agenda; (ii) the way gaps between the “windows of opportunity” and policy implementation were bridged; and (iii) the institutional constraints that supported the implementation, development, and maintenance of both partnerships along time.

Finally, considering the impossibility for controlling policy environment, the existence of a broad space for discretionary behaviour of agents, and the fact that programs do not mean broad public consensus demonstrate that policy uncertainty levels are as diverse as the cognitive limitations of the actors involved. In these terms, the examination of hybrid institutional engineering must depart from the proposition that policy analyses should be considered as a project of social experimentation (Alston, Melo, Pereira, & Mueller, 2009). The intention is to conform a model of investigation for the cases set up in this introduction by focusing on three types of schedules: the systemic (or non-governmental), the governmental, and that related to decision and policy-making. The article concludes presenting a research agenda for further investigation.

2. Ideas, windows of opportunity and insulation

Once embedded in institutions, prime ideas may reinforce a process of “social learning” (Béland, 2009; Hall, 1993). This concept assume that the presence of ideational consents as components of a specific policy process may lead to a reaction to the previous policy, starting a process of learning which occurs when policy makers respond to the failure of a past policy, drawing lessons and incorporating it into a new policy, leading these experts to a more specialized position regarding to a specific policy area and working with some autonomy from politicians and social pressures (Beland, 2005; Schmidt, 2011). However, from a perspective of ideas as causal beliefs, this perspective leaves less or no space for the study of policy change; for that reason, some scholars introduced a more political perspective on the social learning process (Skocpol, 1992; Pierson, 1996; Beland, 2005).

Hall (1993) has largely contributed to the relation of ideas and institutional politics introducing the concept of “policy paradigms” referring to “a framework of ideas and standards that specifies not only the goals of policy and kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing” (1993, p. 279). In this concern, Kingdon’s concept of “agenda-setting” helps to bridge and bond ideas and institutions in historical learning processes, once policy agenda refers to problems that policy-makers perceive as significant in a specific moment and time, and it is usually attached to a public agenda, which generally refers to the interaction between public opinion and relevant issues in the media (John, 1995). Thus, considering a broader discussion on the relations between ideas and institutions in policy-making, and accepting Kingdon’s argument that “agenda” (a cluster of topics nominated as the pressing problems in a specific moment) and “alternatives” (the policy options available to solve the appointed problems) are products of three autonomous streams (problem, policy and political streams) through which social and political actors are mobilized, according to specific issues or policy options, we assume that political actors frame their alternatives in specific ideational paradigms.

In this sense, ideological frames appear in the public pronouncements of the policy-makers and their staff, like speeches, press releases, interviews etc. (Campbell, 1998), and these frames also appear at the legislative activity of the elected members of the parliament in their formal speeches and legislative activities as the proposition of new legislation. Following Beland (2005, p. 12), “the ability to frame a policy programme in a politically—and culturally—acceptable and desirable manner is a key factor that can help explain why some policy alternatives triumph over others and why elected officials decide to ‘do something’ in the first place.”

Finally, the important notion to be addressed in this section relates to the bureaucratic insulation of public organizations in Brazil. To put it into perspective, it is worth noting that this concept (bureaucratic insulation) aimed at disaggregating the older conceptions of “two Brazils” in its various forms (such as developed vs. underdeveloped; urban vs. rural; modern vs. traditional). It resulted from Edson Nunes’ analysis (1984), which looked at the problem of the articulation of capitalism in a state-building context from a political perspective. This approach proposed a new interpretative framework for understanding the relations between formal political institutions and society in contemporary Brazil, claiming that at least four different patterns of state-society links account for the articulation of the Brazilian society with politics and economy. From this perspective, sets of possible relations between mode of production, patterns of social action, and formal political institutions are

bureaucratic insulation, clientelism, corporatism, and procedural universalism. Of these four institutionalized patterns of relationships, only the procedural universalism clearly reflects the logic of the modern capitalist market. The other grammars (bureaucratic insulation, clientelism, and corporatism) have characterized periods of most noteworthy tensions in contemporary Brazil, in which the “balance” among the patterns of relationships has been compromised by governments that place excessive emphasis on one or two particular grammars, in order to *do politics*.

Several scholars have emphasized that, in contexts where ingredients like the subjection to the law and/or to public interest are less likely to occur, “particularistic practices—such as clientelism and corporatism—are more likely to emerge” (DaMatta, 1987, 1995; Mainwaring, 1991; Nunes, 1984; O’Donnell, 2007; Schmitter, 1971). Taking into account the policy-areas studied in this article, one may consider that, from this situation, some sort of paradox may be brought about. On the one hand, the insulation of key agencies’ bureaucrats (from clientelism, for instance), in the case of skill formation, may have helped to secure the necessary resources to maintain the incentive structure needed for agencies to attempt to carry out the president’s promises. In these terms, insulation did not imply failure to respond to popular demands; quite the opposite (Geddes, 1994). On the other hand, the insulation of administrative agencies (combined with clientelism, for example) could also be interpreted as posing important problems to democracy, since it creates the possibility that unelected officials can not only decisively impact policy-making (Dunn, 1999) but, most importantly, enjoy substantial advantages over elected officials and civic organizations, in terms of information and capabilities. In these terms—and considering that insulated bureaucratic agencies may also have “their own” agendas rooted in organizational needs or professional habits and discourse—they may potentially disregard public preferences (Fung, 2006, p. 679). In any case, these aspects became important obstacles for the reinforcement of a more accountable political order in the country.

In this sense, it is especially intriguing that bureaucratic insulation, as a specific *grammar*, helped not only to organize the Brazilian state-building process of the 1930s, but also the relations between formal political institutions and society during the democratization of the 1990s. As we will attempt to demonstrate in this piece, one difference between both cases studied in this piece (skill formation and cultural policy-areas) refers to the degree of bureaucratic insulation: extreme, in the former case, and moderate, in the latter.

3. Research design and methods

Ideational research focuses its analysis on institutional change from an agency-centred perspective. In this sense, what and how the change occurs is a result of people’s choice answering to the circumstances they face in their ordinary life. Politics arises when several agency-centred ones interact with each other and/or with specific institutions. Thus, change may be fast or slow, radical or incremental, and they are mainly result from people’s choices. As Béland and Cox (2011, p. 11) state, “the unique claim of ideational scholars is that these choices are shaped by the ideas people hold and debate with others. These ideas, in turn, are based on interpretations people have of the world and of those around them. There is a material reality, but it lends itself to many interpretations that open endless options for human agency. For this reason, the outcomes of any process of change are contingent. They are not predetermined and cannot be predicted”.

Ideas and preferences, when aggregated and captured by a representative, a government, a coalition or a political party are shaped into specific legislative processes and take diverse institutionalized formats in the sense to be orally communicated, such as speeches, Propositions, Laws, Acts, Constitutions etc. Once these ideas are formally expressed, it is possible to specifically identify and categorize the intentional connection of these inputs with an output (a policy) or a throughput (a managerial process). In this sense, the legislative process may be perceived as an “institutional talk”, representing ideas, social interactions, the diversity of identities and the institutional incentives itself (Heritage & Clayman, 2011).

As an exploratory investigation, and aiming to identify these ideas embedded in this institutionalized dialogue, we have applied the “qualitative content analyses”, which consists in a deductive category of analyses, whose goal is to validate a conceptual framework or theory by evidencing specific ideas. So, after the identification of all legislation (national and regional) related to our objects, we have selected some descriptive evidence to demonstrate the argument by quoting key excerpts from the data (Curtis et al., 2001; Hsieh & Shannon, 2005). As an exploratory study, the main intention is not to elaborate a “cognitive map” from a categorization of the data evidenced, but first to highlight important ideational aspects in different arguments which may lead to illuminate how these initial ideas have conducted a process of “institutional learning”, promoting the adaptation of specific ideas into institutional constraints, focusing on how the stiffening of ideas into norms may lead to the insulation of some public organizations through the institutional adaptation of their governance arrangements.

4. Skill formation policies & institutions in Brazil

The answer to the question *where the Brazilian skill institutions come from* must depart from the fact that Brazil was the last country in the world to abolish slavery, in 1888. In contrast to the cases of Germany and Japan—where the state policy actively organized the artisanal sector, strengthening the role of unions—or of the United States and Britain—where traditional corporate associations had been destroyed through liberalization (Thelen, 2007, p. 279)—the coalitional alignment among the three key groups (employers in skill-intensive industries, traditional artisans, and early trade unions) was absent in the nineteenth century Brazil. In this case, artisans (and emergent trade unions) were deliberately excluded from decision-making, especially during their formative years. Academically oriented education, in turn, was designed mostly “to fulfill the expectations of upper-class youth” (Teixeira, 1968, p. 50), “to train personnel for the governmental bureaucracy” (Silva, 1977, p. 3), or “to train doctors, engineers, and lawyers to serve the upper class” (Ribeiro, 1962, p. 11). All this increased the gap between the wealthy and the poor, at the same time it facilitated the insulation of the welfare within the hands of the haves.

In fact, the Brazilian industrial training policy gained momentum only in the 1940s, when Roberto Simonsen—a heavyweight participant in the design of the *Estado Novo* (1937–1945) economic policies, who considered vocational training central to the overall process of economic development—came up with the idea of creating skill formation policies and institutions to face the transition from the country’s heirloom of the slavery-based economy into a skill intense industrial system. Thus, in 30 January 1934, as a deputy representing the industrialists within the national constituent assembly, Simonsen delivered a speech stating that: *The economic order should be organized according to principles of justice and with the aim of establishing a standard of living compatible with human dignity* (Simonsen, 1934, p. 9).

Moreover, conceding that the Brazilian state could *stimulate and defend production, [and] protect labour*, the deputy specifically deplored the lack of vocational training among Brazilian workers, citing his own experience in this regard: *In my work as an engineer, I have regretfully verified that the most productive and best-paid positions, that is, those for skilled workers, are mainly occupied by foreign labourers, with national workers relegated to performing the heaviest and most thankless tasks due to their ignorance of specialized trades* (Simonsen, 1934, p. 27).

One year before Simonsen’s speech in parliament (1933), Getúlio Vargas had already delivered his own speech to declare that *the education which we need to develop to the extreme limits of our possibilities is the vocational and technical kind. Without it, organized work is impossible, especially in an age characterized by the predominance of the machine* (Vargas, 1938, Vol.1: p. 25, Vol.2: pp. 121–122). Therefore, both Vargas’ and Simonsen’s political discourses advocated the idea that the Brazilian industrialization process required a well-prepared workforce with skilled professionals, but not, necessarily, under a democratic regime.

In 1937, when the State of São Paulo's Industries Federation-FIESP membership elected Roberto Simonsen president (and of the National Confederation of Industry-CNI), Vargas cancelled the upcoming elections to declare himself dictator of a New State (*Estado Novo*). Soon after, Simonsen moved into Vargas camp, and his growing association with the Executive opened a window of opportunity for the creation of a partnership between federal government and the *paulista* industrialists in the skill formation policy-area. This window, however, did not include the industry employees in the design of the new policy. In fact, as we have seen, the emergence of Vargas' authoritarian regime aggravated the insulation (Nunes, 1984) of labour unions² from policy-making, especially with the imposition of a new constitution on the country. On this matter, as mentioned, Art.129 of the 1937 constitution³ stated, for instance, that industrial firms and employer federations should take over the *schools of apprenticeship* for their employees' children and associates, while basic education (*pre-professional education*) for the poor was *primarily the duty of the state*.

In order to make that article effective, Gustavo Capanema, Varga's minister of Education and Health, after some advances and setbacks with the CNI and FIESP, formed an inter-ministerial commission to issue a decree-law⁴ based on the argument that federal government could not afford to implement skill formation policies without the industrialists' economic support.

Nevertheless, annoyed at the government's formulation of such an important decree without prior consultation with FIESP, Simonsen stated that both employers' confederations (CNI and FIESP) would simply bypass the decree-law n.1.238 if the burden for funding vocational training was not shared by the state, workers, and industrialists. Moreover, in the name of FIESP, he also called for funding of training schools only in industrialized areas, in which the skills taught would be only those in greatest demand (Carone, 1977, pp. 273–284). Also, assuring the commission that *all industrialists recognize the necessity for and the advantages of expanding vocational instruction*, Simonsen argued that expanded vocational education would be useless unless incoming workers had better basic skills (FIESP, 1940). The inter-ministerial commission, in turn, was highly responsive to Simonsen's criticisms on behalf of FIESP⁵.

In late 1939, the commission presented to the ministries of Education and Labour a report that not only dismissed the distinction mentioned in decree-law n.1.238 between large and small industries, and called for tripartite funding (government, employers, and workers), but, most importantly, endorsed the FIESP view that only 10 to 15% of the industrial workforce performed tasks that required an extended period of apprenticeship. Most industrial workers, it noted, were *manipulators*, unskilled or semiskilled operatives who performed repetitive and easily mastered tasks (FGV-CPDOC, 1939).

While the industrialists' representatives were vociferous and systematic in their criticisms of Vargas *experts* that were responsible for designing decree-law n.1.238,⁶ the subservient character of most labour unions was demonstrated by the lack of contestation for the definitions of skill or appropriate instruction formulated by the government technicians.

Despite the fact that this distinction between skilled and semiskilled workers served only to define more clearly the parameters of apprenticeship, the question raised by the commission was what to do with about the 85% of the workforce that would not receive systematic vocational instruction? What would be the parameters of creating a vocational education policy, in late 1939, for an increasingly mechanized industrial sector in a society where the average urban worker still had less than two years of schooling in contrast to an average of eight or nine years in the United States and Germany? (Weinstein, 1997, p. 94).

In the report presented to the ministries of Education and Labour, the commission mentioned that reading, writing, and elementary arithmetic would be *useful instruments* to such workers. As for who would provide this instruction, the commission agreed with Simonsen that primary responsibility should lie with the federal government. Employers would be expected to provide the minimal

manual instruction necessary for the performance of semiskilled tasks. Beyond that, at most, employers should be encouraged to offer literacy courses or retraining programs on a voluntary basis.

In relation to the 10-15% of skilled workers, the commission presented three recommendations. First, that apprentices would study at existing *professional schools* and complete their education with a six-month internship in industrial enterprises. Second, it also suggested a procedure that involved rational selection of primary school graduates who would enter factories as apprentices. Third, where concentrations of factories requiring similar skills existed, a common apprenticeship centre would be set up to serve firms in the area, with regional councils overseeing both internship and apprenticeship courses.

While the inter-ministerial commission prepared a proposal of a decree-law, which included the creation of an organization to implement the new vocational education and training policy, the direct intervention of the industrialists in decision-making came, again, from Simonsen.

Only this time, expressing his general support for the commission's proposal, a FIESP report suggested specific modifications to improve the interaction between industry and training centres, including the expansion of the industrialists' administrative control, the reduction of the role of federal officials in management, and the elimination of worker's participation in the skill formation policy-area. Also, in somewhat of a turn around, Simonsen proposed that employers should assume full responsibility for funding the new training program, even though this would constitute an *onerous burden* for the industrialist class (FGV-CPDOC, 1941).

In fact, the reason why the industry leaders decided to accept the levy scheme may be related to the argument that such mechanisms tend to be more easily accepted by employers if they are targeted (sectorial or regionally), rather than universal, and if the levy is managed either locally or by corporatist federations (Smith & Billet, 2005). This argument fits in with the VET funding and financing models implemented in Brazil: it is sectorial and regionally targeted and managed by employers' corporations. Such scheme has worked for the last seventy years as an alternative to a national (centralized) funding model, ensuring a reliable budget that is independent of public resources and guaranteeing to the most industrialized areas of the country (especially the Southeast region) that they were the greatest beneficiaries of the program.

Nearly all conclusions of Simonsen's report were incorporated into a proposal of a decree-law presented by the inter-ministerial commission in December 1941, which included the creation of an organization to implement the new vocational training policy in the country, and of a levy scheme to fund it.

Thus, on 22 January 1942, the Executive issued decree-law n.4.048⁷ to create the National Industrial Apprenticeship Service-SENAI. According to it, all industrial companies should pay a compulsory contribution of 2.000 réis per employee per month (Art.4, §1), in order to finance the new VET institution.⁸ Conversely, on 30 January 1942, Vargas also signed the Organic Law of Industrial Training (decree-law n.4.073/1942),⁹ which brought the new institution (SENAI) under the umbrella of the Ministry of Education.

Therefore, while the SENAI decree-law (n.4.048/1942) was a call to action with a levy scheme to fund it, with the Organic Law (decree-law n.4.073/1942), the Executive made clear that the private sector was responsible for providing VET for the workforce *outside* the regular education system provided by the state. Moreover, by later including the Apprenticeship Law (decree-law n.4.481/1942¹⁰) in the legal landmark on which SENAI's activities are based, federal government made mandatory for industrial firms to employ 5% of all employees as apprentices (14 years old on), enrolling them in one of SENAI's VET courses.

Thus, the creation of the Brazilian vocational education and training system by decrees implied an important concession from Vargas' dictatorship to the industrialists: the emergence of a decentralized structure, in opposition to the *Estado Novo* centralism. It also revealed how the industrialists intervened in the formulation of social legislation under the *Estado Novo* by excluding workers and labour unions from decision-making. Since unions were not considered a key pillar of social partnership, the creation of SENAI allowed the industrialists to take credit for an initiative widely regarded as serving the nation's interests, while eliminating any formal participation by labour unions in the training process.

In these terms, SENAI's foundation was a clear-cut victory for industrialists. It created a training program specifically geared to the needs and interests of industry, virtually free of state intervention.

Therefore, the answer to the question *where skill institutions come from* in Brazil relies precisely on a combination of the authoritarian state's capacity for coercion with the private sector's preference for autonomy.

5. Skill formation institutional evolution

In order to address the question *how skill institutions have evolved in Brazil*, it is worth ascertaining the degree of their institutional continuity (and change) over the last decades.

We have seen that the creation of skill institutions took place under Vargas' dictatorship, which ended with the Second World War. Then, not only industry employers were absent in the design of the vocational training policy, but also unions were not considered a key pillar of social partnership. For that reason, the skill formation system was not shaped by the way *workers* defined their interests.

During the populist democracy (1945–1964), in order to face the new era of union mobilization of the post-Second World War period, leaders of the industry decided to invest considerable financial resources in the skill formation policy-area. However, the design of the policy promoted by industry employee during the democratic period (1945–1964) became an important ideological tool to restrict labour participation in decision-making, as well in the oversight of training (Weinstein, 2000). As a result of this situation, from 1942 to 1966, the levy scheme that funded the system was administered by the industry federations without any sort of oversight.

During the military dictatorship (1964–1985), however, the system gained more strength—which increased with the new democratic regime (1985)—and the political economy of skills of that period promoted both institutional continuity *and* change. On the one hand, the coalitional alignment that supported it over the years (which included industry employers and their confederation) did not really promote significant institutional changes, in terms of the functions of the skill formation system. However, on the other hand, the 1966 public administration reform drove institutional changes in the way the levy scheme was being managed, when the military created the National Institute for Social Security (INPS).

In fact, the new Institute represented an important adaptation to changes in the political and economic environment in which the military government was embedded, as its creation aimed—among other functions—to control, manage, and allocate funds collected by the payroll levy. Therefore, from 1966 to 1990—when the National Institute for Social Security (INSS) was created (by decree-law n.99/1990) -, the INPS helped the military to oversee, distribute and spend the financial resources of the system.

From another perspective, the idea of transforming Brazil into an industrial power led the military to regard skill formation as an indispensable policy for promoting technological innovation. In this sense, as an attempt to reinforce it, the federal government decided to implement (in 11 August

1971), a new strategy (Law n.5.692, art.5/6) to make professional training a compulsory part of secondary education. However, pressures for a more wide-ranging education focused instead on university entrance examinations (*vestibular*) led federal government to issue a decree-law (n.7.004) in 1982, which represented a backward motion in the attempt to integrate vocational training within the Brazilian educational system. In these terms, the institutional arrangement of the skill formation system turned out to be incredibly insulated and resilient in face of the changes that the military aimed to introduce.¹¹

The democratization of the political regime, in turn, brought about important debates related to skill institutions and policies, though the framework of the system remained the same. On the first occasion, deputies of the Constituent National Assembly (1987–88), while discussing what came to be art.149 of the new Constitution,¹² attempted to transform in 1987 the scheme of levy on payroll into a levy on firms' invoicing. Industry leaders and their federations, facing the threat of losing a reliable budget independent of public resources (levy on payroll), reacted almost immediately, collecting 1.6 million signatures to reverse the content of the piece of legislation that proposed a new collection method. As a result of the Constituent Assembly, the institutional reproduction of the system was, again, preserved, as it continued to be considered (and managed) as a private organization. Only this time, the bureaucratic commitment of the system's original founders gave way to more intense political disputes over the financial resources that came from the levy scheme (Cunha, 2000).

Just after the promulgation of the 1988 Constitution, the Central Workers Union Confederation (CUT), the most important Brazilian group of trade unions, engaged in the congressional debate over the design of a new education law (LDB). In relation to the skill formation system, CUT claimed, in 1989, that all levy funds for vocational training should be treated as public money and, as such, should be managed with full participation of workers. "Today," CUT's document stated, "we have an unsustainable situation in which the 1% payroll levy imposed on all industrial enterprises is administered by private organizations. These resources are public and should be managed as such" (1st ABC Metalworkers Congress, 1989, cited in Cunha, 2000). This same proposal was presented again in 1992 on the lower Chamber's floor, as an attempt to include it in the text of the new education law (LDB). In 1996, it was approved with no reference to the vocational education and training issue. In these terms, skill formation remained untouched and bureaucratically insulated.

However, Fernando Collor's administration reform of 1990 brought with it a significant change in the way the system's levy scheme was managed. By merging the National Institute for Social Welfare (INPS) with the Financial Administration of Welfare and Social Assistance Institute (IAPAS), the federal government created (by decree n. 99.350, on 27 July 1990), the National Institute for Social Security (INSS), which administered the payroll levy system from 1990 to 2007. Meanwhile, Fernando Henrique Cardoso issued (in 2 April 2001) a Provisional Measure (n.2.143/31) to create the Office of the Comptroller General (CGU)—an institution in charge of inspecting and auditing the system's funds.¹³

During Luís Inácio Lula da Silva administration, in turn, the Secretariat of the Federal Revenue of Brazil took over the attributions of the INSS, in 2 May 2007, to control and allocate the levy funds of the skill system. More recently (2016), the Commission of Economic Subjects (CAE) of the Lower Chamber received the Project of Law (n.386/2016), which aims at allocating part of the system levy scheme (30%) to finance the Brazilian Social Security. In 26 April 2017, the project was sent to the Federal Senate.

In any case, the argument that funds collected by the system's levy scheme are *public* (and should be managed as such) is based on the fact that they have been managed by public institutions, since 1966—in spite of the fact that its financial resources have been used (in terms of distribution and spending) in an insulated mode (see Table 1).

Table 1. Ideas, decrees, and laws in the skill formation policy-area in Brazil, 1933–2011

Act	Abstract
Getúlio Vargas' speech, 1933	Vocational training organizing industrial labour
Roberto Simonsen's speech, 1934	Industrial production with labour protection
1937 Constitution, art.129	Established apprenticeship as the industrialists' responsibility, while "education for the poor," the state's
1939 Decree-law n.1.238	Compelled enterprises with 500 or more employees to fund in-firms courses for professional improvement for minors and adults
1942 Decree-law n.4.048	Creation of SENAI and levy scheme
1942 Decree-law n.4.073	Organic Law of Industrial Training
1942 Decree-law n.4.481	Apprenticeship Law
1944 Decree-law n. 6.246	Changed levy contribution to insulate SENAI from inflation
1966 Decree-law n.72	Created the National Institute for Social Protection-INPS
1971 Education Law n. 5.692	Made professional training a compulsory part of secondary education (art.5/6)
1982 Decree-law n. 7.004	Suspended professional training as a part of the educational system; <i>vestibular</i>
1987–88 Constituent National Assembly	Industry federations present 1.6 million signatures collected to keep the levy payroll scheme
1989 1st ABC Metalworkers Congress of the Central Workers Union Confederation-CUT	Demanded that levy funds should be treated as public (and not private) money
1990 Decree-law n. 99.350	Dissolved INPS and IAPAS to create the National Institute for Social Security-INSS
1996 New Education Law-LDB	Did not mention vocational education and training
2001 Provisional Measure n. 2.143/31	Creation of the Office of the Comptroller General-CGU
2006 Decree n. 5.683	CGU audits and inspects the system's funds
2007	Secretariat of the Federal Revenue of Brazil takes over the attribution to control and allocate levy funds
2011 Law n.12.528	Creation of the National Truth Commission
2016 Law n.13.314	Creates the Ministry of Transparency, Inspection and General-Comptroller
2016 Project of Law n.386 (Senate)	Proposes to allocate 30% of levy funds to finance Social Security

Source: Authors.

6. Cultural policies & institutions in São Paulo—historical evolution

What ideas facilitated the hybridization between NGOs and the state of São Paulo government to deliver policies of culture during the 1990s? What institutional mechanisms have contributed to the maintenance of such hybrid model of management (*contractualization*) along time? These are important questions to be answered especially in a country where culture has not been considered an object of consensus by the political elite—in spite of the fact that actions in this policy-area date back the arrival of the Portuguese Court in Brazil, in 1808. Unlike other policy-areas, such as public security, education, and health, whose policy relevance has been widely recognized, culture did not receive a systematic or a continuous treatment along time. For that reason, this segment has been traditionally characterized by its permanent struggle for funding and for institutions able to ensure a minimal development for its programs.

Indeed, experiences of recent democratic administrations evidence that actions within this policy-area are usually deemed by public officers as volatile or transitory. One exception in this panorama took place between the 1930s and the 1960s, when an intense institutionalization of state-controlled culture bodies was witnessed (Miceli, 1984).

The conditions for the private sector to participate in cultural investments emerged in Brazil only with the transition to democracy, in 1985, with the creation of the Ministry of Culture-MinC (91.144/85),¹⁴ in 1985, and of the Sarney Act (7.505/86),¹⁵ in 1986. Nevertheless, during Fernando Collor administration (1990–1992), a minimalist vision of the state prevailed, and MinC was down-sized to a Secretariat of the President’s Office; with it, again, public funds decreased enormously.

A relative recovery of this situation occurred when funding systems were modernized, first, with the Rouanet Act (8.313/91),¹⁶ during Collor administration, then, with the Audiovisual (8.685/93) Act,¹⁷ in Itamar Franco administration (1992–1995). Both laws focused on the production of movies and audiovisual contents, which had been reduced to nearly zero when Embrafilme was closed down (Moisés & Botelho, 1997; Brasil Ministério da Cultura, 2007). They became the cornerstones to resume cultural activities. Other improvements in this policy-area also took place during Lula administrations (2003–2011) with the increasing state investment, producing public policies that strengthened the channels for cultural activities of minorities (Rubim, 2007).

In fact, the idea of the Brazilian “State Reform” of the 1990s subordinated cultural policies and institutions to a managerial logic about the organization of the state. Implemented by an administrative reform performed by the Ministry of Federal Administration and State Reform-MARE (Bresser Pereira, 1998), the reform had economic, political, fiscal, and managerial intentions to increase public careers’ and officers’ professional qualifications, as well the efficiency of public resources’ administration. Based on the argument that Brazil was in an enormous fiscal, administrative and political crises, and a reform was necessary to enhance the democratization process (Bresser Pereira, 1998, 2009; Romão Netto, 2016), several strategies were carried out: the creation of new civil servant careers; the privatization of economic activities managed by the market (like telephone services); the establishment of regulatory agencies; and the public planning and funding of social and scientific services which, being not exclusive of the state, were contractualized with civil society (Bresser Pereira, 1998, 2009).

In this context, not-for-profit foundations and NGOs that were qualified by the federal state as Social Organizations, in 1998, became responsible not only for performing activities that were considered socially relevant (Law 9.637/98),¹⁸ but also for the competences of civil servants of extinguished public institutions. These Social Organizations operate with public funds, according to the Management Agreement’s terms (Costin, 2005; Oliveira & Romão, 2006), which are designed not only to assist the administrative and tax organization of the state, but most importantly as an attempt to make responsible, efficient, and more effective public policies (Bresser Pereira, 1998, 2009; Bresser Pereira & Grau, 1999; Romão Netto, 2016).¹⁹

Moreover, since each state of the Brazilian federation can regulate such Management Agreement according to its own autonomous law processes, the state of São Paulo government, almost in a parallel historic movement, enacted Law n.846/98,²⁰ qualifying its first Social Organization in the health policy-area. In the cultural field, in turn, *contractualization* started in the 2000s, when the first partnership between the state government and not-for-profit civil organizations (Social Organizations of Culture) took place within the realm of the São Paulo State Secretariat of Culture.

According to Costin (2005, p. 114), by adopting a previously tested hybrid management model in the cultural policy-area, São Paulo innovated for recognizing its potential to provide administrative reasonability, and for considering this instrument an alternative to “bureaucratic chains of direct administration bodies,” which become a “serious problem when you deal with activities requiring the creativity, flexibility and promptness like the artistic activities.”

In this sense, Social Organizations helped, for example, the Secretariat of Culture of São Paulo to eliminate, in 2004, the precarization at work of 4,500 employees, ensuring them stable labour relations in terms of formal contracts and security benefits, according to the norms of the Ministry of Labour.²¹ Under these circumstances, the claim that hybridization was responsible for limiting

expenses with personnel and for establishing criteria to manage the public debt became robust. With it, flexibility in contracting qualified personnel (like musicians), and the simplicity that this model provided to deal with the huge state bureaucracy became other favourable arguments that reinforced the model (Costin, 2005; Romão Netto, 2015). Also, considering hybridization as a managerial idea, one could argue that the budget transference between Social Organizations²² illustrate the fact that the *paulista* local government has supported such hybrid model of partnership all these years because the transaction costs in re-assimilating new alternative models, and/or restructuring a whole bunch of professionals (human resources), would be much higher than keeping it. Perhaps for that reason, from 2004 to 2015, the number of Social Organizations raised from 2 (2004) to 27 (2015) and, with it, the budget distributed annually by the Secretariat of Culture to Social Organizations increased tremendously: from 1.8% of the total annual budget of the Secretariat, in 2004 (US\$517,000), to 80%, in 2014 (US\$ 147 million).²³

From the same perspective, others could argue that such hybrid model has been supported by a state of the Brazilian federation that has been governed, since 1994, not only by the same party, the PSDB (Brazilian Party of Social Democracy), but also by the same governor (Geraldo Alckmin), since 2001. However, considering the fact that the PSDB is a centre-right party, others could also argue that, if the State of São Paulo was governed by a party located at the left side of the ideological spectrum, the support to this hybrid model of partnerships would not exist.

Indeed, in 1998, during Cardoso administration, the Workers' Party and the Democratic Labour Party (PDT) introduced a petition (ADIN n.1.923/DF) in the Brazilian Supreme Court arguing for the unconstitutionality of the federal law that created the Social Organizations (n.9.637/1998). The core of the argument presented was that by contracting Social Organizations the state was not only restricting citizens' participation, but most importantly ensuring the private sector the right to provide non-exclusive public services. As a result of this situation, the parties argued, the state was privatizing public services, and masking a situation of non-compliance in relation to the workers' labour rights. The vote of the Supreme Court against the petition came only in 2015. It stated that governments had the right to transfer the operation of non-exclusive policies through the proper public bidding procedures.²⁴

Meanwhile, in 2002, the Workers' Party won the presidential election, and the elections of important municipalities (like São Paulo) and states (including Minas Gerais, and Bahia), and, instead of deconstructing the model of hybridization, PT supported and improved it in many ways. For example, during the mandates of governor Jacques Wagner (2007–2015), PT implemented the model of hybrid partnership in the policy-area of culture in the Bahia state; and from 2002 to 2016, governments qualified diverse new Social Organizations, both at sub-national, as well as at national levels,²⁵ and, in 2013, it created the Brazilian Association of the Social Organizations for Culture-ABRAOSC, in 2013.²⁶

Nevertheless, this model of management also created a “managerial mirror” through the insulation of the Social Organizations. As noted below, civil organizations qualified as Social Organizations became more an appendix of the public structure of governance, and from the possibility of the Managerial Contracts in 1998 (even though in the cultural field they were established only in 2004) the efforts of the governmental bureaucracy was in the sense to become the civil organizations qualified as Social Organization more “state like”, as well as to reorganize the governmental structure of the Secretariat of Culture to absorb and institutionalize managerial ideas and tools aiming to construct a political discourse in the sense of some “modernization” of the state. The last adequacy was made due to a judicial process that prevented the re-employment of the OS Pensarte Institute, which lead the Accounting Court of the State of São Paulo to investigate not only the suspicious of public call to recontract the OS, but also the mechanisms through which, without another public bidding, the resources to manage the policies delivered by the Pensarte Institute were transferred to another contracted Social Organization, the Sisters Marcelina. The solution of the Secretariat to the future, as seen below, was to publish a Law permitting this financial movement once the Secretary publish an authorization (see Table 2).

Table 2. Main ideas and institutional learning of the secretariat of culture

Law/act	Abstract	Idea attached	Excerpt	Institutional learning
846/1998	Refers to the <i>qualification</i> of organizations as social organizations (Original text in the Legislative Assembly website)	Managerialism; Hybridity	Article 6—For the purposes of this complementary law, a Management Contract is understood as an instrument signed between the Public Authorities and the entity qualified as a social organization, with a view to forming a partnership between the parties for the promotion and execution of activities related to the Area of health or culture	Beginning of the Reform of the State in São Paulo. Possibility of Managerial Contracts between regional government and civil organizations on the deliverance of public policies. Public x private hybridization
43.493/1998	Refers to the <i>qualification</i> of social organizations in the field of culture	Managerialism; Hybridity	Article 6—The execution of the Management Contract will be supervised by the Secretary of Culture, through an evaluation committee, appointed by the Secretary of Culture	Institutionalization of the norms to the establishment of the Management Contract and the composition of an <i>appointed auditing commission</i>
50.611/2006	Redesigns and includes provisions, defining Decree N.43.493 of 29 September 1998, which provides the <i>qualification</i> of social organizations in the field of culture	Managerialism; Hybridity	Article 4—Members of the board, managers and directors of social organizations in the field of culture are prohibited of exercising a managerial position or a function of trust in the Secretariat of Culture	Prohibits the sharing of employees between Social Organizations and the government and establishes <i>criteria for contracting and remuneration of human resources</i> by the SO
50.941/2006	Reorganizes the Department of Culture	Managerialism; Hybridity	Article 2—The functional field of the Secretariat of Culture is: I—formulation, planning, coordination and execution of the State’s cultural policy; II—formulation, proposal of guidelines, planning, coordination and strategic control [...]	<i>Reorganizes the administrative structure of the Secretariat of Culture</i> of the State do São Paulo
53.330/2008	Adds one paragraph to Article 3 of Decree N.43.493 of 29 September 1998, which provides the <i>qualification</i> of social organizations in the field of culture	Managerialism; Hybridity	Sole Paragraph—The provisions of the “caput” of this article do not apply if the qualification is postulated exclusively for the execution of activities in a museum that does not have relevant artistic assets, as defined by the Culture Secretariat	Qualifies what is “execution of activities in a museum that does not have relevant artistic heritage”, opening the opportunity to the <i>qualification of an SO without previous experience</i> of 03 years in the management of museums
10/2008	Qualifies legal entities of private, non-profit and social organizations in the cultural policy-area	Managerialism; Hybridity	Considering: The guidelines of the State’s cultural public policy regarding its objectives and social achievements; The establishment of a partnership with organized civil society to carry out cultural projects; Optimization of public resources allocated; The improvement and improvement of the public services provided to the population, decides: [...]	Call for interested NGOs interested in being qualified as Social Organization of Culture
54.340/2009	Adds provisions to the Decree N.43.493 of 29 September 1998, providing the <i>qualification</i> of social organizations in the field of culture. Creates fund for contingencies related to the implementation of the work program of Social Organizations	Managerialism; Hybridity	Article 1—[...] VI—establishment of a reserve of resources for contingencies related to the implementation of the program of work ...	Determines the <i>creation of Reserve Fund</i> by the SO from percentage of the resources passed through the state via Management Contract

(Continued)

Table 2. (Continued)

Law/act	Abstract	Idea attached	Excerpt	Institutional learning
16/2011	Establishes the <i>Communication System of the State Secretariat of Culture</i> —SICOM	Managerialism; Hybridity	Paragraph 1—The activity related to institutional communication includes: I—coordination of actions related to advertising, public relations, promotions, events and other related activities of the entire State Secretariat of Culture and qualified social organizations; III—the monitoring and supervision of the activities of planning, creation, creation and delivery of advertising campaigns, as well as promotions and events of the entire State Secretariat of Culture and qualified social organizations	<i>Centralization of the official communication of the activities of the Culture Secretariat, including the activities developed by the SO</i>
58.052/2012	Regulates the Federal Law N.12.527, of 18 November 2011, which regulates the access to information, and gives related measures	Managerialism; Hybridity	Article 2—The fundamental right of access to documents, data and information shall be ensured by: I—observance of publicity as a general precept and secrecy as an exception; [...] V—fostering the development of the culture of transparency in public administration [...]	<i>Creates transparency procedures for entities of the State and to not-for-profit organizations that receive public funds to carry out activities of public interest</i>
59.046/2013	Creates the units specified and amending Decree N. 50.941, of 5 July 2006, which reorganizes the Secretariat of Culture and gives related	Managerialism; Hybridity	Article 1—The following units are created in the Culture Secretariat: Indicated: I- Monitoring Unit for Management Contracts, directly Subordinate to the Secretary	<i>Creates an specific administrative unit in the Secretariat to oversee the Management Contracts</i>
110/2013	Provides the application of administrative penalties by Federal Law N.8.666/1993 and State Law N.6.544/1989, under the Management Contracts concluded by the São Paulo State Culture	Managerialism; Hybridity	Art.2—The penalties will be applied in compliance with the principles of reasonableness, proportionality, as well as the nature and seriousness of the infraction and the damages that come from it for the public service	<i>Establishes penalties for non-compliance with the Management Agreement by OS</i>
60.106/2014	Regulates Federal Law N.12.846, 1 August 2013	Managerialism; Hybridity	Article 2—The establishment and judgment of an administrative process of accountability, for the purposes of article 8 of Federal Law 12.846, of 1 August 2013, will be: II—in the indirect and foundational Administration, to the superior officer of each entity	<i>Regulates on the administrative and civil responsibility of fiduciary agents for the practice of acts against the public administration</i>
60.428/2014	Approves the Code of Ethics of the State Public Administration, and redesigns Decree N.57.500, 8 November 2011	Managerialism; Hybridity	Considering that the control of the acts of the Public Administration, imperative of Good governance, is essential to democracy, constituting a right of the citizen [...] Article 2—The Code of Ethics of Public Administration shall be available in all organs and entities of the Public Administration subject to its norms, in a visible place and of easy access to the public	<i>Establishes a code of ethics for the Public Administration</i>

(Continued)

Table 2. (Continued)

Law/act	Abstract	Idea attached	Excerpt	Institutional learning
60.681/2014	Amends Decree N.43.493 of 1998, which provides the <i>qualification</i> of social organizations in the field of culture	Managerialism; Hybridity	Article 6—The execution of the Management Contract concluded by the social organization of the area of culture shall be supervised by the Secretariat of Culture, through its competent units, and periodically analysed by the Commission for the Evaluation of the Execution of Management Contracts of the Social Culture	<i>Creates an independent commission to oversee the Management Contracts and determines its composition</i>
101/2015	Approves the Reference Model of the <i>Management Agreement</i> to the contract of Social Organizations of Culture	Managerialism; Hybridity	Considering the opportunity to improve the parameterization of norms and procedures related to Management Contracts within the scope of the Secretariat of Culture RESOLVES: Article 1—Approve the Minutes-Referential of the Contract of Management of the Secretariat of Culture of the State of São Paulo with Social Organizations of Culture	<i>Establishes a pattern to the Management Contracts between the government, especially in its cultural field, and the qualified Social Organizations</i>
61.832/2016	Constitutes the changes at the structure of the Culture Secretariat and gives related providences	Managerialism; Hybridity	Article 2—The denomination of the following units of the Secretariat of Culture is changed in the following conformity: I—of Unit of Promotion and Diffusion of Cultural Production for Unit of Promotion to the Culture	<i>Reorganizes the administrative structure of the Secretariat, separating the activities of cultural development from those of Diffusion and Cultural Production, which relocated some Management Contracts from one unit to another</i>
62.528/2017	Establishes, for the purposes it specifies, guidelines referring to the execution of Management Contracts with social organizations mentioned in Supplementary Law 846 of 4 June 1998	Managerialism; Hybridity	Article 4 [...] e) If the subject of the Management Contract is again submitted to a public call, the resources of the contingency reserve referred to in this paragraph may, with the authorization of the Secretary of Culture, be transferred to the new contracted social organization, for the constitution of a new contingency reserve and with the same purpose	<i>After a judicial process that prevented the re-employment of SO Pensarte Institute, it determines the need for legal framework for hiring these organizations in the “Management Contract” modality, as well as determines criteria for the reallocation of resources between different Social Organizations for the same purpose</i>

7. Final remarks

This paper has demonstrated that ideas related to economic development and political democracy forged hybrid designs of partnerships to deliver public policies beyond the Brazilian state.

In the case of skill formation, hybridity promoted an extreme insulation of vocational education and training policies and institutions not only because industrialists would rather take sole responsibility for training a portion of the skilled labour force, but especially because they did not consider the democratic outcome in their equation. Moreover, the insulation of the Brazilian vocational education and training regime from the economic environment (and crises), as well as from the regular public educational system, is precisely the source of its resilience. The piece of legislation that is been discussed within the Senate, proposing to allocate 30% of the levy funds to finance Social Security, does not seem to succeed, especially considering the actual contours of the economic and political crises the country is going through.

From another perspective, the idea of an administrative reform promoted by the PSDB in the mid-1990s to improve the deliverance of public policies in Brazil opened up a window of opportunity for the emergence of partnerships between Social Organizations and both levels of governments of the Brazilian federation. In this context, if at its outset, political parties of opposition were resilient to this hybrid model of partnership, the institutional framework designed to sustain it disseminated along time, contributing to improve, for example, the precarious system of human resources of the Secretariat of Culture of the State of São Paulo.

Also, the design of hybridity that emerged from the State Reform of the mid-1990s—in which civil organizations qualified as Social Organizations have managed the way public policies are delivered—promoted, in turn, a moderate bureaucratic insulation. In fact, the fiscal and administrative benefits that stem from this type of hybridity is associated with the idea that it has increased the quality of the Brazilian democracy, serving as a pedagogic apparatus to the civil society (Bresser Pereira, 2009; Romão Netto, 2015, 2016).

In both cases, what remains to be studied is the effectiveness of hybridity, in terms of the quality of democracy (accountability, responsiveness, and political transparency), and of the quality policies it has delivered *beyond the state*.

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Notes

1. *Contractualization* is a term which defines the establishment of the public goals that must be achieved through the ratification of a Management Agreement between the state and a civil society organization (NGO).
2. On the limits imposed on workers' activism, then, see DeDecca (1981), Draibe (1985), and Weinstein (2000).
3. https://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao37.htm. Accessed on 21 May 2017.
4. Decree-law n.1.238 (of 2 May 1939) compelled enterprises with 500 or more employees to fund vocational education in-firms by offering courses for professional improvement for minors and adults that were to be defined by an inter-ministerial commission appointed by the ministries of Labour and Education. See <https://www2.camara.leg.br/legin/fed/decrei/1930-1939/decreto-lei-1238-2-maio-1939-349345-publicacaooriginal-1-pe.html>. Accessed on 21 May 2017.

5. On these and subsequent developments, see especially (Weinstein, 2000), on which we draw here.
6. Simonsen denounced the law school graduates, who allegedly dominated the government bureaucracy, for their ignorance of domestic conditions. According to Weinstein (1997), the group that formulated this initial legislation on vocational training was not directly linked with either workers or employers. Instead, technicians in the ministries of Education and Labour were responsible for the formulation of decree-law n.1.238.
7. https://www.planalto.gov.br/ccivil_03/decreto-lei/1937-1946/Del4048.htm. Accessed on 21 May 2017.
8. On 2 February 1944 (decree-law n.6.246), this contribution changed to 1% of the monthly payroll, in order to insulate SENAI from the effects of inflation. See https://www.planalto.gov.br/ccivil_03/decreto-lei/1937-1946/Del6246.htm. Accessed on 21 May 2017.
9. https://www.planalto.gov.br/ccivil_03/decreto-lei/1937-1946/Del4073.htm. Accessed on 21 May 2017.
10. https://www.planalto.gov.br/ccivil_03/decreto-lei/1937-1946/Del4481.htm. Accessed on 21 May 2017.
11. From a political perspective, it is worth noting that the intersections between FIESP with the military governments were brought about by the National Truth Commission (created by Law n.12.528, in 28 November 2011). Disclosing secret documents produced by the National Information Service (SNI) that have been found in the National Archive, the Commission demonstrated the collaboration between the FIESP's Permanent Group of Industrial Mobilization with the repressive apparatus, especially in "providing the necessary material to military operations." Among these operations was the *Banderantes Operation* (OBAN)—a police station that was transformed in 1969 into a place where opponents of the military regime were tortured in São Paulo. For further information, see www.cnv.gov.br.
12. The 1988 Constitution (Art.149) establishes three types of contributions to be collected by the state: (i) social contributions, (ii) contributions for intervention within specific economic fields, and (iii) contributions in the interest of professional sectors. The paragraph related to social contributions provides legal basis for the

- existence of eleven contributions that range between 1% and 2.5% on payroll. Contributions collected by the state and passed on to private organizations may be used, according to specific legislation, to provide professional training (CGU, 2009).
13. In 24 January 2006, Decree n. 5.683 altered the CGU structure, creating the Secretariat of Prevention of Corruption and Strategic Information (SPCI). Since 17 September 2013, the Secretariat of Transparency and Corruption Prevention (STPC) substituted the SPCI (decree n.8.109/2013), and, in 2016, it became part of the Ministry of Transparency, Inspection and General-Comptroller (created by the Provisional Measure n.726, becoming Law n.13.314, in 29 September 2016).
 14. <https://www.cultura.gov.br/documents/10883/12503/decreto-criacao-minc.pdf/44fecef5-12b2-4af7-a526-1b9b7768ff74> Accessed on 21 May 2017.
 15. https://www.planalto.gov.br/ccivil_03/Leis/L7505.htm Accessed on 21 May 2017.
 16. https://www.planalto.gov.br/ccivil_03/leis/L8313cons.htm Accessed on 21 May 2017.
 17. https://www.planalto.gov.br/ccivil_03/leis/L8685.htm Accessed on 21 May 2017.
 18. https://www.planalto.gov.br/ccivil_03/leis/L9637.htm Accessed on 21 May 2017.
 19. Several aspects of this reform were inspired in the British Reform, especially in what concerns the QUANGOS (Quasi Non-Governmental Organizations). On this theme, see Skelcher (1998).
 20. <https://www.transparenciacultura.sp.gov.br/organizacoes-sociais-de-cultura/legislacao/> Accessed on 21 May 2017.
 21. <https://www.transparenciacultura.sp.gov.br/wp-content/uploads/2016/03/2016.03-Boletim-UM-n.-2-RY.pdf> Accessed on 21 May 2017.
 22. From 2007 to 2014, the budget allocated in eight Social Organizations, whose contract had been broken for several reasons (including corruption), was simply transferred to new contracted OSs (Romão Netto, 2015). One example of this case is the new contract (n.31/2008) that stated (on p. 46) that, in order to maintain the hybrid model of partnership, the incoming Social Organization (Santa Marcelina Association) should organize and offer the same cultural activities that were proposed by the former organization (Friends of Tom Jobim Music Centre) (DOESP, 2008).
 23. <https://www.transparenciacultura.sp.gov.br/organizacoes-sociais-de-cultura/legislacao/> p. 6. Accessed on 21 May 2017.
 24. For the Supreme Court's vote, see. https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/Voto_ADI1923LF.pdf Accessed on 21 May 2017.
 25. In April 2016, for example, Dilma Rousseff had started the qualification of a new Social Organization to manage the *Cinemateca Nacional* (the national repository of Brazilian films). https://www.cultura.gov.br/noticias-destaques/-/asset_publisher/OiKX3rI9iTn/content/id/1337966 Accessed on 21 May 2017.
 26. Today, the association is composed by 25 Social Organizations in states governed by distinct political parties, including São Paulo (PSDB), Minas Gerais (PT), Rio de Janeiro (governed by the Social Democrat Movement Party—PMDB), and Pernambuco (governed by the Socialist Brazilian Party—PSB). <https://abraosc.org.br> Accessed on 21 May 2017.
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