

APPOINTMENTS FOR COMMISSIONED POSTS AND INTEREST GROUPS: USES, MOTIVATIONS, AND CHALLENGES PRESENTED IN RECENT RESEARCH¹

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ABSTRACT

Public appointments have been of interest to researchers and public managers for a long time, becoming an important field for understanding the relationship between politics and bureaucracy. From a review of the literature of the last ten years, this essay aims to discuss the main motivations, criteria, and challenges related to the process of choosing free appointment employees and proposes an advance in the theory on the subject so that the relationships of actors outside the public sector with public nomination processes. The review results show that political control is the primary motivation addressed in recent literature, and loyalty to the ruler is the most important criterion of choice, indicating a significant challenge to reconcile political influence and meritocracy in the appointment process. Studies focus on politicians and bureaucrats participation in the appointment process as if they considered that only these actors influence and are influenced by the selection of senior civil servants. However, other interest groups also participate, contributing both to senior civil servants individual choice and the outline of the institutions that govern the appointment process.

Keywords: Public appointments. Political appointments. Senior civil servants. Bureaucracy.

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NOMEAÇÕES PARA CARGOS COMISSIONADOS E GRUPOS DE INTERESSE: USOS, MOTIVAÇÕES E DESAFIOS RETRATADOS EM PESQUISAS RECENTES

As nomeações públicas despertam o interesse de pesquisadores e gestores públicos já há bastante tempo, se tornando um campo importante para a compreensão das relações entre a política e a burocracia. A partir de uma revisão da literatura dos últimos 10 anos, este ensaio tem como objetivo discutir as principais motivações, critérios e desafios relacionados ao processo de escolha para os cargos públicos de livre nomeação, propondo um avanço na teoria sobre o tema, para que sejam discutidas as relações de atores externos ao setor público com os processos de nomeações públicas. Os resultados da revisão mostram que o controle político é a principal motivação abordada na literatura recente, e a lealdade ao governante é o mais importante critério de escolha, indicando como grande desafio, conciliar a influência política e a meritocracia no processo de nomeação. Os estudos se concentram na participação dos políticos e dos burocratas no processo de nomeação, como se considerassem que apenas estes atores influenciam e são influenciados pela escolha dos altos funcionários públicos. No entanto, outros grupos de interesse também participam, contribuindo tanto para a escolha individual dos altos funcionários públicos quanto para o contorno das instituições que regulam o processo de nomeação.

Palavras-chave: Nomeações públicas. Nomeações políticas. Altos funcionários públicos. Cargos de livre nomeação. Burocracia.

LA DESIGNACIÓN DE CARGOS ENCARGADOS Y GRUPOS DE INTERÉS: USOS, MOTIVACIONES Y DESAFÍOS REPRESENTADOS EN INVESTIGACIONES RECIENTES

Los nombramientos públicos han sido de interés para investigadores y gerentes públicos durante mucho tiempo, convirtiéndose en un campo importante para comprender la relación entre política y burocracia. A partir de una revisión de la literatura de los últimos 10 años, este ensayo tiene como objetivo discutir las principales motivaciones, criterios y desafíos relacionados con el proceso de elección de empleados con cita libre, y propone un avance en la teoría sobre el tema, para que las relaciones de actores fuera del sector público con procesos de nominación pública. Los resultados de la revisión muestran que el control político es la principal motivación abordada en la literatura reciente, y la lealtad al gobernante es el criterio



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más importante de elección, lo que indica como un desafío importante para conciliar la influencia política y la meritocracia en el proceso de nominación. Los estudios se centran en la participación de políticos y burócratas en el proceso de nominación, como si consideraran que solo estos actores influyen y están influenciados por la elección de los funcionarios superiores. Sin embargo, también participan otros grupos de interés, que contribuyen tanto a la elección individual de los funcionarios públicos superiores como al esquema de las instituciones que rigen el proceso de nominación.

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Palabras clave: Nombramientos públicos. Nombramientos políticos. Altos funcionarios públicos. Burocracia.

INTRODUCTION

Public appointments, especially of senior civil servants, impact the quality and performance of governments (ANDERSEN, 2018; FUENZALIDA; RICCUCCI, 2019; GALLO; LEWIS, 2012; GILMOUR; LEWIS, 2006), the control of corruption (e.g. BERSCH; PRAÇA; TAYLOR, 2017; OLIVEROS; SCHUSTER, 2018), administrative efficiency (BILHIM, 2013, 2017) and the alignment between political and administrative structures (ABERBACH; ROCKMAN, 1988), representing an important form of connection between politicians and bureaucrats, the State and society, and elected governors and governed (FLINDERS; MATTHEWS, 2010), as well as a determining component in the autonomy and strengthening of public organizations (SCHNEIDER, 1991).

Given this relevance, the appointments of senior servants are a constant object of studies on public administration, and, despite the plurality of research in this field, most of the work has focused on the relationship between politics and bureaucracy, dedicating itself to understanding strategies patronage (FLINDERS; MATTHEWS, 2010; PANIZZA; PETERS; RAMOS LARRABURU, 2019) and meritocracy in public appointments (CHUDNOVSKY, 2017; PARRADO; SALVADOR, 2011; POOCHAROEN; BRILLANTES, 2013), whether from the perspective of the need for control about bureaucrats, that is, from the point of view of protecting bureaucracy against political influence (ABERBACH; PUTNAM; ROCKMAN, 1981; DOHERTY; LEWIS; LIMBOCKER, 2019; FUENZALIDA; RICCUCCI, 2019; GEDDES, 1994; JOHNSON; LEWIS, 2018; LEE, 2018).

However, despite the impacts of occupying freely appointed positions on the results of governments for the entire population, the literature has explored only the participation of Presidents, other elected politicians, and bureaucrats, identifying only political parties as other

stakeholders, remaining to advance in research on other interests and relationships that influence the appointments of senior civil servants (LOPEZ; PRAÇA, 2018), as well as its implications not only in the governability but also in the improvement of the public governance (PANIZZA; PETERS; RAMOS LARRABURU, 2019; SANCINO; SICILIA; GROSSI, 2017).

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Aiming to contribute to filling these gaps, this essay aims to discuss the panorama of recent research on discretionary public appointments, organizing information about their uses, motivations, and challenges. Based on this discussion, this essay proposes the inclusion of other actors, external to the State, in studies related to the occupation of high-level positions to explore how groups interested in the implementation of specific public policies can influence institutional arrangements adopted for the selection of senior civil servants, an aspect that has not been dealt with in the literature until now.

1 PUBLIC APPOINTMENTS IN RECENT LITERATURE

Public appointments can be studied from different paths and with different objectives and variables. To identify these studies' panorama, a systematic literature review was carried out, based on the PRISMA (*Preferred Reporting Items for Systematic Reviews e Meta-Analyzes*) approach, proposed by Moher and collaborators (MOHER et al., 2009). The literature survey was carried out on the academic bases *EBSCO – Academic Search Premier, Sage Journals, Scopus, Scielo, Spell e Web of Science*, using the terms "*public appointments*", "*prolitical appointments*", and "*executive appointments*" and their correspondents in Portuguese and Spanish.

The searches involved scientific articles published between January 2009 and September 2019 and initially resulted in 569 papers. After excluding duplicate studies and reading the titles and abstracts, 115 articles remained, which apparently were related to the purpose of the survey, to identify the studies that dealt with the occupation of freely appointed positions. From the complete reading of these studies, 61 papers were selected that specifically dealt with discretionary public appointments, involving at least one of the following aspects: actors involved, objectives, impacts, characteristics, motivations or strategies, and arrangements used in the appointments.

Among the selected works, it was possible to notice an increase in the number of publications in recent years, going from three in 2009 to 11 in 2018. In 2019 there were already seven works published on the subject until September. Most of the studies identified (90%) are based on empirical research, and only six are theoretical reflections. More than half

of the articles (54%) dealt with senior government appointments, seven addressed the appointments of judges, and two discussed ambassadors' appointments. The rest of the work dealt with appointments at all government levels or did not specify what positions they were referring to.

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About empirical research, there is a balance between the use of qualitative (47%) and quantitative (40%) methods, and a small portion of the studies (13%) used both methodological approaches. There is a clear concentration of studies that used data from the United States (42%), surpassing all countries in Europe, which were present in 27% of empirical research, and Latin America, covered in 18% of the articles.

The most common central theme in studies is the interaction between politics and bureaucracy, exploring aspects related to public appointments' politicization, including the influence of parties, their effects on bureaucracy control and the performance of organizations, and related discussions patronage and political patronage. Then, parliament's participation in the approval of appointments, especially the Senate, is the most repeated theme, investigating the times and delays in appointments and evaluations of candidates and the criteria used by Senators to approve or disapprove any name. The motivations and institutional arrangements for the appointed' choices also stand out among the most studied themes, including the dilemmas between the preference for loyalty or competence and between the criteria of trust or meritocracy and the procedures adopted in the selection of seniors public workers. Finally, the reasons for survival in the position and the causes and implications of the rotation in the positions of free appointment close the list of the studies' central subjects included in the revised literature. These themes will be discussed below.

1.1 MOTIVATIONS, CRITERIA AND RESULTS OF PUBLIC APPOINTMENTS

In democracies and contemporary states, governance reflects a shift in the distribution of power, marked by a preference for diluting large public organizations into smaller, more flexible structures, which imposes new challenges in terms of the ability to coordinate and control elected politicians over bureaucratic structures (FLINDERS; MATTHEWS, 2010). Public governance models are increasingly dependent on administrative structures, which exercise delegated power to formulate and implement public policies, giving bureaucrats a preponderant role in achieving the results expected by elected politicians (DOHERTY; LEWIS; LIMBOCKER, 2019).

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While the bureaucrats have the information and the means necessary for implementing public policies and the execution of the State's administrative activities, the political class has the power to edit rules, allocate resources, and, above all, appoint officials to strategic positions. However, in this balance, bureaucrats have an advantage over politicians in influencing state activity results, especially due to their position within public organizations, their specialized knowledge, and the asymmetry of information resulting from privileged access to resources and State actions (MEIER; O'TOOLE, 2006).

In this context, the Presidents seek to allocate in key positions of the State employees who are aligned with their agendas or who are at least responsive to their demands, avoiding that conflicting interests are prioritized within public organizations (DAHLSTRÖM; HOLMGREN, 2019). Thus, political control is the most common motivation for political appointments (KOPECKÝ et al., 2016), and at the same time, appointments represent the most important tool for controlling bureaucracy (ALADALAH; CHEUNG; LEE, 2018). In addition to this control, appointments are used as an important resource for managing the President's relations with Congress, with political parties, and with other interest groups (LEWIS, 2011), and can also serve to reward supporters or in exchange for personal favors (KOPECKÝ et al., 2016), creating a fine line between political patronage and clientelism.

In general, the literature on political influence in public appointments treats clientelism and patronage as synonyms, although there are different objectives for this influence, as well as different means to achieve the desired results (PANIZZA; PETERS; RAMOS LARRABURU, 2019). Clientelism denotes a negative practice, harmful to the State (SANCINO; SICILIA; GROSSI, 2017), where politicians exchange material advantages for votes or other electoral favors (KOPECKÝ et al., 2016), and is used especially under the influence of political parties as a way of expanding its power over state organizations (SCHERLIS, 2013).

Patronage can be used both to increase the power and influence of patrons through customers, as well as in the search for broader objectives (BEARFIELD, 2009). In other words, patronage may involve other objectives besides the simple electoral advantage, and clientelism is only one of the ways in which it materializes. Bearfield (2009) proposes four styles of patronage: organizational patronage, used to create or strengthen political organizations; democratic patronage, which seeks to achieve democratic goals through patronage; tactical patronage, which uses appointments to serve political parties or other interest groups in order to achieve political goals; and reform patronage, which arises when

those who wish to change the existing patronage system, use the same practices as a way to replace the corrupt political regime that preceded them.

That is, patronage does not involve only negative aspects, it can be used to move the bureaucracy in the path desired by politicians, who, in democracies, represent the will of the population (JIANG, 2018). Its preliminary characteristics are the trust established between the patron and the client, the asymmetry of power between the parties involved, and reciprocity between the actors in relation to the expected returns and, although it may occur in other ways, it is through public appointments that political patronage becomes more effective (BEARFIELD, 2009; PANIZZA; PETERS; RAMOS LARRABURU, 2019).

In the political use of appointments, loyalty to the President is one of the main criteria used in choosing appointed, especially for the highest positions (KRAUSE; O'CONNELL, 2019), as well as the candidate's ideological proximity to government agendas (WATERMAN; BRETTING; STEWART, 2015). However, despite the importance of politicizing appointments for the control of the bureaucracy, its application based only on the criteria of loyalty and ideology, disregarding technical competence, reflect negatively on the performance of organizations and may have an opposite effect on the objective of doing with that public policies are implemented (BRESLER-GONEN; DOWDING, 2009). Political appointments also reflect public opinion on government priorities: the population's perception of a given policy is positively associated with competency-based appointments and negatively associated with those based on patronage or clientelism, also reflecting in the same way, on the support for government decisions (HOLLIBAUGH, 2016, 2017).

The ideological bias in appointments and the criterion of loyalty also influence the turnover of appointed, especially those of high rank, who are either removed from office, especially in the beginning of governments, for not meeting these criteria, or prefer to leave on their own justly for not agreeing with current government ideals (CORNELL, 2014; DOHERTY; LEWIS; LIMBOCKER, 2019; LOPEZ; BUGARIN; BUGARIN, 2014). This behavior, of course, has negative effects on the continuity of public policies and on the performance of organizations, since, in general, the technical knowledge of the appointed based on these criteria is generally lacking, and they are led to abandon previous projects to replace them with the agendas of the new government (CORNELL, 2014).

If, on the one hand, politicians want to implement specific public policies, form their party coalitions, or reward allies, on the other hand, the bureaucracy that operates the public machine may have other aspirations, such as self-protection or ideological positions different from the current government (DOHERTY; LEWIS; LIMBOCKER, 2019), seeking to prevent



the politicization of appointments to maintain their independence and preserve their jobs (YAZAKI, 2018). Thus, the greater the professionalization of the bureaucratic structure and the independence that organizations offer decision-makers, the lower the degree of politicization of appointments (HOLLIBAUGH, 2018). In other words, patronage-based appointments tend to be smaller in organizations where arrangements already exist that limit the appointment and removal of decision-makers, thus conferring greater independence to them, thus being linked to both the objectives that are intended to be achieved, regarding the structures of organizations (HOLLIBAUGH, 2018).

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In contrast to patronage-based appointments, the use of merit and competence as criteria for choice has been valued over time, especially as it represents impartial management and contributes to improving efficiency in public management (BILHIM, 2013, 2017) and with the reduction of corruption in state organizations (BERSCH; PRAÇA; TAYLOR, 2017; OLIVEROS; SCHUSTER, 2018). In general, patronage-based appointed have less expertise for implementing public policies, mainly because they are largely outside public organizations (LEWIS, 2011). In professional bureaucracies, Presidents have a large group of State officials with sufficient competence to implement public policies, however, they may want to not effectively engage in the policies of preference to the head of State (LEE, 2018).

So, while career bureaucrats, appointed on merit, may not be willing to implement government agendas, appointed from outside the public sector may want to implement them but may not be able to do so (BRESLER-GONEN; DOWDING, 2009). That is, in both cases, there will be a trade-off between greater loyalty and greater competence, which can be minimized by choosing bureaucrats who are ideologically aligned with the priorities of governments, and with the use of other means of political control (BRESLER-GONEN; DOWDING, 2009; LEE, 2018).

The institutional arrangements adopted in the appointed selection or selection processes can favor both greater political control, conferring greater discretion on the Presidents, as well as the professionalization of state bureaucracy, establishing mechanisms that contribute to meritocracy and the choice based on technical competence. These arrangements, in different countries, vary both in relation to the origin of the appointed and in relation to the selection procedures, reflecting a greater or lesser extent the possibilities of political influence in the bureaucracy. As for the origin, the appointed can be an external agent of the bureaucracy or exclusively a career employee. The selection procedures, in general, include the free choice of the President, either based on minimum qualification and

experience criteria or other criteria that suit him; the prior assessment of parliament; the use of independent commissions; or the choice by peers. (KRAUSE; LEWIS; DOUGLAS, 2006).

Choice processes can also contribute to good governance, introducing more transparent practices and counting on other actors' participation besides those who have the power to appoint (SANCINO; SICILIA; GROSSI, 2017). To effectively improve public organizations, the selection processes need to be aligned with the objectives that are intended to be achieved (ANDRADE; CKAGNAZAROFF, 2018), and the knowledge of decision-makers regarding the roles that the appointed must play (HUTCHINSON; WALKER; MCKENZIE, 2017). Some studies highlight the importance of impartiality and independence in the appointment processes (CIOBANU, 2015; SANCINO; SICILIA; GROSSI, 2017) and reinforce the harmful effects of political influence on the choice process (NAHTIGAL; HAČEK, 2013). However, as previously pointed out, politicians are responsible for guiding governments' direction and defining the agendas to be prioritized. Thus, political influence in this process is not only characterized as a reinforcement of clientelism and the promotion of corruption but also as a legitimate participation in search of greater governability and control of public policies that governments wish to implement (CHUDNOVSKY, 2017).

The literature also highlights Congress's participation in the process of approving appointments and draws attention to the importance of this stage for the enhancement of the appointment's technical competence (SHIN, 2016). Although the Senators consider the ideological positioning of the candidate and the President, the suitability of the candidate to the position is also considered (HAZELL, 2019), and the Presidents tend to appoint more competent professionals to reduce the political cost necessary for approval (SHIN, 2016). When submitted to Congressional evaluation, the appointment process is also influenced by a political calculation by the Presidents to keep the position vacant or to delay approval, and sometimes they prefer a delay in approval in order to get a candidate ideologically closer (JO, 2017). Finally, the importance of the position also interferes with the evaluation time, and the more important and greater political value, the shorter the approval period (CHIOU; ROTHENBERG, 2014), in the same way as the party affiliation and the ideological proximity between the candidate and the dominant political group in the Senate (ROTTINGHAUS; NICHOLSON, 2010).

In summary, despite being extensive, the recent literature on public appointments revolves around a relatively small set of concerns on the topic, pointing out some common challenges that can be summarized as follows:



Loyalty and ideological alignment facilitate the relationship between the appointment and the President and increase the probability of prioritizing policies of interest to government officials, but considering only these two criteria, disregarding technical competence, decreases the ability to implement policies public due to the lack of knowledge of the appointment, and, consequently, impacts the results and the effectiveness of the expected political control;



- The politicization of appointments is important to prevent corporatism, encourage change and direct the priorities of interest to the population, but, on the other hand, it hinders the implementation of public policies due to the lack of expertise of appointed from outside the public sector, discontinuity of previous projects and focus on short-term actions;
- The alignment between the candidate to be appointed and the Congress facilitates the approval by the parliament, but it can overcome the interests of the President, establishing an informal hierarchy between the person occupying the position and the Senators;

The strategy of using appointments only as a way to garner political support and reward allies creates the risk of reducing the ability to conduct and implement public policies. On the other hand, appointments aimed only at strengthening bureaucracy generate a risk of losing Congress's support and reducing governability.

Notably, these challenges focus on the appointments only from the perspective of politics and bureaucracy, failing to explore the participation of other actors, external to the State, who influence and are influenced by senior public servants, which reflects the very standard of studies on political control and bureaucratic autonomy, which generally focus only on the relationship between the politician and public organizations (YESILKAGIT; VAN THIEL, 2012).

In the revised literature, few papers dealt with the participation of groups other than bureaucrats and politicians, including Senators, Presidents, and parties. The few studies identified indicate that other interest groups can put pressure on decision-makers, through civil society organizations, in order to see their interests represented through the appointed (SOMMER, 2013), and governments can resort to external public administration groups, such as non-governmental organizations or the private sector, as a way of seeking expertise in certain matters that he does not have (ABERS; DE OLIVEIRA, 2015). However, it remains as an important gap in the literature to investigate how other interest groups affect and are affected by the different arrangements adopted in public appointments, especially for senior positions. Along these lines, the following section proposes to start this discussion.

2 THE RELATIONSHIP OF PUBLIC APPOINTMENTS WITH OTHER STAKEHOLDERS



In modern States, the type of rational-legal domination prevails, exercised by a bureaucratic structure, to the detriment of the organizational models typical of traditional and charismatic domains (WEBER, 1999), and the actions of bureaucrats follow the logic of expanding the State's control over society, reinforcing "its authority, its political power and its capacity for action and control over the environment that surrounds it" (ROCHA, 2006, p. 14). State bureaucracy can formulate and pursue objectives different from those that may be demanded by Society (SKOCPOL, 1985) and, therefore, mechanisms are needed that make bureaucracy an open system and avoid its inertia and resistance to the changes required by the social system itself (EVANS, 1993). Such mechanisms are eminently political, implemented by organizations such as political parties, class associations, and representations of the productive sectors, which can exercise influence and control, guiding the State towards the objectives expected by society as a whole (EVANS, 2004).

In the Weberian conception, the existence of a professional, meritocratic and autonomous bureaucracy is fundamental to the efficiency of the State, and, therefore, isolating and protecting public organizations from external influences would be a way of guaranteeing their autonomy and preventing risk capture of bureaucrats by politicians or the private sector (WEBER, 1997). However, isolation and autonomy alone do not necessarily mean the guarantee that the State will move in the direction that society desires, and the synergistic relationship between the bureaucracy and the actors around it, through governance models and institutionalized practices of relations between the public and the private, the technical and the political, the state apparatus and the industrial sector, it is essential to optimize the formulation of public policies of interest to the population and for the structuring and development of the private productive sector (EVANS, 1993).

In democracies, politicians are elected so that they can implement public policies that the majority of the population understands as just and necessary for the country, and to achieve these goals, they need the state bureaucracy to act in the same direction, which is not always the case (WOOD; WATERMAN, 1991). Bureaucracy exists to enforce the law, respecting the democratic order, established by a hierarchical relationship between elected politicians and bureaucrats. Politicians are the ones who have the prerogative to define the

public policies that should be implemented, and therefore, when the bureaucracy deviates from this path, it is legitimate that actions of incentive and punishment be taken so that it returns to the desired Direction (WOOD; WATERMAN, 1991). An important possibility to exercise this power is to appoint and dismiss employees in the State's decision-making system (NISTOTSKAYA; CINGOLANI, 2016), based on different institutional arrangements that influence and are influenced by public governance models, organize political life, and they order how authority is constituted, exercised, legitimized, controlled and redistributed

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Therefore, public appointments to decision-making positions in the state apparatus are related both to the isolation of organizations and their interactions with interest groups, thus influencing the governance models adopted. The accessibility of different interest groups in the bureaucracy has an impact on the quality of inter-organizational and democratic relations (OLSEN, 2006), and the support of interested parties for a given appointment can confer greater capacity for the implementation of public policies through the formation of informal networks of trust and collaboration (JIANG, 2018).

Senior public servants occupy the positions located among elected politicians and the bureaucracy responsible for the implementation of public policies, directly influencing government performance and state effectiveness (KETELAAR; TURKISCH, 2007; OECD/ASIAN DEVELOPMENT BANK, 2019). Given the centrality of these actors in the organization of public administration, the dynamics of their appointments is relevant for the improvement of management and for the implementation and results of the political agendas inherent in democracy itself (PETERS, 2001), and, even though they represent a link between politicians and bureaucratic structures (KRAUSE; O'CONNELL, 2019), of course, do not affect only these two groups of actors - politicians and bureaucrats.

Although public policies represent a set of State actions, they involve different actors and levels of decision, not being restricted to rules and formal participants (SOUZA, 2006), and can be seen as a set of relatively stable subsystems, which are articulated with the external environment, shaped by the resources and interests of specific groups and actors and influenced by their different beliefs, values and ideas (SABATIER, 1988; SABATIER; WEIBLE, 2007). With the formulation and execution of public policies increasingly delegated to the administrative structures of the State (DOHERTY; LEWIS; LIMBOCKER, 2019), it is natural that the parties interested in a certain public policy act in order to influence the process of choosing the employees of the state bureaucracy, especially those occupying the highest positions that have great decision-making power, shaping the institutional arrangements that

(MARCH; OLSEN, 2013).

regulate appointments in order to serve better their interests, based on the principle that the State not only influences society but is also influenced for it (SKOCPOL, 1985).

Freeman (1984) defines interested parties, or stakeholders, as "any group or individual that may affect or is affected by the achievement of the organization's objectives" (FREEMAN, 1984, p. 46). According to Mitchell, Agle, & Wood (1997), stakeholders can be organized based on three attributes: power, legitimacy, and urgency. Power represents the ability of an actor to impose his will on another, which can be represented in the form of norms (use of legal norms and rules), utility (use of resources or information), or coercion (use of force). Urgency is related to critical sensitivity to time. Legitimacy, on the other hand, corresponds to the understanding that the demands and actions of organizations are socially accepted. For the authors, these attributes are dynamic and derive from social

constructions, and can be associated with each other, establishing the characteristics of each type of stakeholder.

The types of stakeholders defined by Mitchell et al (1997) are classified as latent, when they have only one attribute and probably receive little attention from the organization; expectant, who have two attributes, which will give the organization a more active stance; and definitive, which should be prioritized by the organization because it has power, urgency, and legitimacy. In summary, in these authors' view, the importance of each stakeholder is related to the combination between the power that each can exercise over the organization, the legitimacy of its action, and the urgency of its demand (MITCHELL; AGLE; WOOD, 1997).

Gomes et. al. (2010) presented a model on the type of influence of interest groups in the decision-making process in local governments. According to the authors, stakeholders act in order to regulate, collaborate, guide (agenda setting), legitimize or control public decisions, and exercise their influence as a result of technical environments, where actors have the power over resources, and institutional, where stakeholders define the rules and regulations that public organizations must comply with.

Regulatory stakeholders influence the budget, controlling available resources. Employees are internal and external actors who assist in the implementation of public policies due to the inability of state organizations to provide their services or achieve the expected results. Agenda makers set goals and define public policy priorities. The legitimizers are the citizens, who have the power to vote, and who influence and legitimize the choices of those in power. Finally, the controllers act in the correction and control of the governments' actions, seeking the accountability of the public agents.



The models presented by Mitchell and collaborators and Gomes and collaborators complement each other in the assessment and characterization of stakeholders by indicating the possibility of analyzing the potential for influence, as well as the roles exercised and attributes acquired by each interest group, being important to explain the dynamics of a political subsystem, which can be applied to the study of the relations of the interested parties in a specific public policy in the appointment processes for high-level positions.

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A theoretical possibility to complement the models of stakeholder analysis in the study of the relationships of other actors with public appointments is the Advocacy Coalition Framework (ACF) proposed by Sabatier (1988) and later revised by other authors, who provides a framework for understanding political processes, where coalitions are mechanisms formed by certain political groups or actors that mobilize resources and knowledge to influence the policies of their interest (WEIBLE *et al.*, 2019). In this case, political actors are not only those within governments but also other individuals outside the public sector who interact with state organizations, influencing policies through the knowledge or resources they have (WEIBLE *et al.*, 2019).

Resources are the source of power and influence of coalitions (WEIBLE *et al.*, 2019), and the importance of each of them varies according to the context, and the same resource may be more important at a given moment, or for a given policy, and subsequently become less relevant (WEIBLE *et al.*, 2019). Sabatier e Weible (2007) suggest six resources that can be used by coalitions to influence public policies: public opinion, the information; the supporters; financial resources; skillful leadership; and legal authority.

The main resource used by coalitions is the legal authority to make decisions, exercised by state servants with formal power over the formulation, implementation, and control of public policies (SABATIER; PELKEY, 1987; SABATIER; WEIBLE, 2007), and the explanations for political changes and the dominance of a given coalition are controlled by this resource (NOHRSTEDT, 2011). Coalitions seek to appropriate legal authority through the election of people aligned with their objectives or through public appointments, allocating professionals who can act in the defense of their interests in different public authorities (SABATIER; WEIBLE, 2007).

Several political actors interact with the state power in the formulation and implementation of a determined policy (YESILKAGIT; VAN THIEL, 2012), and, therefore, it is possible to envision a wide range of groups interested in public appointments, each with their objectives and instruments of interference, which may vary according to the historical context of each organization, with its internal bureaucratic structure, with the sector in which

it operates and with its importance or political value. In addition to Presidents, parliamentarians, political parties, and bureaucrats, appointments may be of interest to the private market, given the influence of the public sector on business activity and economic development in countries; to organized civil society, so that public policies of interest are carried out; class associations, for the defense of their corporate interests; the international community, considering global policies and challenges; and to other organizations of the government itself, in the search for greater harmony between the policies implemented or to overcome obstacles to the implementation of its agenda.

Starting from the premise that legal authority is the most important resource for the implementation of a given policy, and that this resource can be raised through public appointments, drawing a parallel with the other resources that are used for coalitions to influence public policies, suggested by Sabatier e Weible (2007), it is likely that these same resources will be mobilized to influence the appointments of senior civil servants. In other words, coalitions, made up of stakeholders and interest groups, can use public opinion, information, supporters, financial resources, and skilled leadership to influence the selection of those who will be allocated to critical positions within public organizations.

That is, interest groups can exercise their influence both in relation specifically to the candidate to be appointed and about the rules and standards for appointments. There are state sectors that have a greater influence on private markets, such as the economic and regulatory sectors. In these cases, it is possible to assume that there is a greater influence of the business community in the appointment process, directing the choices to the arenas where they can exercise greater influence, such as Congress, for example, and favoring the professionalization of the bureaucracy and the technical competence of the chosen ones, considering the importance of stability in public policies and the long-term vision for most businesses and that political independence has a positive impact on the performance of public organizations about the market competition (DOLI; KORENICA, 2010).

In the case of sectors where organized civil society has greater militancy, or there is a greater proximity to democratic social movements, possibly the processes of choice will be carried out in a more collective way, with greater influence from class and associative organizations, for example in the cases education and health. Finally, in sectors where there is a more evident appeal for autonomy, impersonality, and impartiality, such as police and control bodies, bureaucrats are likely to exert greater influence on appointment processes, given the theoretical nature of bureaucracy. Thus, the institutional arrangements adopted in the appointments seek to serve the interests of the most influential power groups or coalitions

in each sector of the State in order to maximize their expected gains, and not just the politicians or bureaucrats.

Although some studies have looked at the use and mobilization of coalition resources, including mastery of legal authority through public appointments, research on this attribute remains underdeveloped, especially on the relationship between resources and political influence (WEIBLE et al., 2019). Thus, future studies could be devoted to empirical research or theoretical deepening of the assumptions raised in the previous paragraphs.



CONCLUSION

This essay started from a review of the recent literature on discretionary public appointments, seeking to synthesize and organize the knowledge dispersed in different theoretical and empirical studies on the uses, motivations, and challenges of these practices. The review showed that the literature points to appointments as an important tool for the political control of the bureaucracy, and studies in this field have been shaped especially by the discussion between the advantages and disadvantages of politicization or meritocracy in the choices of those who will be appointed, especially in senior posts.

Despite the amount of research carried out on this topic, the focus is on the role of bureaucrats and, mainly, politicians in the appointment process, highlighting loyalty as the best criterion for choosing the policies of their interest as the main criterion for choosing it. At the same time, that loyalty and ideological alignment bring the appointment closer to the ruler, failing to consider technical competence has a negative impact on public organizations' performance and an adverse effect on the expected political control.

Thus, if, on the one hand, the politicization of appointments is important to move bureaucracy in the direction desired by politicians, on the other hand, its indiscriminate use makes it difficult to implement public policies due to the lack of expertise of appointed from outside the public sector, abandonment previous projects and the focus on short-term actions. Therefore, using appointments only to obtain political support and reward allies creates a risk of reducing the ability to conduct and implement public policies. However, concentrating the appointments only in order to strengthen the bureaucracy is also not adequate due to the risk of losing support from Congress and reducing governability. The main challenge, then, is to find a balance between the motivations and criteria used in the appointments, especially for senior positions.

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Despite the importance of this discussion, recent literature shows a relevant gap in research, which is the relationship of other actors to public appointments. In the public sector, leadership challenges go beyond their organizations (JOKINEN, 2005), which reinforces the importance of selecting and developing managers who are able not only to guide and motivate their teams but also to seek alternatives that they can overcome problems that are difficult to solve (wicked problems), through the strengthening of intergovernmental relations, and the participation of society in the provision of public services (LOPES *et al.*, 2020). As with any other public policy, groups interested in appointments must be identified, and mechanisms must be created to involve and manage them. Thus, this essay also sought to contribute to the advancement of theories on public appointments, initiating discussions about the participation of other actors in the selection processes and in the institutional arrangements adopted for the occupation of top positions

The initial identification of groups interested in discretionary appointments, in a generalized way, occurs in an intuitive way. If government decisions directly impact the lives of the population, the economy, and social relations, it is natural to assume that private companies, organized civil society, class associations and even the international community have some influence on the ways of choosing senior civil servants. Naturally, this panoramic exercise of surveying other interest groups needs to be better detailed, especially in relation to their characteristics and their roles in this game.

Depending on the sector of public activity, or the objectives of the interest group, a particular arrangement may be adopted in order to meet the interests of the dominant groups. In line with institutional theory, public appointments are preceded by formal and informal rules, which restrict or delimit the powers of government officials and other actors involved, constituting themselves as established institutions as a way of regulating conflicts arising from the asymmetry of power (THÉRET, 2003). The arrangements adopted tend to remain stable and long-lasting as long as the results meet the expectations of those who have decision-making power or greater capacity for influence (SHEPSLE, 2001).

The choice models can be premeditated, voluntarily agreed, even though the rules do not fully meet the real preferences of the participating individuals, but which enable balance, cost reduction, and, consequently, the maximization of the gains of each actor, regardless of collective results are coherent or not (IMMERGUT, 2006). Alternatively yet, they can be formed due to the country's historical or administrative tradition, which influences the existence of a less professionalized bureaucratic state structure, or with patrimonialist roots that favor clientelism and patronage (BACH; HAMMERSCHMID; LÖFFLER, 2020), for

example, the Napoleonic tradition, characterized by fewer restrictions on the relationship between politics and administration, where politicians often take positions in the bureaucratic structure and career officials go to the political sphere (PARRADO; SALVADOR, 2011; PETERS, 2008).

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Regardless of the origin or justification for the existence of a particular model of public appointment, it seems logical that other actors outside the state apparatus are also interested in its results and use its power and legitimacy to influence both the choices of a candidate specifically, as well as the very construction of the rules that will regulate the appointment processes. Understand how this influence is exercised, which groups each arrangement should serve, and how relations with these interest groups can contribute to improving the processes of choosing senior public officials and a harmonious relationship between politicians, bureaucrats, and society, it seems to be a field of studies yet to be explored.

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