

TRADITION AND PUBLIC ADMINISTRATION



**EDITED BY MARTIN PAINTER
AND B. GUY PETERS**



Tradition and Public Administration

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Edited By

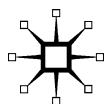
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Softcover reprint of the hardcover 1st edition 2010 978-0-230-57566-0

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First published 2010 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited,
registered in England, company number 785998, of Houndmills, Basingstoke,
Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC,
175 Fifth Avenue, New York, NY 10010.

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ISBN 978-1-349-36572-2 ISBN 978-0-230-28963-5 (eBook)

DOI 10.1057/9780230289635

This book is printed on paper suitable for recycling and made from fully
managed and sustained forest sources. Logging, pulping and manufacturing
processes are expected to conform to the environmental regulations of the
country of origin.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Tradition and public administration / edited by Martin Painter,
B. Guy Peters.
p. cm.

Summary: "Contemporary administrative reforms push administrative
systems to homogenize. This book documents, however, the persistence of
administrative traditions in a number of countries that tend to maintain
existing administrative patterns and reduce the impact of pressures for
reform"—Provided by publisher.

1. Public administration. 2. Administrative agencies – Reorganization –
Evaluation. 3. Comparative government. I. Painter, Martin, 1947– II. Peters, B. Guy.

JF1351.T725 2010
351—dc22

2010002708

10 9 8 7 6 5 4 3 2 1
19 18 17 16 15 14 13 12 11 10

Transferred to Digital Printing in 2011

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Part I

Introduction

1

The Analysis of Administrative Traditions

Martin Painter and B. Guy Peters

Much of the contemporary discussion of administrative systems tends to treat all public bureaucracies as virtually identical. The ideas of the New Public Management (NPM) and other reforms of the public sector have assumed that the same reform agenda can be used to improve public management almost anywhere (Christensen and Lægreid 2001a). Further, some processes of change, such as Europeanization and globalization, are assumed to lead to convergence among administrative systems (Kettl 2000; Knill 2001). International bodies and consulting organizations (Saint- Martin 2000) have spread what amounts to a common ideology of change in public organizations. As Tony Verheijen discusses in Chapter 16, the European Union and OECD have identified what they see as a common 'European legacy' and have presented this in terms of benchmarks against which new EU members should measure themselves.

Although there is some reason to think that national public bureaucracies are similar, there are equal or better reasons to think that they are distinctive, and that their distinctiveness is likely to persist even in the face of the pressures for convergence. There is ample evidence on the variety of responses of different national administrative systems to contemporary global reform movements, as we demonstrate throughout this book. The persistence of patterns of administrative thought and practice that group nations into 'families' (Castles and Mitchell 1993), such as the Napoleonic family (Wünder 1995), or into even broader cultural or social groupings (for example, Islamic and Confucian) has been frequently noted (see Chapter 2).

It seems difficult to deny that there is some persistence in administrative systems. Even public bureaucracies that have been reformed significantly over the past several decades, for example those in New Zealand and the United Kingdom, have many of the same features that they had prior to those reforms (see Chapters 8 and 10). Further, even if the structures have changed, many of the underlying values may not have. But, if administrative traditions do have a continuing influence on public administration, the traditions themselves are not immutable, so we need to understand how

they adapt to changing circumstances. We are therefore interested in the interaction of traditions, contemporary politics and external circumstances, as these several factors interact to shape contemporary public administration. Understanding convergence or persistence of administrative patterns represents a set of complex research questions that require detailed comparative examination among a set of different traditions and national cases.

How can we understand the legacy of the past?

The role of traditions as a foundation for understanding contemporary administrative systems is perhaps more complex than might ordinarily be considered, with interaction between national patterns and broader cultural and 'familial' patterns. Therefore, this question provides a rich, if complex, point of entry for understanding comparative public administration. This leads to the crucial question of how to understand these impacts of underlying roots of behavior.

Historical institutionalism

One approach to that understanding is historical institutionalism (see Peters 2004a; Steinmo et al. 1992). The assumption underlying historical institutionalism is that the initial choices made at the time of initiating a program or a structure create a pattern or a 'path' and subsequent choices to some extent follow down that path. The initial choices in question may have been made some time ago, and to some extent the choices may have been unwitting, but path dependencies seem to be built into these systems.

The approach presents some difficult research questions. For example, the fundamental logic of historical institutionalism is one of persistence, but we know that administrative systems do change, and at times move rather far away from their roots. Therefore, within this approach there is a problem in explaining change. One answer is to note that 'punctuations' have occurred in the ongoing pattern of administration, for example an external crisis (such as defeat in war and foreign occupation). The logic is one of large-scale, discrete change, while most observers tend to describe incremental changes in public sector institutions and perhaps especially in public bureaucracies.

Some recent comparative historical institutionalist studies have questioned the deterministic nature of path-dependency (Pierson 2004; Streeck and Thelen 2005). Several scholars have suggested that robust institutions can also produce gradual and endogenous patterns of far-reaching change (Palier 2005; Streeck and Thelen 2005). Other have stressed that institutions are not made 'in one piece' but juxtapose different logics and orders, each with its own temporal underpinnings (Bezes and Lodge 2007; Orren and Skowronek 1994). Certain institutional components within an administrative system may be less robust than others (weakly entrenched or less tied to solid coalitions) and thus more 'mutable' (Clemens and Cook 1999) and more easily reformed.¹

Many contemporary administrative systems now appear to have a number of layers within them, so that some more contemporary elements exist along with the traditional elements (see Streeck and Thelen 2005; Tolbert and Zucker 1983). These layers may coexist, with some aspects of governing displaying the more modern traits and others the more traditional. This layering permits political and administrative leaders to select among the alternatives and to enhance their own governance capacities.

Culture

A second possible approach is that administrative traditions are another way of thinking about political and administrative cultures. One broad means of understanding administrative culture is to link more proximate patterns of behavior with very broad cultural patterns, such as those proposed by Mary Douglas (for the relevance of that approach to public bureaucracy see Hood 1998). For example, societies that stress egalitarian or individualistic values are much less likely to find the formality of a Weberian bureaucracy an acceptable mechanism for organization, whether in the public or the private sector. Likewise, a more hierarchical society, and its administrative system, may find adjusting to many of the changes in contemporary management that stress participation and involvement of lower-echelon workers and clients to be inconsistent with their ideas of good management. These systems may want to maintain more formal patterns within public organizations.

One of the most important discussions of cross-cultural variations in management has been provided by Geert Hofstede (1984, 1991) and his empirical analysis of management ideas in a wide variety of cultures. Hofstede surveyed a range of organizations in a wide variety of cultures and extracted four factors from these data that he argued captured the essential differences in work-related values, whether in the public or the private sectors. One of these factors was the 'Relative Power Difference' that individuals were willing to accept in a managerial situation, or in other words a clear sense of hierarchy within organizations. In addition, some societies appeared more capable of accepting uncertainty and ambiguity in social relations than did others, with countries scoring high on this dimension requiring formalized relationships. Individualism was the third dimension identified, representing the capacity of individuals to resist pressures from the collectivities to which they belong. Finally, Hofstede labels the fourth factor 'masculinity', meaning both the distribution of gender roles within organizations and fundamental orientations toward aggressive behavior in management (and society).

State traditions and patterns of governance

Another means of understanding administrative traditions in the public sector is to consider them as components of more encompassing state traditions. The public bureaucracy has been a central institution for all states, whether autocratic or democratic, and the ability of the state to implement

its policies is central to its capacity. Therefore, there has been a continuous interaction between the manner in which the state is defined as an entity and the nature of the bureaucracy that has been created to serve that state, the public servants who fill the position within the bureaucracy, and the style of implementation of public policy.

Among Western political systems, the dominant state traditions are shaped primarily by their relationships with civil society (see Dyson 1980). At the most abstract level this relationship reflects the logic of the emergence of the state historically and patterns of political thought that were central to those state formations. Within the Anglo-Saxon tradition, there is a strong contractual element in thinking about state formation. In such a conception the state is the product of an agreement (tacit or explicit) in society for its own governance. This contract is limited, and can be abrogated in the case of malfeasance or nonfeasance by the state. The alternative to the contractarian notion of the state is a more organic view, in which state and society are intertwined to the extent that it is almost impossible to separate them. Further, in such a view, the state is organic and has a life of its own independent of any particular agreement with society. Thus, the state in this view is a more powerful and enduring actor, which has inherent powers and is entitled to exercise those powers in the name of the public. Continental political systems such as Germany and France have the clearest organic conception of the state.² We discuss in more detail these differences and their impacts on patterns of public administration (for example, with respect to contrasting accountability mechanisms) in Chapter 2.

What variables can define the traditions?

We see administrative traditions as composed of both ideas and structures. An administrative tradition is a more or less enduring pattern in the style and substance of public administration in a particular country or group of countries. Traditions 'live' both through the thoughts and actions of contemporary actors and also through the 'dead hand' of inherited structures that constrain them in varying degrees (see Chapter 11 for a more extensive discussion). We need to specify what variables define the traditions and also how those variables impact administration. There are a large number of variables that might be used to differentiate among traditions, but we will concentrate on four.

Relationships with society

As noted above, this variable is central to differentiating between the contractarian and organic conceptions of the state in European political systems, but can be utilized in other settings as well. For example, in some Islamic states the state is in essence subordinate to society because of the theocratic nature of these regimes, for example Iran. In all these cases the

important distinction is the relative permanence and power of the two dominant institutions.

But there is also a second aspect of the relationship between the state and social actors that helps to define these traditions. As well as being related at the macro-theoretical level, the state is also connected to social actors at a closer level. Particularly in Northern European countries the state is bound closely to society through networks (Sorenson and Torfing 2005) and corporatist structures, to the point that Germany, for example, has been described as a 'semi-sovereign' state (Katzenstein 1987). The obvious impact of these connections to society is that they reduce the autonomy of the state and constrain the ability of the public bureaucracy to act with the type of authority at the heart of Weberian conceptions of that bureaucracy.

In other social systems the relationships between state and society are more personalistic than they are the products of the relative importance of social groups. For example, Latin American systems are often still discussed in terms of the clientelistic relationships between leaders in government and the society. This may be manifested in terms of the recruitment and promotion of individual employees within the public sector, as well as the allocation of benefits to individuals and groups in society. While not as legitimated in democratic principles as corporatist patterns of intermediation, clientelism does bind state and society very closely.

Relationships with political institutions

To some extent the nature of the state defines the role of representative institutions, but there are also important questions about the degree of political involvement in the bureaucracy (Peters and Pierre 2004). For example, the Anglo-Saxon tradition tends to assume rather complete separation of politics and administration, at least historically, but in many other traditions there is much closer contact between political actors and the bureaucracy.³ For example, in Germany the upper echelons of the civil service have clear political allegiances. As well as influencing the level of commitment of civil servants to the programs of the government of the day, the relationship of politics to administration may also influence the level of competence of administration. The fundamental question becomes one of whether technical (merit) or political criteria dominate in administration. In the best of all worlds the answer might be both, but that ideal may be difficult to obtain, so the actual answer may be a realistic balance between commitment and competence.

Another aspect of the separation of bureaucracy and other political institutions is the extent to which the bureaucracy becomes a general-purpose elite for the state. In a number of settings members of the bureaucracy are a large or even dominant component of the (nominal) political elite. In addition, the strength of central agencies such as Finance enables some elements of the bureaucracy to dominate aspects of policy. Therefore, although the

usual rubric of understanding these relationships is that political leaders should dominate policy and government, in reality the relationship is more complex.

Law vs management

One dominant strand of thinking in some administrative traditions has been that the public administrator is in essence a legal figure, perhaps little different from a judge: the task of the public administrator is to identify the legal foundations of public actions and to implement that law. Obviously, then, legal education is the foundation for recruitment of public servants. An emphasis on management is the most marked contrast to the legalistic tradition. In this conception the principal administrative task is to make programs function as efficiently and effectively as possible. Of course, this management must be carried out within a legal framework, but the first question that the administrator will ask is not about the law but about organizing and managing the program. For the civil servant as manager, lawyers are 'on tap, not on top'.⁴

Accountability

All political systems, even autocratic ones, have a conception of accountability for their public bureaucracies. Those conceptions of accountability do, however, differ significantly. One major option for accountability is to depend upon law as the primary mechanism for controlling bureaucracy. Such an option places much of the action in accountability within the bureaucracy itself, or in special administrative courts. The primary alternative to the legalistic form of accountability is to rely on political actors, especially parliaments, as the primary mechanism (Day and Klein 1987).

Summary

These several criteria for defining administrative traditions provide some objective means of differentiating among national or familial patterns of public administration. Other variables might be included, but we believe that these provide sufficient insight to initiate empirical analysis. In this vein, Part II of this book seeks to add to our empirical understanding of the diversity of administrative traditions both within and between families or groups of nations.

Traditions and change

Administrative reform is a complex, multicausal process in which the 'power of tradition' may be but one factor – other variables such as societal pressures, political demands and the influence of global diffusion of contemporary reform ideas are all part of the mix. As well as recognizing the limitations of a focus on tradition, in addressing the way contemporary

reforms interact with traditions we are also concerned with the two-way nature of the relationship: how does reform shape or reshape a tradition?

Explaining change

To understand change, we can begin with the same ideas that help to explain continuity. For example, what does institutional theory tell us about the capacity of administrative systems to accept change? As pointed out before, historical institutionalism typically is criticized for having weak ideas about change, and for relying on rather cataclysmic versions of transformation rather than the more gradual, incremental changes we often observe in public sector institutions (Peters et al. 2005b). That having been said, one of the more important means of institutional change is the availability of new ideas and the conflict between old ways of doing things and the (presumably) better ways that become available.

Thus, understanding institutional change may require some blending of strictly institutional perspectives with actor-centered models such as the 'advocacy coalition framework' (Sabatier and Jenkins-Smith 1993) that focus on the conflicts between ideas and ways of resolving those conflicts. The former provide an explanation for the continuation of administrative styles while the latter provide a means of understanding how conflict over ideas produces change, and also provide a means of understanding agency in the process (for a discussion of such models, including 'rational choice' frameworks, see Chapter 11).

From a more sociological or normative perspective on institutions, change also is a function of ideas and values, but the logic of change is different. For example, one source of change may be the asymmetry between the values, myths and symbols of an institution and the reality of action. In public administration, for example, this might be the contrast between the norms of political neutrality with demands from ministers for more loyalty to the government of the day. Likewise, some scholars in this approach have emphasized the role of senior managers in an organization in shaping the internal culture and values of the organization/institution, and producing change in much the same way (Brunsson and Olsen 1993).

The logic of change in cultural theory is perhaps even more diffuse than that found in institutionalist models of change. To some extent the logic of change in cultural definitions of traditions has much the same logic as that of normative institutionalism, with change resulting from external challenges to the efficacy and the homogeneity of the culture.

Finally, change in administrative traditions may come about through the diffusion of values and approaches to public administration. The spread of NPM is perhaps the clearest example in recent times of diffusion, from its roots in the Anglo-American tradition to almost all administrative systems, albeit with differential results. Much of the research on diffusion focuses on factors such as geographical and cultural proximity as key in explaining the

adoption of innovations (Rogers 2003). These factors appear important for administrative changes as well, although the presence of numerous change agents – international organizations, consulting firms and individual scholars – has tended to reduce the significance of proximity.

Planned change vs organic change

Does change have to be organic and rooted in the administrative tradition, or can it be planned and imposed? The fundamental logic of a tradition is that it will resist change and promote continuity, but some traditions may be more resistant to change than are others. In the latter, paradoxically, there may be a ‘tradition of change’ or, at least, a higher level of openness. For example, the pragmatic and managerialist orientation of Anglo-American administrative traditions may facilitate reforms that appear to ‘work’ regardless of their source, whereas other more legalistic and formalistic cultures may be more resistant (see Chapter 10 for a discussion of the Anglophone ‘reformist tradition’).

DiMaggio and Powell (1983) have considered processes of copying among organizations – institutional isomorphism in their terms – as occurring through three processes. First, institutions (including public bureaucracies) may copy autonomously what they see in others, a process called *mimesis*. Copying may be more or less successful, depending upon the nature of the tradition and the proximity of new ideas to the existing system. At the other extreme, isomorphism may result from *coercion*. For less affluent countries administrative reforms may be imposed by their external donors, whether international organizations or individual countries. The third option for creating isomorphism is normative, with the assumption that convergence will come about through processes often now conceived as ‘benchmarking’ and ‘best practice’. Again, international organizations may play a role, given that they are important for spreading ideas about best practice. Professional civil servants are also important as change agents in this process, learning from their peers in other countries and carrying ideas of reform.

Although these three types of change can be separated analytically, they are more difficult to separate in practice. For example, how does one separate changes in administrative systems coming from simple copying from those representing the normative basis of a new form of organization and management? And is there, especially for less developed countries, always a ‘shadow of coercion’, knowing that if they do not make some changes on their own they may well be coerced into making those changes at a later date by the threat of having assistance withdrawn?

Four reasons for analyzing administrative traditions

We have traversed a number of analytical problems raised by the attempt to undertake a systematic analysis of administrative traditions. Given the complexities we have identified and the remaining puzzles (see below), we

should perhaps give further justification for why this project is an important one for the contemporary study of public administration. We offer four:

A. Importance for comparison

Methodologically, the grouping and classification of national administrative systems according to different traditions can be a vital tool for comparative analysis, for example for the purpose of case selection. The ability to hold some variables constant and to highlight significant differences based on a rigorous classification of different traditions provides a key entry point to comparative analysis of a variety of phenomena, such as administrative reform and policy capacity. The problem that arises from the use of traditions is assuring that we do indeed group like with like and also that we recognize that the borders between traditions are not crystal clear and some systems are clearly hybrids.

The additional methodological issue is whether we operate in an inductive or a deductive manner in making the comparisons. To some extent traditions fulfill the same function as a model such as Weber's model of bureaucracy. We can compare real world cases against the model of the tradition, for example, is the United States really an Anglo-American system, or something quite distinctive? On the other hand, we can attempt to collect as much information as we can about the individual systems and attempt to develop the models of the traditions from those empirical data.

B. Importance for understanding reform

A number of studies have drawn attention to the impact of different administrative traditions on reform capacity (discussed below), reform agendas, receptivity to reform ideas and reform outcomes. The different levels of uptake of NPM, as well as the different forms in which similar NPM instruments have been interpreted and implemented, have recently provided vivid illustrations. Briefly, we can say that countries in different administrative traditions seem, in the first place, to identify characteristically different reform agendas and issues for example, 'management improvement' has only reluctantly been given priority in many countries in the Napoleonic tradition, whereas jurisdictional issues surrounding centralization–decentralization dilemmas are a recurring theme (see Chapter 12 on the French case); second, there are noticeable differences in the kinds of solutions or reform 'menus' that are considered feasible and appropriate, one example being the differential uptake of contractual appointments to the senior civil service in Anglo-Saxon countries compared with countries in the East Asian, Confucian tradition; and, third, it has been noted that different administrative traditions produce different kinds of outcomes in what appears to be the application of the same reform – for example, managerial reforms are 'translated' in Napoleonic systems into new frameworks of law and procedure and, in the process, transformed (Panozzo 2000 and Chapter 13 in this volume).

As well as clarifying the nature and impacts of administrative reforms in different countries through cross-sectional analysis, the administrative traditions approach draws attention to the importance of time as a variable (Pierson 2004). Concepts such as ‘layering’ and ‘disjuncture’ as well as ‘path dependency’ are key analytical tools. Rigorous application of the notion of administrative traditions thus calls for a fruitful combination of comparative analysis with historically contextualized reform narratives (Barzelay 2001).

C. Importance for understanding management and governing capacity

The different ‘administrative reform capacities’ of countries in the Anglo-Saxon and Continental traditions has been a subject of considerable inquiry and discussion in comparative analysis of administrative reform (Knill 1999; Painter 2004b). In this vein, fruitful linkages can be made between the analysis of state and administrative traditions and a significant body of theory and analysis on state capacity (Evans 1995; Painter and Pierre 2005a; Weiss 1998). Particularly in an era when many argue that globalization results in a potential decline in state capacities, the observation that nation states have long traditions of administrative norms and practices which continue to offer a rich and varied stock of resources for public policy and management improvement provides a countervailing perspective. The analysis of state traditions points to differences in the exact nature of these capacities and, hence, in the available strategies that may be open to particular states in coping with globalization and other external forces or shocks.

D. Interpreting one administrative system through other lenses

Both practitioners and scholars are often ‘blinkerred’ by the preoccupations and presumptions of the administrative system with which they are most familiar. On the one hand, this can lead to refreshing insights when observing systems in a different tradition (much may be learnt by posing naive but challenging questions about why a taken-for-granted phenomenon is not found elsewhere). On the other hand, the task of understanding the other system (for example, what works and why) must ultimately be informed by an appreciation of that system’s traditions. New lenses may have to be fitted. This holds particularly for practitioners who may wish to export and import remedies for seemingly similar administrative problems. The pitfalls of transplants are legion. Public administration scholars can also gain from looking at their own systems from the perspective of other traditions, when some of what appears new and exciting may begin to look old and tired and questions that were thought to be ‘settled’ suddenly seem to be problematic. As argued earlier, one of the greatest contributions to be made by the systematic study of administrative traditions is to enable a richer comparative analysis of administrative systems.

Outline of the book

It is clear from the survey that we have just concluded that there remain a number of puzzles. We highlight three:

A. Incomplete classifications

The cataloguing and description of different administrative traditions is far from complete. We summarize the current state of knowledge on the different groups or families in Chapter 2. A distinctive feature of this book is to expand the analysis of administrative traditions beyond the better-known European and Anglo-Saxon cases so as to encompass others. Here, we encounter the puzzle of imposed, transplanted and borrowed administrative traditions – in many cases as the result of colonialism – within a context where precolonial traditions may survive to a greater or lesser extent.

B. ‘Fuzzy’ and ‘hybrid’ traditions

Underlying this is a deeper puzzle: the extent to which there actually is consistency and coherence in a particular tradition as against a more ambiguous, conflicted or incoherent set of ideas and administrative structures. And underlying this is a yet more interesting puzzle: whether or not, over time, a tradition changes and evolves in such a way that different traditions coexist or overlie each other, within the same administrative time and place, with distinctive ‘legacy effects’. ‘Hybridity’ in administrative traditions seems, from the cases discussed in this book, to be a regular feature (for more extended discussions see Chapters 7 and 8).

C. The significance of ‘legacy effects’

Perhaps the biggest analytical and empirical puzzle concerns the significance of tradition for contemporary patterns of public administration, in particular the mechanisms through which an inheritance exerts its influence in the face of pressures for change.

The book is organized broadly around these three puzzles. Part II addresses the first two and Part III addresses the third. Following our introduction on the state of current understanding of the different groups and families in Chapter 2, a series of chapters explores some national administrative traditions or families in greater depth than previously attempted. Chapter 3, by Anthony Cheung, is on the ancient origins of China’s administrative traditions, but the analysis also discusses the extent to which these traditions continue to exert an influence, despite the turbulence of the twentieth century, the initial and very deliberate rejection of ‘tradition’ by the Chinese Communist Party and the importation of a Soviet model of government. Chapter 4, by Dwivedi and Mishra, on India and Chapter 5, by Shafiquel Huque, on Bangladesh trace the historical origins of contemporary patterns of public administration in these two countries. In these cases, on top of

ancient traditions of rule, the impact of British colonialism looms large, while the adaption and reshaping of this inheritance in the postcolonial era is also evident, creating some frictions, paradoxes and disjunctures. In the case of Africa, which is the subject of Chapter 6 by Goran Hyden, inherited colonial structures have been so changed, distorted or forgotten in the post-colonial era that the result may be a near-pathological 'absence of tradition', in part because few modern African states have their own enduring indigenous administrative legacies.

The theme of 'hybridization' – the impact of imported ideas and transplanted structures – is also picked up in Chapter 7, on Japan. While one focus is on showing how the Germanic model was borrowed and adapted in the Meiji period, the principal idea in this chapter is that this 'hybridization' created a particular type of inheritance, one in which there is a somewhat uneasy juxtaposition of ideas and institutions. The argument is that this 'irritation' in itself is a core feature of the Japanese administrative tradition, and affects contemporary reform trajectories and outcomes. In Chapter 8, Martin Lodge takes up the theme of the coexistence of multiple and diverse ideas and structures in a national tradition by exploring competing and conflicting notions of the 'public service bargain' in Britain. After decades of reform when a number of major challenges and reforms were introduced in the roles, career structures and remuneration of top civil servants, the traditional model of the Whitehall civil servant was not in fact consigned to history's rubbish bin. Instead, it survived in a state of tension with newer models and patterns. This chapter begins to explore the precise nature of legacy effects (more directly the focus of Part III) as well as the nature of administrative traditions themselves, as systems in which multiple and perhaps conflicting elements can coexist through a process of historical 'layering'.

This last idea is also taken up in Chapter 9, by Guy Peters, which is on the administrative traditions of the United States. He asks: in what ways is the American tradition distinctive within a broader grouping of 'Anglo-American' countries? One answer seems to be that there is no one 'American tradition' but many: America's administrative inheritance is defined in part by internal variation and diversity. John Halligan in Chapter 10 adopts another approach to the analysis of conflicting and changing elements of administrative traditions by exploring how the 'Anglophone' administrative tradition was reshaped or adapted, or reasserted itself, during an era of comprehensive NPM reform. Paradoxically, while a propensity to reform is part of the tradition, aspects of the tradition seem to persist through these reform episodes.

In sum, Part II of the book adds considerably to our understanding of the range of different administrative traditions as well as to the broader concept in general. We come away with a view of the phenomenon of administrative traditions that is more nuanced and multidimensional. If inherited ideas

and structures matter, they do so in a way that is complex and ambiguous rather than one-dimensional and linear. But how much do they, in fact, matter? Some of the chapters in the first part do touch on this question, but the remaining chapters in Part III tackle it head-on.

Chapter 11, by Kutsal Yesilkagit, provides a broad introduction to Part III, which is on the impact of traditions on contemporary administrative reform. Yesilkagit engages in a theoretical discussion of the nature of 'legacy effects'. He sets out to operationalize 'administrative tradition' as a variable, to help understand what causes or constrains administrative reform. He does this within a broadly institutionalist approach. He is at pains to emphasize, however, that administrative reform has many causes: one cannot expect administrative tradition to tell the whole story.

The remaining chapters address the impact of tradition on reforms. Chapter 12, by Philippe Bezes, explores the extent to which legacy effects of the French administrative tradition shaped recent administrative reforms, while identifying the political and bureaucratic forces that produced a major 'path-breaking' change (budget reform) as distinct from a path-dependent one. Edoardo Ongaro's account of the impact of NPM on Napoleonic systems in Chapter 13 emphasizes the legacy effects of tradition but, at the same time, the capacity for change with particular features, given that inheritance. Jon Pierre's account in Chapter 14 of the impact of tradition in Sweden in an era of global NPM reform presents a clear case of how a distinctive tradition shapes the range of options and the manner of implementation, while (in line with findings from earlier chapters) noting that this is in part due to that tradition's 'elasticity'. The case of Eastern Europe is perhaps the most difficult or perplexing from the point of view of the effects of administrative traditions. Meyer-Sahling in Chapter 15 and Tony Verheijen in Chapter 16 give more emphasis to the effects of political institutions, such as party systems, and to the impact of political leaders in understanding administrative reforms in postcommunist Eastern Europe.

The concluding chapter returns to the central puzzle: the extent to which a concept of administrative tradition can help account for change. It is clear, from the ideas and cases explored in the book, that a conception of tradition that allows for change, while showing how legacy effects continue to shape that change, is an essential part of understanding both administrative traditions and contemporary administrative reform.

Notes

1. These perspectives are developed in this book by Painter (Chapter 7), Lodge (Chapter 8) and Bezes (Chapter 12).
2. If Locke is the figure in political philosophy that most clearly exemplifies the contractarian view, then perhaps Hegel is the clearest example of the organic conception of the State.

3. A major exception is the large number of political appointees at the upper echelon of the federal executive in the United States.
4. This conception of public management predates New Public Management in some political systems. For example, the Brownlow and Hoover Commissions in the United States advocated management ideas very strongly up to half a century before NPM became a fad.

Part II

Empirical Analysis of Administrative Traditions

The chapters in this book seek to cover a wide spectrum of national cases from different geographical areas and different families. Part II is concerned primarily with empirical analysis of the nature of administrative traditions, including the patterns of evolution and development that have created them. The first chapter in Part II provides a survey of our current understanding of the main families and groups of administrative traditions, both European (where much more is known) and non-European (where our understanding is more sketchy and tentative).

What common themes or questions arise from this analysis? First, we pose factual, historical questions – for example, what institutional and other features best characterize the Confucian tradition as it is observed in China and elsewhere? What traces or inheritances of ‘ancient’ traditions have survived in such places as China and India, and in what forms? What have been the effects of ‘westernization’ and ‘modernization’ on the way these traditions have been handed down or interpreted by contemporary actors? In this respect some conceptual and analytical tools explored in Chapters 1 and 2 are further developed in the country cases, in particular the concepts of ‘layering’ and ‘hybridization’.

2

Administrative Traditions in Comparative Perspective: Families, Groups and Hybrids

Martin Painter and B. Guy Peters

The following families or groups of countries, each sharing some common administrative inheritance, are covered in this chapter:

1. Anglo-American
2. Napoleonic
3. Germanic
4. Scandinavian
5. Latin American
6. Postcolonial South Asian and African
7. East Asian
8. Soviet
9. Islamic

The list does not follow any single classificatory logic, as it combines geographical, historical and cultural considerations. This is a reflection of the nature of administrative traditions, which are multidimensional. Moreover, the list is open to further refinement, as the body of research literature on which it is based is uneven in its coverage. Thus, we are more confident in identifying discrete families comprising groups of countries within the Western cultural tradition than we are in postulating the same for Islamic or Confucian traditions. We lump together countries in Africa and South Asia mainly for the reason that they share a common history of colonization and postcolonial development. Hyden in this book (Chapter 6) argues that there is no African tradition independent of the colonial and postcolonial experience. The dominance of the colonial legacy in South Asia also justifies stressing the postcolonial element as the defining character of this family. Some of the differences within the broad groupings – such as between a Francophone or Anglophone group in Africa – would lend themselves to a more refined set of subcategories. Our aim, however, is not to be all-inclusive or exhaustive.

Clearly, more empirical work is yet to be done. The discussion begins with the main Western administrative traditions (Table 2.1).¹

Anglo-American

The principal members of this club are the United Kingdom, Ireland, the United States, Australia, (British) Canada and New Zealand.² In this tradition, 'the state' (as distinct from 'the government') is not part of the discourse of law or politics (and rarely appears as a concept in academic writing about public administration (Rutgers 2001)). Britain and the United States have often been described as 'stateless societies' (Stillman 1997). The boundaries between state and society are far from clear and the market and civil society play a prominent role. This is taken to its greatest extreme in the United States, with its pluralist conception of society, its outright hostility towards *étatisme* and its strong reliance on various forms of self-organized,

Table 2.1 Four Western administrative traditions

| | Anglo-American | Napoleonic | Germanic | Scandinavian |
|----------------------------|--|--|--|---|
| Legal basis for state? | No | Yes | Yes | Yes |
| State and society | Pluralist | Interventionist | Organicist | Organicist / Welfarist / 'Open Government' |
| Organization of government | 'Limited government'; UK: unitary, with weak 'local self-government'; US: 'compound republic' | The indivisible 'Jacobin' Republic; hierarchical and centralized (Spain: semi-federalized) | Integrated; cooperative federalism and interlocking coordination | Decentralized through administrative and/or political decentralization |
| Civil service | UK: quite high status, unified, neutral, generalist, permanent; US: upper ranks temporary, politicized | France: Very high status, permanent, specialized elite training; segmented 'corps'. (S. Europe: lower status, politicized) | Very high status, permanent; legal training; upper ranks permanent, but can be openly partisan | High status; professional, nonpoliticized (Sweden: segmented and decentralized) |

voluntary forms of governance (see Chapter 9). The 'compound republic' deliberately limits, divides and fragments governing power. Closely tied to this conception of the nature and role of the state in society are Anglo-Saxon legal traditions (Ziller 2003). The common law system is based on an inductive and procedural approach through the accumulation of case law, as distinct from the Roman law tradition with its deductive and substantive philosophy and detailed codification. Accountability mechanisms in the Anglo-American tradition tend to emphasize political rather than legal approaches, with one important qualification: in the USA the 'rights' tradition elevates administrative review by the courts to a more prominent, activist role, in contrast to the United Kingdom and Australasia, where parliamentary sovereignty reduces administrative review to a limited sphere of mainly procedural matters.

In the Anglo-American tradition, the 'profession' of public administration, unlike in the Continental systems discussed below, has mostly been about management and policy, not the law. In Britain, the civil servant as a specialist occupation was a later development than in Continental Europe, and even then the role never acquired the same status. However, despite the absence of a separate constitutional status for a permanent civil service, the doctrine evolved advocating the separation of politics from an 'expert' and 'neutral' administration. In the UK, this development (marked by the Northcote Trevelyan Report in 1853) owed much to successful Indian colonial experiments (discussed below). In the United States, it was also a reaction against the 'spoils system'. However, despite the growth of the 'administrative state' (Waldo 1948: 7–21), anti-*étatist* institutions such as directly elected sheriffs and school administrators continue to challenge the presumption that a permanent, paid officialdom is the most reliable embodiment of the public interest.

Napoleonic

The Napoleonic tradition is found not only in France but also in Spain and other Southern European countries. Like other Continental systems, the law is 'an instrument of the state for intervening in society rather than serving as a means of conflict resolution between different societal actors' (Knill 2001: 65). A separate system of public law regulates relations between the state and citizens. Administration is closely bound to the law and there is a complex hierarchy of constitutional law, statute, regulations, administrative notes and circulars that define the scope and content of all administrative action. Where administrative discretion is exercised, it is checked by a system of judicial review, the scope of which is much wider than in the Anglo-Saxon tradition.

The Napoleonic or Bonapartist state's defining features include a unitary organization of the state, a technocratic orientation towards decision-making

and a prominent nation-building role for government (Chevallier 1996a: 67–68). More so than in the Germanic tradition, unified administrative rather than political or legal arrangements impose uniformity. The French civil service is led by an exclusive administrative class, most of whose members are trained and recruited in a few key educational institutions. The so-called *grands corps* also comprises the recruiting pool for a large portion of the French political elite. In France (as in Germany, but in stark contrast to the United Kingdom) there has been no perceived contradiction in slipping back and forth from a civil service to a political role, because the former is clearly prescribed by law so as to exclude ambiguity, regardless of whether the occupant has shown any political allegiance. All roles of public office, whether elective or appointive, are constrained and shaped by the legalistic, *étatist* tradition.

The Southern European variant (Spain, Portugal, Italy and Greece) is characterized by a high degree of legal formalism – or ‘management by decree’ (Panozzo 2000) – coupled with sectoral and local ‘clientelism’. Legal formalism breeds ‘double talk’ – the rules are ‘observed’ through elaborate procedures, but outcomes are achieved by informal arrangements, including corruption. There tends to be a higher incidence of politicization of senior appointments, with the result that there is not the same kind of exclusive, permanent administrative elite found in France (with the possible exception of Spain with its *cuerpos*). In addition, there is a tradition of using lower-level public sector jobs as political rewards for party supporters and, as a result, a bloated public employment sector (Sotiropoulos 2004).

Germanic

The German *Rechtsstaat* is often held up as the prime example of a statist view of governance, with a very strong and all-encompassing body of public law governing every administrative sphere. Members of this group along with Germany are Austria, Switzerland and the Netherlands. Civil servants (and judges) tend to be trained to think that they alone possess the capacity and the right to define what constitutes the public interest. Legal training is the necessary qualification and legalism imbues all public administration. The Germanic state tradition differs in several ways from the Napoleonic. In Germany, a significant realm of public action is undertaken in cooperation with and through non-state corporations, which are given special legal status in organizing and representing economic and social groups and functions. This corporatist pattern of governance reflects an organicist view of state–society relations, in contrast to the French tradition in which society is viewed as a collection of free, legally equal citizens, while direct imposition of unmediated state authority is afforded routine legitimacy. Moreover, Germany is a federal state, in which the subnational territories remained powerful entities after unification in the nineteenth century. The federal

arrangements are also 'organic' and operate through patterns of formal cooperation and negotiation, some of them prescribed in constitutional law. However, German administrative structures are somewhat more fragmented than the French, with a high level of horizontal differentiation adding to the complexities of federalism, giving rise to coordination problems (Knill 2001: 72; Scharpf 1988).

The Scandinavian tradition

The Scandinavian or Nordic variant (Denmark, Sweden and Norway plus Finland) combines an *étatist*, organicist inheritance similar to the Germanic tradition with a strong state-welfare orientation. The latter is based on a 'social compact' arising from a deep-seated democratic and communitarian tradition. But the countries in this category differ along a number of structural dimensions. Norway is more unitary than Sweden and Denmark, which have stronger local governments. Sweden is notable for its traditions of social participation and for a consensual style of politics, while it is also famous for its highly decentralized system of national government, with a very small policy core in each ministry loosely overseeing a set of autonomous operating agencies. This so-called 'Swedish model' of administrative organization was also adapted by Norway. The administrative agencies in Sweden are regulated not only by elected politicians and ministers but by a system of administrative review, including the ombudsman. Civil servants' actions are subject to high levels of open scrutiny, with a presumption against secrecy in any administrative proceeding or document (Ziller 2001).

Latin America

Spanish and Portuguese conquest helped define Latin America's administrative heritage. Spanish rule was based on strong hierarchy and elaborate, uniform laws and rules written without regard to the practicalities of local circumstance. However, application of the ancient Roman Law principle of *se acato pero no se cumple* ('I obey but I do not execute'), justified by the claim that the ruler would not intentionally harm his subjects, left room for local discretion, albeit often taking the form of inaction. The unexpected arrival of the central inspector was the only way the logjam might be broken (Hanson 1974). Portugal's legacy was somewhat less rigid and centralized.

Following independence in the nineteenth century, local elites reacted to the Hispanic tradition and looked elsewhere for models, in particular to the unitary Napoleonic state (Hopkins 2001: 1041). Social and political contexts created a Latin American variant. A particular style of bureaucratic rule evolved. There was excessive legalism and formalism on the surface but, at the same time, selective application and the use of discretion to dispense personal favors: '...bureaucratic and authoritarian traditions

intersected in a political and social order that was patrimonial at its core and only superficially legal-rational...the endurance of “*amiguismo*” and “*compadrazgo*”... (and) a profound schism between “insiders” and “outsiders” (were)...manifestations of this built-in particularism’ (Nef 2003). Heredia (2002: 15) writes of the ‘gap between formality and reality’ in most Latin American countries such that, while there was usually a set of strict career service rules, high levels of discretion pervaded the system, allowing for politicization. The underlying reason for this was *clientelism*, which was a feature of the wider political system. Elected politicians garnered votes and rewarded followers with offers of specific, material benefits (such as government jobs or contracts). A third factor was the precarious status of law and the weakness of judicial authorities, making ‘the predominance of irresponsible discretionary action possible’ (Heredia 2002: 18).

During the twentieth century, pockets of technocratic excellence developed in Latin American states, to a large degree in a plethora of ‘parastatal’ organizations dealing with economic development rather than in the civil service proper (Nef 2003). But broader, Weberian-inspired bureaucratic reform had little impact on many Latin American civil service systems: creating a Weberian civil service – merit reforms to appointments, promotion and pay and so on – remains prominent on contemporary reform agendas (Gaetani and Heredia 2002).

Postcolonial South Asia and Africa

The lumping together of Africa and South Asia would seem to be perverse, particularly because South Asia has a distinct, ancient tradition of indigenous administration and imperial rule (as elaborated in Chapters 4 and 5). However, the lasting legacy of nineteenth-century European colonialism justifies their inclusion together. In South Asia, layered over the Indian traditions of administrative rule and bureaucratic organization, the arrival of the British East India Company began the key institutional developments that concern us here. However, one enduring institution from the earlier tradition was ‘the district’. The Mughals made use of the district for revenue collection, applying the prebendal system in which power reverted to the emperor on the death of the local appointed overlord (Subramaniam 2001: 84). The East India Company, after a period of plunder and predation, adapted and amended this institution by borrowing the Confucian notion that the local rulers should be selected on merit (Bjorkman 2003: 193). Britain’s own model of gentlemanly, voluntary service was of no help. Haileybury College became the training ground for an exclusively British administrative elite (from 1853, Indians also became eligible). This in turn provided a model for Britain itself as well as for the rest of its colonies. The district administration system was also an Indian template adapted for subsequent reexport to Malaysia, Uganda, Hong Kong and elsewhere (Subramaniam 2001: 85).

The development of administrative systems by the colonial powers was affected in part by experiences of adaptation to local institutions and in part by the inheritances derived from the metropolitan systems of rule. All colonial powers in Africa – French, British, Belgian and Portuguese – deployed various forms of ‘indirect rule’ at the district level in some of their colonies, utilizing local chiefs and customary forms of legal and administrative control where this was more convenient. Matthew Lange (2005) has shown that predominantly ‘direct rule’ colonies (defined as placing less reliance on customary law for indigenous administration) tended to fare better in the postindependence era as a consequence of their inheritance of a more systematically imposed and uniformly ‘modern’ set of institutions.

Differences between the colonial powers based on transplants from their metropolitan systems also left their mark. France, while making use of local chiefs and traditional forms of rule, also co-opted local leaders through incorporating them into the newly formed, centrally managed local civil service (Bouniol 2005a, b). The African members of these civil service elites were deliberately cultivated by the metropolitan power and received training in the French traditions of bureaucratic rule. French *étatisme* in the postindependence era took on its own character, with the state as protector of the common good becoming inextricable from the state as employer and agent of development. Overstaffing and underemployment were the norm; salary increases were given for welfare reasons rather than to develop performance-related reward structures; and, at the very top, politicization was rife, even if managers tended to be drawn from the professionally qualified. However, while we may be tempted to view these features as especially a Francophone inheritance, some of the same features developed in ex-British African countries as well (Lindauer and Nunberg 1994). Similarly, while differences in control, delegation and accountability between transplanted French and British financial systems are still evident, similar patterns of financial mismanagement developed in many independent African countries (Bouley et al. 2002; Lienert 2003; Moussa 2004).

In sum, the contemporary administrative traditions of ex-colonial African and Asian states owe much to the colonial experience. But, far from seeing the result as merely a construct of pure mimicry, this historical experience has its own logic: the adaptations of an ‘imported state’ are driven by specific tensions between the importing culture and the exported model (Badie 2000: 140–146). The results are in many cases predatory and dysfunctional (Bayart 1993 – see also Chapter 6 on Africa).

East Asian

Administrative legacies in North-east and South-east Asia are the product of a complex process of layering which is part of the latecomer modernization and development experience. In the late nineteenth century, few countries in these regions escaped the direct coercive impact of the imperial

powers. Even Japan was subject to the unequal treaties of the great powers, resulting in commercial settlements and occupation by Europeans in the Japanese treaty ports. The late nineteenth-century Thai monarchy successfully warded off colonial occupation (but not influence) through voluntarily opening up its borders and its markets and welcoming the foreigner. Thailand also deliberately imported many European laws and institutions (mostly French), including a modern civil service system. As in Japan, their adoption was clearly shaped by local traditions, not only in the way the models were interpreted but also in the way they were adapted and put to use. Thai bureaucratic culture, for example, is a classic case of a hybrid combination of, on the one hand, traditional norms rooted in Buddhism and patrimonial social structures and, on the other, Continental legal-rational institutions (Painter 2007). Other countries, such as Malaysia, were colonized and (like those in South Asia and Africa) bear clear signs of a colonial inheritance.

These diverse combinations of local traditions and foreign imports may seem to produce a bewildering variety of permutations, but we can impose some sense of order on the landscape by distinguishing between four broad families (Table 2.2). One basis for this classification is the influence of East Asia's own dominant administrative tradition, Confucianism; the other is the origin of the imported Western model. The fourfold division is not entirely satisfactory, as one of the subcategories – 'non-Confucian' – is a catchall, within which we can readily see the presence of several different cultural traditions: for example, Buddhism in Thailand and Islam in Indonesia and Malaysia. But one thing is immediately striking: all the classic East Asian 'developmental states' fall into the one quadrant (Continental/Confucian). At least, we can say that it seems to make a difference whether or not a system proclaims or enjoys a Confucian tradition.³

The Confucian administrative tradition is in part a compilation of strands of a philosophical tradition and in part a product of Chinese imperial administrative practice (see Cheung, Chapter 3). The co-option of the intelligentsia by the imperial Han state created a remarkably stable system of rule

Table 2.2 Asian traditions, European transplants: The administrative inheritance of the East Asian state

| Transplant | Tradition | |
|--------------------|--|-------------------------|
| | Confucian | Non-Confucian |
| Continental Europe | Japan, Korea, Taiwan China, Vietnam | Indonesia Thailand |
| Anglo-American | Hong Kong Singapore | Philippines Malaysia |

under which the 'mandarinate' cooperated in the management and conduct of state affairs. This bureaucratic tradition reached beyond China into other East Asian nations (such as Vietnam, Korea and Japan), which, over the centuries, were influenced by Chinese models of statecraft (Woodside 1988). In Maoist China, many aspects of the tradition were derided and suppressed (although some have recently undergone a revival), while elsewhere they remained valued.

Confucian doctrines of statecraft hold that 'ritual' – a proper understanding and continuous reaffirmation of each person's place in the hierarchy of roles and duties – combined with a rule of reciprocity in human relations will ensure order better than a set of laws and a system of punishment after the fact. Reliance on the rule of virtuous men, rather than on the rule of law, may seem to be vulnerable to nepotism and corruption, but meritocracy is also a core feature of the Confucian tradition. It was associated with the cultivation of virtue through learning. As practiced it was inextricable from the use of the imperial examination system to recruit state officials. The result was the creation of a prestigious and wealthy 'scholar class' of teachers and officials. The examinations system, strictly controlled by a hierarchy of learned men, was designed to test literary skills and minute knowledge of the texts. Such a system was prone to decay at best and to nepotism and corruption at worst. That this tradition embodies, from Western eyes, ambiguous and contradictory outcomes is not surprising. In Japan, Confucian roots have been claimed for the preference for negotiated over legalistic methods of dispute settlement that is found in business and government in Japan (Levy 1992).

The modern Japanese administrative system is also the product of a deliberate process of copying by the Meiji restoration leaders in the late nineteenth century, creating a classic hybrid (Muramatsu and Naschold 1997). The models were Prussia and, to a lesser extent, France. But the careful transplantation of German constitutional doctrines and legal forms, as well as Prussian bureaucratic structures, was accompanied by a deliberate effort to reconstruct Japanese traditions. Indeed, the attractiveness of the Prussian model was in part its close ideological fit with this manufactured Japanese cultural tradition. Despite the upheavals of defeat in the Second World War and the American occupation, which resulted in the importation of Anglo-Saxon models, the distinctive forms of this bureaucratic legacy have lived on (see Chapter 7).

Soviet

The Soviet administrative tradition combined one-party rule with a unitary bureaucratic state. Party rule imposes, in theory, total overarching political control over all arms of the state – judiciary, bureaucracy and representative institutions. The doctrine of 'democratic centralism', still the underlying

principle of the Chinese and Vietnamese systems of government, brooks no separation of powers of any kind. Mechanisms of control include a system of party supervision in which, at all levels and for all separate units of administration, there is a party 'cell' that exercises real decision-making authority within the unit. This duplication of party and state hierarchies is moderated by the rule that all leading public officials must be party members: there is no sharp distinction between political and administrative roles or functions. In the Soviet model, the unified state is also vertically disaggregated. Each subnational level of administration is under the supervision of an elected body (a 'Soviet' or 'People's Committee'), with elections strictly managed by the party. As well as the complexities of dual control by state and party hierarchies, the principle of 'double subordination' applies (common also in the Napoleonic tradition), with local officials governed under the command of both the local body and also the next level up of their vertically organized state department. This system in China (for example) is both highly centralized and also prone to high levels of horizontal fragmentation at each level.

Meritocracy has an uncertain status in this tradition: 'red' is better than 'expert'. Under the system of 'cadre bureaucracy', political training, adherence to party doctrine and loyalty to the party line are key qualifications. 'Performance' of top public officials in China and Vietnam is often measured by achievement of political goals and targets. Thus, while a 'civil service' exists in the sense of permanent state employment, with rules concerning qualifications for employment, advancement, discipline, pay and pensions, it is not a simply 'neutral' institution concerned with efficiency. Cadre bureaucracy is aspirational and mobilizational, as well as task-instrumental.

The legacy of this administrative tradition in postcommunist states in Eastern and Central Europe is ambiguous (see Chapters 15 and 16). One view is that such was the extent of 'total collapse' of many state functions that there was a virtual 'clean slate'. Another view stresses a high degree of 'institutional overhang', which has perverse effects and diverts or limits reform efforts (Nunberg 1999: 237–238). In China and Vietnam, contemporary reform programs are designed to adapt and modernize, with attempts to redefine 'merit' in the civil service, rationalize government machinery and downsize or abolish the old institutions of the command economy. In China, Western models are of keen interest and are being studied and adapted (Christensen et al. 2008). In the process, some new and somewhat unexpected hybrids are emerging (Painter 2005).

Islamicist

Attempting to delineate or characterize such a family is difficult, given that the specifically Islamic dimension of public administration (and of the State

more generally) interacts with several other dimensions in each country. For example, administration in Bangladesh and Malaya (Kaul 1997) is a mixture of some Islamic elements, some elements of Asian administrative traditions, and some inherited elements from the British colonial period (see Chapter 5 on Bangladesh) (Braibanti 1966).

The three great Islamic empires of the early modern period – Safavid (Persian), Ottoman and Mughul – each in their turn inherited pre-Islamic traces, for example, the ‘satrapal system’ of administration, which combined a complex set of coordinating mechanisms and ‘checks and balances’ at the center along with a high degree of decentralization. A standardized set of laws and a central bureaucracy based on merit principles helped knit these empires together (Farazmand 2001: 541–547). In nineteenth-century Persia, the central state disintegrated but the bureaucratic tradition, with repressive tendencies, was revived under the Pahlavi autocracy in the twentieth century. The revolution of 1978–1979 was in part a reaction to bureaucratic heavy-handedness. Indeed, it might be argued that this represented a reaching back to other traditions in Islamic culture which were essentially antibureaucratic – informal organization, tribal relations and religion (Farazmand 1999). In the early postrevolutionary years, bureaucratic administration was challenged by active social and religious organizations in local communities and by new forms of theocratic leadership in ministries and departments. However, rebureaucratization was subsequently encouraged by the leaders of the regime (Farazmand 2002).

Far from being principally a theocratic tradition, secular forms of rule have often prevailed. Rulers of the Ottoman Empire often contradicted Islamic precedents, emphasizing doctrines of ‘necessity’ and ‘reason’ – the *adab* tradition. They also enjoyed relative autonomy from social groups and forces: the Ottoman Empire was a ‘bureaucratic polity and not a patrimonial regime’ (Heper 2001: 1020). Attempts at revival and modernization of Turkey in the mid-nineteenth century centered on restoring this tradition by also borrowing from continental European models (Badie 2000: 141, 146). Atatürkism, while a radical new departure, was in some respects a republican version of the *adab* legacy. By the middle of the twentieth century, a modernized and Westernized bureaucracy (and parts of the military) took upon itself the mantle of the ruling elite. However, societal forces and political parties challenged their ruling ambitions.

To the extent that there is a common Islamic tradition, it stresses the role of a hierarchical, centralized state, with the bureaucracy often central to political rule (Jabbara 1989). However, further variety in the Islamic family is evident from the case of modern Arab nation states, which were historical creations of British and French colonialism. In the Persian Gulf region, Britain installed a series of puppet rulers in states that were primarily the product of nineteenth-century treaties with then-favored tribal rulers. British advisers transferred models of colonial bureaucracy to British

protectorates and encouraged local rulers to imitate them. The result was a system of public administration superficially committed to top-down 'development' but just as often concerned with patronage. Bureaucracies in many modern Arab states became renowned for their dysfunctions: bloated staffing budgets; a proliferation of agencies with duplicated functions and little coordination; rampant corruption; and 'clerkism' (Ayubi 1988; Jreisart 2002: 165–170).

Conclusions

There remains much work to be done on the identification of the principle traits of different administrative traditions, whether we are dealing with families and groups or with individual cases. The following chapters make a start on some of this work, both through original analysis of somewhat unfamiliar cases and through fresh analysis of more familiar cases.

Notes

1. After Page (1995); Loughlin and Peters (1997); Peters (2000).
2. John Halligan (Chapter 10) finds it useful to separate out a so-called 'Anglophone' group of 'old Commonwealth' countries, namely the United Kingdom, Canada, Australia and New Zealand.
3. To add to the complexity, China and Vietnam are 'Confucian and Soviet' (see next section).

3

Checks and Balance in China's Administrative Traditions: A Preliminary Assessment

Anthony B. L. Cheung

This chapter pursues a theme that is central to the analysis of administrative traditions: in a context of rapid modernization, punctuated by upheavals such as civil war and revolution, how does 'tradition' continue to be experienced and manifested in systems of public administration? No better case than China exists to explore this question. In 1911, the Republican revolution in China took the first step in ending nearly 4,000 years of imperial rule by successive dynasties.¹ The foundation of the People's Republic of China (PRC) in 1949 on Marxist–Leninist revolutionary principles was presented as a complete break from the feudal past. The break from the imperial and Confucian heritage was considered so clear-cut that there is scant academic discussion seeking to trace the present system of institutions to the past.² Such disconnection between the present and the past seems to suggest that administrative traditions have limited impact on the design, practice and culture of contemporary Chinese public administration.

This chapter questions the argument of disconnection. It takes a fresh look at the imperial heritage and finds a number of elements in it that were carried forward into the Republican and Communist systems respectively. The establishment of the first modern, postimperial systems of government in the twentieth century was not entirely due to the transplant of Western constitutional ideas and practices. The Constitution of the Republic of China that immediately followed the Qing Dynasty – the last of the imperial courts – could be regarded as a hybrid of the traditional–domestic and the modern–foreign components. Even for the PRC, despite its imported communist system, there has been an increasing emphasis on 'socialism with Chinese characteristics' since the 1980s, including official attempts to rediscover some Confucian traditions so as to reinforce a new sense of cultural roots and neo-nationalism.

The purpose of this chapter is twofold. First, it traces the history and evolution of the traditional Chinese administrative system, in particular the

exercise of prime ministerial and advocate powers: what exactly characterizes the core features of this administrative tradition? Second, it assesses Imperial China's notions of 'organizing' government, and discusses the implications of this administrative legacy on contemporary Chinese public administration, first with reference to the inheritance of this legacy in the Republican era that still continues to some extent in Taiwan and, second, with reference to contemporary China.

Evolution of the traditional Chinese administrative system³

As Ch'ien (1952: 1) has argued, it is wrong to discard the pre-republican (pre-1911) period of China's imperial political history as one of monarchical despotism (so-called Oriental Despotism) (Wittfogel 1981) that would not meet the criteria of modern governance. The imperial system of government and administration was not entirely void of institutional features of checks and balance. Indeed, centuries of dynastic rule in Imperial China witnessed a long process of rivalry between the emperor's power and the power of his scholar-officials who functioned as prime ministers and ministers. As put by Fei Xiaotong, the power of the emperor was restricted by two factors: the principle of '無為而治 (*wuwei erzhi*)' ('governing without positive actions', a notion somewhat similar to the Western concept of *laissez-faire*), which rendered the emperor powerful but with 'limited' functions; and the presence of the Confucian gentry class, who acted as intermediary between the common people and the monarchy (Wu 1948: 42–43).

The first line of checks and balance over the power of the ruler lay in the ethical and ideological definition of good governance. According to Confucianism, which became the state-sanctioned doctrine during the Han Dynasty, *Li* (the rites) was a collection of principles of propriety which governed and guided social relationships, including between the ruler and his subjects. It provided a basis for social and political order. Thus Confucius said: 'to stabilize the upper class and to govern the common people, nothing is better than the Rites' (Zhao 2006: 43). Emperors over the ages were thus all expected to rule the lands according to *Li*, which served the wider social function of 'offering a unified moral code (a "constitution") for the traditional Chinese society, which served to socialize every young generation and make trustworthy adults through conscious cultivation of virtues (*De*)' (Zhang 2006).

Under the Rule of Virtue, rulers should behave as sage-kings, '...so that all will result in good order and be in accord with goodness' (Chan 1963: 131). In terms of 'rulership' (or statecraft), the emperor was required to fulfill four principal duties: to respect heaven and nature, to follow the rules and methods laid down by the ancestors, to be diligent in administration, and to care for the people (Zhao 2006: 41–51). These four elements constituted the 'imperial virtues'. Once a ruler had lost these virtues, he would be regarded

as having lost the mandate of heaven and could be deposed. Indeed, during Imperial China's dynastic changes, successful *coups d'état* and rebellions were justified by historians as in conformity with the will of heaven: 'the path mandated by heaven', 'the way according to people's desire' and 'heaven and people in unison' (Zhao 2006: 53).

Despite the strong emphasis on the ethics of rulership, sceptics may well argue that, at the end of the day, such ethics could be manipulated in the pursuit of power: Confucian political ethics were no more than Machiavellian political craft. For example, when the great Tang emperor Tai Zong launched a coup to kill his rival brothers and take over the throne from his father, thus breaching the Confucian virtues of filial piety, his actions were justified as necessary in order to relieve the society's worry about the rise to power of the other princes and their cliques (Zhao 2006: 52). However, Confucian ethics did impose constraints on the authority and acts of the rulers, and provide the basis for challenging their power in times of calamities and maladministration, particularly by the scholar-officials who were educated in Confucian classics and had the responsibility to ensure that the social and political order was not upset by any abuse of power.

The Han Dynasty (206BC–220AD) consolidated and institutionalized a system of centralized state rule which had its origins in the preceding Qin Dynasty under Emperor Shi Huang-ti, who ended the Period of the Warring States (481–221BC).⁴ The new system embodied a division of powers between the imperial household and central government that formed the backbone of imperial rule for the next 2,000 years. Two features are crucial: the separation of royal household and government, and the rise of prime-ministerial power. While the throne (or imperial power) was hereditary, government officials were recruited and appointed. In modern-day analogy, the emperor was the head of state, while the head of officialdom – the Chancellor – was head of government. The two together made up the power of the state. In other words, the emperor was not able, and not supposed, to govern at his personal will. Indeed, while the royals – including the various princes and aristocrats – were high in ceremonial status, real governmental power was vested in the senior bureaucrats headed by the prime minister. These officials were all members of the scholarly gentry class, educated in Confucian classics and ethics.⁵ The emperor was expected to be a perfect moral leader, whose sole political task was to select 'wise and virtuous men' and let them get on with governing. Hence the ministers considered themselves natural counsellors of the emperor and bound to uphold Confucian virtues even in the face of the emperor's displeasure; in practice, they prepared the alternatives for the emperor to choose from (Finer 1997: 489). Thus major decisions were a result of dialogue between the emperor and the chancellor and other key ministers, sometimes in court conferences.

The emperor's Inner Court (which served his household needs) comprised the 'Six Chiefs' responsible for his personal needs. In the Outer Court, the

chancellor headed a cabinet or secretariat of 13 departments organized by purpose and function, such as appointment and removal of officials; worshipping, agriculture and silk weaving; criminal justice; and postal and courier matters. The 'Three Excellencies' were at the peak of the government establishment, followed by the 'Nine Grand Counsellors'. The three Excellencies were the Chancellor, who headed the civil establishment and acted as the prime minister; the Grand Commander, who headed the military establishment; and the Grand Censor, who looked after the supervision and inspection of officials and was the *de facto* deputy prime minister. In the early Han years, the Chancellor had extensive powers, including power in policymaking, usually in official court deliberations (with also the power to remonstrate or block should he find the emperor's decisions inappropriate); legislative and judicial power (in preparing royal decrees and laws, and in adjudication over major judicial cases); power of appointment, examination and rewards of officials; power of administrative execution; power over government finance; and power over the military (when the post of Grand Commander was not filled, as was frequently the case) (Li 2007: 76–78).

Despite the separation between the Inner and Outer Courts, there was a gradual tendency for later Han emperors to bypass the latter and rely on the Inner Court for advice in processing memorials and royal orders. As a result, Inner Court minor officials and the palace eunuchs began to exert undue influence. However, when Inner Court officials became too powerful, the emperor would appoint some trusted ministers from outside. By the time of the Late Han Dynasty, while the Chancellor remained one of the 'Three Excellencies', actual prime-ministerial power had shifted to the Controller of Administration, literally meaning 'the officer in charge of documents', who was in charge of administration and execution of royal orders within the Inner Court. This office gradually moved from the Inner to the Outer Court and later evolved into the Council of Ministers in the Tang Dynasty (618–907).

The influence of Tang civilization and institutions spread to surrounding regions, notably Japan. While governmental (prime-ministerial) power continued to be separate from the emperor's power, the exercise of the former was now collective. In the Han era, there was a top official clearly acting as prime minister. By the Tang Dynasty, prime-ministerial power was shared among three principal organs of state – namely the Grand Secretariat, the Imperial Chancellery, and the Council of Administration (known collectively as the three '*Sheng*'). Such a triumvirate structure was not a sudden invention of the Tang court, but a natural evolution from the rise of officials of these three organs in previous dynasties at the expense of the old chancellor. The Grand Secretariat was in charge of the preparation of royal orders and administrative instructions in the name of the emperor. The Imperial Chancellery had the power of 'countersignature and blocking'. All orders and instructions initiated by the Grand Secretariat had to be endorsed by the Imperial Chancellery, and properly stamped by both organs, in order to

be effective. Afterwards, it was for the Council of Administration to execute the orders and instructions. When it came to implementation, there were the 'Six Ministries' under the Council, responsible for day-to-day administration: Personnel, Revenue, Rites, Military, Justice and Public Works. The system of 'Six Ministries' continued throughout the rest of imperial history until the Qing Dynasty, with only adjustments in the order of precedence among the ministries.

The Tang Dynasty issued the *Six Codes of Tang Dynasty*, which detailed the organization, personnel and division of duties among the six ministries and was followed by the subsequent dynasties. Since Tang times, major changes in the central government lay in the functions of the Secretariat and Chancellery. In 723, the two organs were combined as the 'Secretariat-Chancellery', later to be further institutionalized with its own secretariat organized into five chambers responsible for civil service, political, military, financial and judicial affairs respectively (Finer 1997: 762).

In the Han Dynasty, a Tribunal of Censors (the Censorate) was instituted under the Grand Censor. It was made independent of prime-ministerial power and operated through two wings – the left wing supervised central government officials (mostly those of the Six Ministries, but excluding the Chancellery); the right wing inspected provincial and county government officials via a network of local inspectors. There were also separate 'remonstrating officials' whose specific duty was to monitor royal acts and tender their advice, advocacy and criticism as necessary. In the Tang Dynasty, while remonstrating officials were not of a high rank and lacked substantive power, they were nonetheless highly respected. Because they were not high officials, it was easier for them to criticize the emperor, thereby saving the prime minister the need and embarrassment of directly confronting the emperor. In essence, however, the remonstrating officials were an extension of prime-ministerial power in checking the behavior of the emperor.

The Tang Dynasty's ideal system did not last. As Finer observed, the emperor was still at the apex, acting as arbitrator between conflicting agencies, and sometimes entrusted a particular minister with overriding authority. He could also leave the routine to the Secretariat-Chancellery, but took major policy out of their hands by creating an extraordinary overriding institution, relying increasingly on the Inner Court for decision-making (Finer 1997: 803). Since the later Tang era the scholars of the Grand College, originally appointed to provide consultation to the emperors on Confucian teachings, the arts and literature, and scientific knowledge, were increasingly relied upon by the emperor for deliberations of state affairs in confidence, forming a countervailing force to the outer court bureaucracy and the palace eunuchs (Li 2007: 90–91).

An important change during the Sung Dynasty (960–1279) was that the prime minister was deprived of military, revenue and appointments powers.

Only the Grand Secretariat was still privy to the preparation of royal orders and instructions and possessed some residual prime-ministerial power. Both the Chancellery and the Council of Administration were now located outside the palace and thus detached from the center of decision-making power. The balance of power shifted to the side of the emperor. The Privy Council was now instituted as the supreme military body; together with the Grand Secretariat, they were known as the 'Two Administrations', marking a clear separation between civil and military jurisdictions, which together constituted prime-ministerial power. The Tribunal of Censors continued to be an independent institution. By then, a tripartite structure of central government – namely 'Three *Sheng*', 'Two Administrations' and 'One Tribunal' – was institutionalized, representing the deconcentration of prime-ministerial power.

Revenue affairs were controlled by the 'Three Commissioners' – responsible for revenue collection, salt and iron monopolies, and payments control, respectively – who were originally subordinate officials of the Ministry of Revenue but now made independent and powerful. As for personnel powers, a separate Court of Examinations was created to take charge of all recruitments and appointments. The powers of the previous 'three *sheng*, six ministries' structure was *de facto* usurped. In addition, remonstrating officials were made independent of the prime minister and nominated directly by the emperor; as such, they had become 'monitors' of the prime minister's actions rather than those of the emperor. The emperor's power thus expanded at the expense of the prime minister.

Imperial China's system of administration underwent a significant deviation during the Ming Dynasty (1368–644), which saw the abolition of the office of prime minister. Even before the Ming time, the previous Yuan court had already dropped the triumvirate system and made the head of the Grand Secretariat prime minister. The Ming emperor abolished the Secretariat, and elevated the status of the Six Ministries – each headed by a Minister at the second grade – to be led directly by the emperor. There was also a Court of Surveillance, evolved from the Tang Dynasty's Tribunal of Censors, responsible for audit, inspection, reprimand and impeachment, operating through a network of surveillance officials at both central and local levels. Together with the six ministries, they were known as the 'Seven Grand Counsellors'. In addition, the Commissioner of General Administration controlled the transmission of all submissions from officials to the emperor, and there was a Grand Court of Appeals. Together with the other seven grand officials, they constituted the 'Nine Grand Counsellors'. They were all answerable directly to the emperor without any coordinating layer, hence enabling the emperor to have greater centralized power.

Despite these moves, the tradition of court deliberations was still retained, which imposed some constraints over the emperor's power. Major affairs of state were by convention decided upon by the Seven or Nine Grand

Counsellors meeting in joint session. These top officials, jointly with the Superintending Viceroys (who oversaw provincial officials), also made recommendations to the emperor on senior appointments. If a joint session of the Ministry of Justice, the Court of Surveillance and the Grand Court of Appeals could not reach agreement on judicial appeals, then the Seven or Nine Grand Counsellors would meet to decide. Even though the emperor's power had been enhanced, the scrutiny officials attached to each of the Six Ministries could still exercise some power of review and blocking over royal orders, which had to be routed through the minister for promulgation and execution.

An innovation of the Ming Dynasty was the emperor's inner secretariat or Cabinet, where scholars of the fifth grade (as compared to Ministers at the second grade) congregated to discuss and render advice to the emperor, and to draft responses to officials' memorials in accordance with his oral directives. These 'Grand Scholars of the Cabinet' in effect served as the emperor's personal secretaries. The actual operations of the cabinet system depended on the emperor's diligence. As time passed, some Ming emperors did not even bother to meet their cabinet scholars, so that communication between the two sides fell into the hands of the court eunuchs or other minor Inner Court officials. Gradually the eunuchs accumulated undue influence over the highest decisions of government (Ch'ien 1952: 92). The Ming court sought to further consolidate the absolute authority of the monarch, resulting in a move from *absolutism* to *despotism* (Finer 1997: 848).⁶ Flogging of officials and purges with executions had become more frequent, with the emperor making more active use of the court's secret police (known as the 'Brocade Uniform Garrison'). The rising supremacy of the emperor was to last into the Qing Dynasty (1644–911).

The Qing Dynasty (established by the Manchus) was an alien regime to Han China. But the Manchus were politically wise enough to adopt the mainland system of administration based on Confucian teachings and rites, so as to tame the Han intelligentsia and to win over their loyalty. As a tribal regime, the Qing rulers had to ensure that the Manchus occupied the principal posts of government and that the emperor's power was unrivalled. Hence, they retained the Ming practice of not filling the prime minister's post and relying on the 'grand scholars of the cabinet' for administering state affairs. In order to ensure Manchu supremacy and to contain Han officials' power, there was a system of parallel Manchu and Han ministers and deputy ministers, so that both could separately submit memorials to and receive instructions from the emperor. This served the purpose of 'divide and rule', and of centralizing powers further in the emperor's hands.

During the reign of Emperor Yong Zheng, a separate 'Secretariat for Military Secrets' was established in 1726, initially to handle the military campaigns in the early period of the new dynasty, but later also to decide on important affairs of state. As the Secretariat for Military Secrets became the

de facto center of power, cabinet ministers had to be concurrently appointed as 'Grand Councillors of the Secretariat' in order to take part in decision-making. In practice, therefore, there was an overlap of offices between the Cabinet, the Secretariat and the Six Ministries. The Qing emperors also appointed senior officials by special selection, known as '*tejian*', without knowledge of the Ministry of Personnel or any court deliberations. Even minor officials appointed by the Ministry of Personnel had to be interviewed by the emperor before they could officially take up their posts. By then, the system of checks and balance existing between the emperor and the bureaucracy had virtually collapsed, paving the way for the emperor to act as a despot.

Notions of 'organizing' government in imperial China

The administrative legacy of China's imperial courts was established as long ago as the Han Dynasty. It was founded on three pillars, namely: a bureaucratic centralized state of scholar-officials; the rule of virtue according to Confucian teachings; and the notion of mandate of heaven, in effect sanctioning only one ruler under heaven, that is, the imperial ideal (Finer 1997: 526). By the Tang Dynasty, the imperial system of public administration had come to its maturity, displaying some key features:

- A clear balance between the emperor's power and the power of government headed by the prime minister.
- Division of prime-ministerial power into the three *Sheng* (i.e. Secretariat, Chancellery and Council) and six Ministries.
- A nascent form of separation of the power of law (order) drafting, scrutiny and execution within government.
- A system of supervision/inspection of both the emperor and his royal household, and of government officialdom (from center to the localities).
- A Censorate with the right and duty to denounce and impeach any officials of the administration. The censors' (and local inspectors') role could be compared to that of modern-day Ombudsmen.
- The right and duty of remonstrating officials to memorialize and denounce any official decision, including that of the Censorate, to the emperor, and even to criticize the emperor himself.

Since the Ming and Qing dynasties, however, emperors began to recentralize powers through various attempts to erode prime-ministerial offices, and to set up alternative institutions such as the inner cabinet and military secretariat, thereby bypassing the normal process of government and strengthening the degree of despotism.

But one should not presume that Imperial China was a hardcore despotic monarchy throughout history. China's administrative tradition was in fact

premised on a subtle system of checks and balances. The Imperial Chinese government was more a government by the gentry class (or a 'mandarin government'). The gentry class – the Confucian intelligentsia – exercised a monopoly both over the study, interpretation and expansion of Confucian scholarship (in particular the teachings and ethics) and over the supply of officials to the imperial court. Under the separation of power between the royal household and the government, and especially when prime-ministerial power was strong, institutional design underpinned by a solid Confucian scholar-officialdom ensured that the emperor had to corule with the mandarins. The checks and balance of imperial power are illustrated in Figure 3.1. No single bureaucratic institution was able to monopolize governmental power. The bureaucracy, while expected to be absolutely loyal to the emperor, had the power to check, criticize or even block his decisions. Its autonomy was safeguarded by the Confucian ethos of government.

An important institutional development of Imperial Chinese public administration was the evolution of a vast network of administrative supervision and surveillance, starting with the Grand Censor in the Han Dynasty. By the Tang Dynasty, the Censorate was fully autonomous, with full jurisdiction over all central and local government officials. Censorate officials reported directly to the emperor and were not supposed to be subject to any restriction or interference even by their senior officials; hence the saying: 'Censorate officials have no superiors' (Li 2007: 199). Over the dynasties, rules for supervision, surveillance and impeachment were codified, culminating in an elaborate *Imperial Code for the Censorate* by the Qing Dynasty (Li 2007: 201).

The collective responsibility in decision-making at the highest level of the state and a differentiated power structure were important features of Imperial

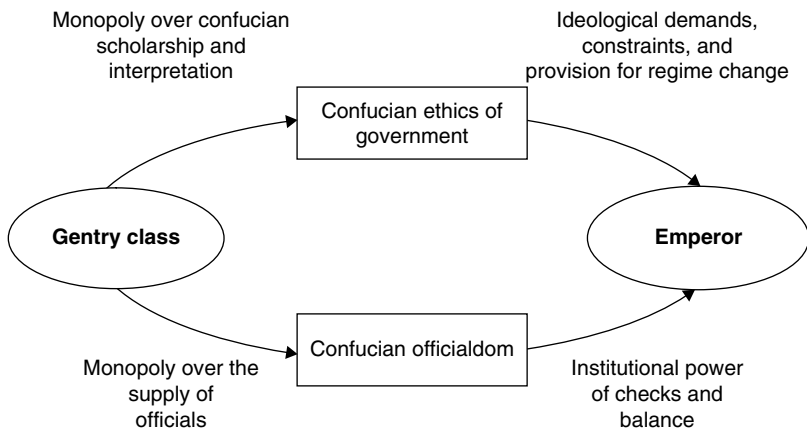


Figure 3.1 Checks on emperor's power

China. Chancellor and secretariat/cabinet powers since the Han Dynasty were comparable to prime-ministerial and cabinet powers in Western governmental configurations. Thus, behind the facade of a despotic or absolutist monarchy lay an imperial public administration system grounded in conformity to Confucian ethics and ethos as an overarching and permanent ideology of governance; abiding by rule and rote, and norms set by predecessors; exercising collegiality in decision-making; and occupying a differentiated rather than unified power structure, with separation between policy and execution and some form of administrative scrutiny, supervision and surveillance.

The administrative legacy and its implications

The amalgamation of the traditional Chinese notion of separation of powers (i.e. executive, judicial, supervision, examination) and the European-American doctrine of separation of powers (executive, legislative, judicial) led the republican revolutionaries, headed by Sun Yat-sen, who overthrew the Qing Dynasty in 1911, to opt for a so-called 'Five-Power' constitution for the new Republic of China (ROC). Under this constitution, the powers of government were shared by five Yuan – namely the Executive Yuan (the equivalent of cabinet government), the Legislative Yuan (the parliament), the Judicial Yuan (the judiciary), the Examination Yuan (responsible for the examination and appointment of civil servants) and the Control Yuan (responsible for supervision and disciplinary control of government officials, including Ombudsman functions). The Examination Yuan and the Control Yuan inherited, respectively, the institutional legacy of the Sung Dynasty Court of Examinations and the Han Dynasty Censorate.

Sun Yat-sen advocated a five-power constitution as early as 1905, when he founded *Tung Meng Hui* (The United League) to spearhead the republican revolution. When the new ROC was established in Beijing in 1912, it first implemented the three-power political system of the West. The five-power system was only formally adopted in 1928.⁷ An Auditing Yuan was established in February 1928 to control government finance. In February 1931, the Control Yuan was formed to serve as the highest supervisory organ of the *Kuomintang* (KMT) Government by exercising the powers of auditing and impeachment, while the Auditing Yuan was downgraded into the Ministry of Audit Subordinate to the Control Yuan. In 1937 powers of censure and recommendation were added to the Control Yuan. A new ROC Constitution was enacted on December 25, 1947 and continued in force after the KMT government fled to Taiwan in 1949.⁸ The first constitutional Control Yuan – with the powers of investigation, scrutiny, impeachment and audit – was established in 1948 by members elected by provincial, municipal, Tibetan and Mongolian representative councils and overseas Chinese communities.

The Examination Yuan and its subordinate Ministry of Civil Service and Examination Committee, which was upgraded to Ministry of Examination

after the enactment of the Constitution, were formed in January 1930. In 1931, the first senior-grade Civil Service Examinations were held in Nanjing (the Republican capital), followed by similar junior-grade examinations in 1934. The Examination Yuan oversees national-level examinations and public employment terms and conditions.⁹ Under martial law provisions during the 1950s–1980s, however, the Examination Yuan was much weakened, with some of its personnel powers centralized under the Executive Yuan, thereby strengthening KMT's executive control of public administration (Shiau 1994: 10).

There was no direct inheritance of the Republican political order and administrative institutions by the PRC in 1949, since the new Communist regime looked more to the Soviet model. However, the underlying political and administrative culture could not be totally severed from the past. Considering contemporary China's system of governance, some mainland scholars had pointed to the parallels between the communist system and the feudal system of the imperial past (Jin and Liu 1984, 1989). In Imperial China, the political, administrative and social order was sustained by a tripartite foundation of centralized bureaucratic (mandarin) politics, Confucian ethos (as the official ideology) and a land economy (hence aggravating landlords–peasants class conflicts). In a somewhat similar vein, the Communist regime established in 1949 was founded on the three pillars of cadre bureaucracy, an official Marxist–Leninist–Maoist ideology, and a land-based economy that subdued the peasantry to the state system through collectivization. Only this time the reach of the state was able to extend down to the grassroots level of China's countryside (Shue 1988).

The Communist revolution in China was often portrayed as a peasant revolution (Tsou 2000: 213). If so, the Communist regime could be construed as part of the long series of dynastic and regime changes that saw the rise of peasant revolts and the change of heart of the intelligentsia that provided the leadership as well as legitimacy for the removal of the *ancien regime*. Historically, the collective efforts of those elements of the gentry who either supported rebellion or simply waited on the sidelines in effect provided a mechanism for repairing Imperial China's state organization and its super-stable form of feudal society, amidst the rise and fall of various royal households. In the same vein, the Communist Party, led by young revolutionary intellectuals who were disillusioned by social chaos and warlordism following the downfall of the Qing Dynasty and the failure of KMT rule, and supported by a peasant army (the Red Army and subsequently the People's Liberation Army), marked another illustration of the repair of the centuries-old system of government by the mandarin state, albeit under Communist rather than Confucian ideology.

In addition to borrowed elements from the Soviet system, China's administrative traditions and legacy have shaped both the body politic and administrative culture of the communist state – notably the Confucian tradition of paternalistic authoritarianism founded on the rites, ethics, roles

and obligations; the rule by benevolent/enlightened men instead of the rule of law; and the organic nature of state–society relations, to produce sociopolitical harmony. In the recent years of administrative and cadre management reforms, Chinese leaders have paid growing attention to the importance of cadres possessing both ‘virtues’ and ‘expertise’ (*decai jianbei*).¹⁰ Although such an exhortation is not too dissimilar to the call for cadres to be both ‘red’ and ‘expert’ of the Maoist era, the use of the word ‘virtues’ (which now refers to the adherence to ideals of socialism and communism) is significant in that it can be directly traced to the Confucian notion of the ‘rule of virtue’ that dominated the whole of the imperial administrative tradition.

Since the 1980s, the study of Confucian thought has been revived and Confucian Institutes are being set up in different parts of the world with the mission of spreading Chinese language and culture. Traditional Chinese virtues are being played up as ingredients of the officialdom, as, for example, in President Hu Jintao’s spiritual rejuvenation campaign (known as the ‘Eight Honours and Eight Disgraces’ (*barong bachi*) Campaign) launched in March 2006. Harmony (*he xie*) has been much emphasized by China’s new national leadership since 2004, when Hu Jintao expounded on the goal of ‘building a socialist harmonious society’.¹¹ The term vividly reminds people of the Confucian ideals of harmony (Li 2006). It seems clear the Chinese Communist Party is currently seeking to inherit the Confucian traditions (which it had previously disdained as feudal and reactionary) in order to achieve a new legitimacy, in addition to its revolutionary legacy. If it succeeds in such an inheritance, the regime could gain a new lease of political and institutional life.

Concluding remarks

The Confucian articulations of statecraft and governance in Chinese administrative traditions provided for a hierarchy of roles and mutual obligations between the ruler and the ruled, and between officials and subjects, regulating behavior and relations as well as serving to sustain order and harmony, reinforcing a paternalistic order of authoritarian rule. But there was also a rider, conferring legitimacy to regime change by rebellion whenever major social turmoil, economic failure and man-made or natural disasters could signify the ruler’s loss of the ‘mandate of heaven’. Due to the lack of research, there is only a limited understanding of the trajectory in which this administrative legacy has been passed down to the contemporary period. It is most obviously in place in the institutional forms of the modern Taiwanese constitution. More broadly, as argued in Chapter 2, Confucianism (both the doctrines and the imperial legacy) still provides a useful and valid category for distinguishing contemporary states and their administrative traditions across Asia: it is probably not pure coincidence that mainland China, Taiwan, Hong Kong and Singapore have all displayed

strong features of an executive-led and paternalistic government, whether under a modern authoritarian or democratic constitution.

Notes

1. The author gratefully acknowledges the assistance of Lo Oi-yu, senior research assistant of the Governance in Asia Research Centre, City University of Hong Kong, in conducting literature research for this paper.
2. However, it has been argued that, after the 1911 republican revolution, '[a]lthough a break was made with the outdated political system, the hand of the past continued to weigh heavily in social habits and intellectual life' (see Hsu 1983: 11).
3. Original Chinese names given to various organs and the titles held by officials are translated into broadly equivalent English-language names and titles. In the process, a good deal may be 'lost in translation', as the expressions used were often rooted in a deeper cultural tradition, which gave them specific meaning.
4. The Period of the Warring States saw the gradual rationalization of statecraft: 'State institution – civil and military officers, a system of rewards and punishments meted out in accordance with rules that excluded any injustice or favouritism, honorific ranks granted for services rendered, collective responsibility and the obligatory denunciation of crimes within the family group...' (Gernet 1982: 81–82).
5. Since the later years of the Late Han Dynasty, the gentry class became monopolized by some big clans that formed a cartel over political power. This lasted until the Tang Dynasty, when open examinations were introduced to recruit scholars outside the confines of the big clans.
6. Finer defined 'absolutism' as the juridically unfettered authority to make all decisions, and 'despotism' as its effective exercise.
7. In that year China was reunited after the Northern Expedition of the *Kuomintang* (KMT, the Nationalist Party, which inherited the United League).
8. From 1948 until 1987, many important provisions of the ROC Constitution were replaced or suspended under the 'Temporary Provisions' and a series of emergency decrees promulgated by the KMT government on the premise that the country was in the 'Period of Mobilization and Combating Rebellion' to fight the Communists on the Mainland. For four decades Taiwan was *de facto* placed under a permanent state of emergency. The extra-constitutional arrangements were steadily extended, and in their final form provided the President with unlimited emergency powers. See Chu (1992: 23).
9. See history of the Examination Yuan in (Examination Yuan 2007).
10. The emphasis on both virtues and expertise was first raised by the late Party elder Chen Yun, who said that 'Expertise is obviously essential, but virtues are of primary importance' – see Chinese Communist Party Central Archival Office (1995: 308).
11. The goal was officially first put forward at the Fourth Plenum of the 16th Central Committee of the Party in September 2004.

4

Administrative Tradition in India: Issues of Convergence, Persistence, Divergence and Challenges

O. P. Dwivedi and D. S. Mishra

Continuing the theme of the previous chapter, this analysis of Indian administrative traditions asks whether premodern traditions have continued to influence the system of public administration in modern, postcolonial India. However, the critical 'disjuncture' in the Indian case is colonial rule, entailing the imposition of a new set of administrative institutions. In that historical context, a further question is the extent to which these institutions persist in the face of postindependence political and economic developments and, recently, the forces of globalization.

The present Indian administration is basically the product of the various reforms brought in by the British to govern India. However, one can also trace many of its characteristics to India's ancient and Mughal historical past. It is important to put these inheritances in an even older historical context. India over the centuries experienced cultural changes due to continuous invasions by outsiders. From Alexander to various Muslim attackers, Scythians, Huns, Afghans and Turks raided India and took away its wealth while killing its people and destroying its monuments. For centuries, India was impoverished by invaders, overpowered by Islamic culture and weakened by the inner fighting of its own kings. As a result, Indian society lost all power of resistance and took refuge in supernatural consolations (Durant 1954: 461). Later the British brought with them another powerful culture, Christianity. The legacy is a plural society with a great variety of religions, races, castes, creeds, faiths and languages.

The paper is divided into six parts, whose contents focus on specific periods/issues related to Indian administration. Figure 4.1 presents in schematic form the sequence and character of India's administrative legacies in these six periods. We conclude by providing some insights about prevailing norms and challenges faced by the resurgent India.

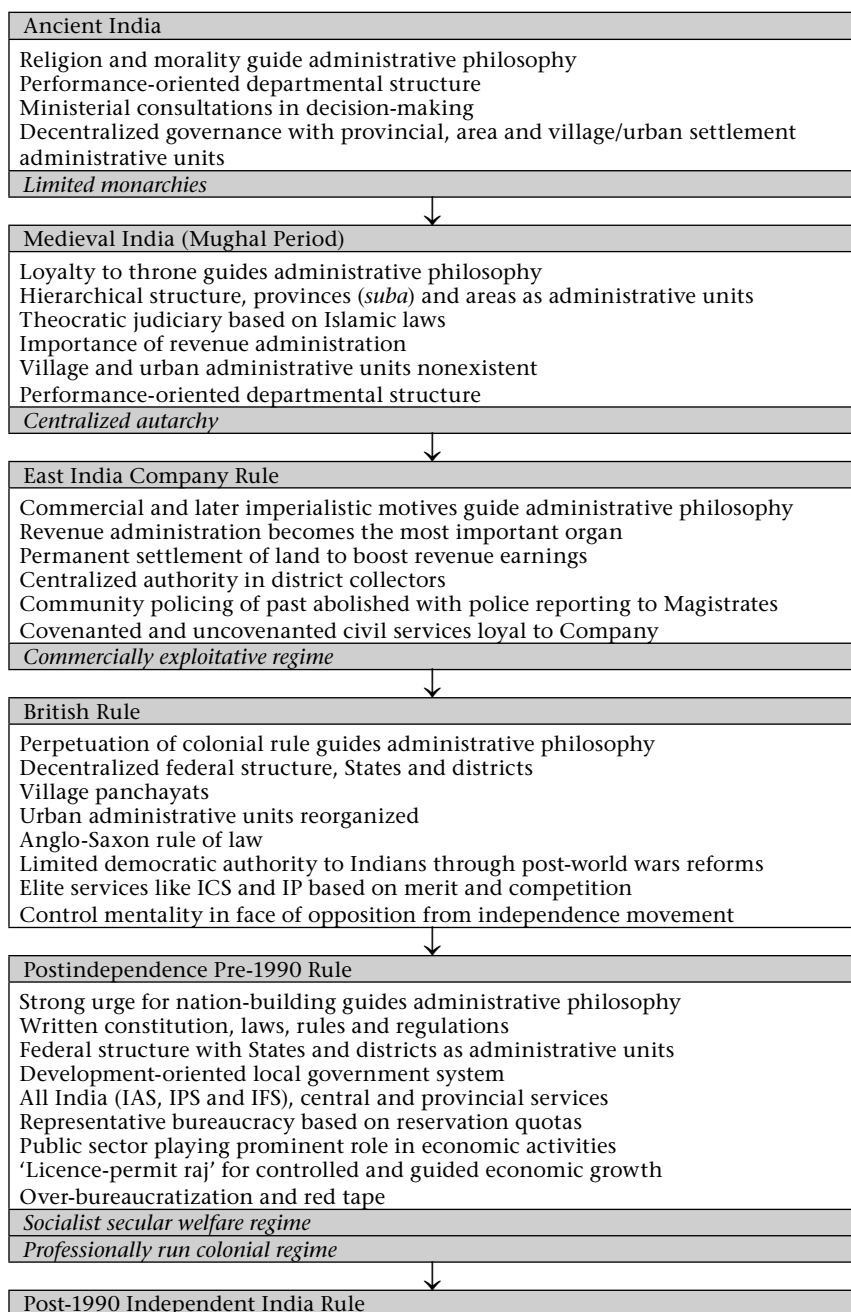


Figure 4.1 Administrative tradition in India: A flowchart

| |
|---|
| Competitiveness and service delivery guide administrative philosophy Liberalization of economic activities with lessening of controls Ending of licence-permit and inspector-raj Public private partnerships NGOs playing important role in governance e-Governance and administrative restructuring Reservation quotas retained for representative bureaucracy Civil service reforms to make it citizen-centric Proactive judiciary and media controlling administrative actions Anticorruption Right to Information Act improves transparency and accountability 'Good governance' |
| <i>Regime responsive to global challenges</i> |

Figure 4.1 Continued

Ancient and medieval India

Traces of administrative structures and practices in the ancient period can be taken from Vedas, epics like *Ramayana* and *Mahabharata*, the *Puranas*, and other religious texts. For example, *Manusmriti* (The Laws of Manu) in chapter VII mentions village administration. For proper management, it was mandated that the King should appoint a headman for every village and a head for groups of 10/20/100/1,000 villages. The lower unit's head had to report to the head of the next higher unit (*Manusmriti*, chapter VII, verses 150–170; see also Banerjea 1985: 288–294). Other ancient books discuss the duties of kings. For example, the most ancient exhortation comes from *Yajurveda*, where it is mentioned that a ruler should be an elected one who would administer justice with the help of an elected assembly (chapter 7, verse 45).

Kautilya, who was Prime Minister of Chandragupta Maurya, the founder of the Mauryan Empire (322–298 BC), wrote *Arthashastra*, a political treatise contemporary with Plato's *Republic*. This book lays down the system of administration by dividing different responsibilities and assigning them to individual officers, who were expected to perform their duties with the highest level of integrity and moral values. Kautilya prescribed beheading as the most severe punishment for corrupt civil servants. He also laid down a code of conduct, which prescribed swift promotions for efficient and effective officers. The administrative system was based on a principle of consultation: the emperor consulted his council of ministers in the performance of different duties. The government was organized into 23 departments with well-defined duties and a carefully graded hierarchy (Kautilya 1967). The kingdom was divided into provinces, and further into districts; and for each village there was a village assembly. The system of governance in this era may be described as 'limited monarchy where there were various checks on the authority of the monarch; he had to abide by the law...' (Banerjea 1985: 50). Such an organizational

structure for governance continued for several centuries until the Muslim invasion and the establishment of Islamic rule in India from the late twelfth century.

During the Mughal period, the character of administration was in the form of 'a centralized autarchy'. More or less all matters of detail were referred to the Emperor for orders. The Emperor seldom delegated authority and kept a careful watch upon the activities of his subordinates (Rathore 1993: 36–37). The civil administration was organized in a highly hierarchical manner by recruiting officials on the basis of merit, and promotions were based on performance. The judicial system was also well organized and was mostly based on theocratic principles. The courts dispensed justice without fear or favor. The governor of a province, called a *subehdar* (the term *suba* is still used in North India to denote a province), represented the authority of the Mughal Emperor. He was assisted by a Head of the Revenue Administration and Head of Judicial Administration. But there was no permanency in these posts: all depended upon the level of loyalty and service to the Emperor.

Indo-British administration: From the East India Company to the British Raj

With the fall of the Mughal empire in the eighteenth century the British East India Company assumed *diwani* (right to collect revenue) in the States of Bengal, Bihar and Orissa. After defeating the Nabab of Bengal in the Battle of Buxar in 1764 they took on more and more of the character of governors, although the Company was more interested in the returns of the revenue than the welfare of the public (Mishra 1984: 2–3). To curtail the administrative and revenue powers of the *jamindars* (landlords), the Company appointed European Collectors assisted by police officers with power to administer civil justice and supervise criminal administration. Later, police were put under the control of magistrates. Cornwallis also initiated a system of 'covenants' for official appointees, under which officers were liable for punishment for engaging in any property trade or acquiring landed property (Mishra 1984: 4–6).

Under Wellesley (1795–806) as Governor General, the Company declared their objective as imperialism and not commerce. An Indian civil service was established, entry to which was from a purpose-built training college (from 1809, at Haylebury in England). Wellesley wanted to induct individuals at a very young age so that their minds were not conditioned and were amenable to change; the age for entry into the civil service was, therefore, kept at only 15 years. The rank in the service was to be determined based on the performance in the training college. Remuneration was generous and the career bestowed high status. Having gained experience of field assignments, they could rise to become Secretaries in the states or in central government. In the beginning, all members of the covenanted civil

service were British, but Indian professionals were engaged from 1803 onwards.

In 1833 a new cadre of uncovenanted revenue officers or Deputy Collectors was set up to assist District Collectors (Mishra 1984: 8–10). The revenue, police, magisterial and judicial functions were all under the command of the District Collector or Deputy Commissioner, echoing the unified territorial system of the Mughal period (Mishra 1984: 11). A system of annual appraisal of performance was introduced. In parallel, legal institutional reforms were implemented, supplanting traditional Muslim law (Mishra 1984: 12).

Thus, as the East India Company extended its ambitions from commerce to imperialism, it developed a system of rule that built on the core territorial units of government of earlier systems. After the 1857 fight for independence, administration of the country was brought directly under the British Crown through the Government of India Act, 1858. Legal reforms in 1860 brought India within the purview of the English legal tradition. Central authority was also strengthened. Every province had a Lt Governor, who reported to the Viceroy. Members of the Indian Civil Service (ICS) were appointed as Chief Commissioners or Lt Governors and slowly the induction of Indians was increased. A Local Bodies Act in 1885 paved the ground for decentralized administration right down to the village level. Faced with growing nationalism and civil unrest, the British implemented various reforms, such as provincial autonomy under the Government of India Act, 1935. Central, provincial and concurrent lists were prepared wherein the central or provincial governments had exclusive or concurrent powers. The Indian Police was set up as an All India Service to take care of growing unrest and deteriorating law and order.

In sum, between 1857 and 1947, the British strengthened the Indian administration with a view to consolidating their rule. There was a gradual process of indigenization of the ICS, initially by increasing the age of entry and later by conducting entry examinations within India (Singh 1989: 8–9). Another legacy was the institution of a strong legal tradition, whose aim was to guard against the abuse of power, a departure from earlier authoritarian systems where the Emperor's views were the final words (Rathore 1993: 42–43). Power and authority came to be concentrated at the district level. Because of the paucity of communication between the district office and provincial capitals, it was difficult to refer anything to higher authorities which required immediate action; thus the Collector became the sole decision-maker for the district. In essence: 'To the people of India the Collector is the Imperial Government' (Alberigh-Mackay 1879: 13).

Essentially, the British administrative legacy left with India the following five basic administrative structures:

- (a) the district as the basic unit of administration and the office of the District Collector or Deputy Commissioner controlling, directing, and coordinating all administrative activity;

- (b) centralization of decision-making in almost all policy areas at the provincial and central government level;
- (c) the ICS as a generalist administrative elite;
- (d) a system of elaborate rules and regulations as a means of maintaining control over the large number of Indian subordinate officers; and
- (e) a system of 'secretariats' at the provincial and central capitals, where ICS officers would occupy the top positions among other allied service officers, and maintain control over policy and management (Taub 1969: 156).

In the civil service system, a number of conventions were institutionalized: political neutrality; appointments on merit; transfers to key postings on objective criteria rather than ministerial or government preferences; evaluation on the basis of performance; and, finally, expectations among officers that they could eventually rise to the top post of chief secretary in a province. Rather than describing these inheritances as a 'British' legacy, it can be argued that no actual transplantation of the British institutions took place in India; instead the emergent system was 'the product of a continuous and stimulating conversation between the British administrators and the Indian administered' (Subramaniam 1968: 267). In India, '...western technique and organization met non-western stagnation almost exactly halfway' (Subramaniam 1968: 269). Nevertheless, the dominant feature of these traditions is that they were imposed by the British in the course of colonial rule, often in the face of resistance and unrest.

Administrative development in the postindependence period

India's first Prime Minister, Jawaharlal Nehru, was not convinced of the effectiveness of the ICS. He commented in his autobiography that these officers were:

...self-satisfied and self-sufficient, narrow and fixed minds, static in changing world, and wholly unsuited to a progressive environment ... But of one thing I am quite sure, that no new order can be built up in India so long as the spirit of the ICS pervades our administration and our public services... Therefore it seems to me quite essential that the ICS and similar services must disappear completely, as such, before we can start real work on a new order. (Nehru 1962: 442, 445)

While Nehru had to acquiesce when faced with the question of smooth running of administration, it was possibly true that the ICS was not prepared to handle the massive developmental, democratic, and social welfare tasks of the newly independent India: Nehru found it '...not especially fitted for urgent disposal of business and we are constantly lost in long notes and repeated references and petty sanctions which delay and obstruct' (Nehru 1952–1954: 403).

The first major crisis faced by Indian administrators after independence was the experience of large-scale migration across the borders and riots after partition. At that time of crisis, the old ICS and IP showed their mettle in maintaining law and order and assisting the government to rehabilitate refugees. It is no surprise that the Government of India decided to continue the All India Services tradition by creating three such services: the Indian Administrative Service (IAS), the Indian Police Service (IPS) and the Indian Forest Service (IFS). In an important departure, however, the Indian Constitution adopted the system of reservation in civil services to members of Scheduled Castes (SCs) and Scheduled Tribes (STs), with 18 percent and 4.5 percent of positions, respectively, reserved for them. Later 27 percent were reserved for Other Backward Classes (OBCs).

To a nascent and developing country, the major challenge was not only to build the nation and protect its democratic functioning, but also to empower administrators with responsibilities for 'making public administration a fit instrument for carrying out the social and economic policies of the Government and achieving social and economic goals of development and making the administration responsible to the people' (Narula 1984: 46). Thus, at the district level, the District Collectors were given more developmental responsibilities. Later, it was found necessary to induct more All India Services to cover such specializations as engineering, railways, agriculture and so on.

India continued the tradition of governing through district administration. However, the role and responsibility of the office of District Collector (DC) changed considerably after independence. The DC office became an important arm for implementing national and State policy on welfare and development, in addition to law and order and revenue collection. The DC is akin to the 'Chief Executive' of the district, a mini-government. Politicization has followed on as a result. Corruption and political interference have brought disrepute to a once famed and sacrosanct office (Mishra 2006: 45).

District administration provided the principal points of contact between the citizen and the processes of government – the 'cutting edge' of the tool of public administration (Khera 1992: 79). However, there has been erosion in the power of the DC through the advent of local self-governance and the growth of departmentalism. There is a growing tendency for district-level officers to report directly to the directorates or heads of department, rather than through the DC. Although, for the public, a District Collector remains the ultimate authority to redress their grievances, bureaucratic infighting and departmental territorial jealousies have curbed his powers.

Despite concerns with the British imperial inheritance, the first two decades of independence were a period of smooth change and adaptation to a democratic parliamentary system, during which a bold attempt was made by the political leadership to change the nature and values of the

administrative system, while preserving its essential characteristics to cope with the nation-building problems. It is to the credit of the Indian bureaucracy, led by the IAS, that no visible cracks appeared in the system. However, as a new generation of politicians came to power during the third decade of independence, uncertainty and instability in the political arena grew, along with political abuse of the administrative apparatus. When it suited, the politicians made the bureaucracy a 'villain' in the public eye by declaring that it impeded the attainment of social justice and economic development (Dwivedi et al. 1989: 264). Under this pressure, the administrative machinery became disoriented, developing many stresses and strains and at times acquiescing to extraordinary demands of the politicians.

India's administrative culture: Inheritances under stress?

A number of core features of India's administrative culture and daily practices both reflect the inheritances of the past and show signs of adaptations to the exigencies of the present:

1. *Rule by Clerks:* Clerks continue to remain in their jobs for a much longer time compared with their supervising officers, who get transferred very frequently from one post to another in different departments, and thus have little time to acquaint themselves with intricate rules and regulations. The long tenure of clerks gives them a clear advantage by their becoming familiar with the relevant rules, regulations, procedures and precedents. This encourages legalism and delay, putting all the power in the hands of lower-level officials. As the public knows the situation, they are willing to pay to escape from bureaucratic delays caused by those clerks (Raj 1984: 118–121).
2. *Over-legislated System:* At the federal as well as the state level, there is a plethora of legislations and accompanying rules (Maheshwari 2002: 312–315). There is more emphasis on framing of the laws than their actual execution, which could make the real difference. Sometimes, when things go wrong, the executive system is not corrected but the rules and laws are further elaborated, leading to more red tape and causing more delay in providing service (Raj 1984: 121).
3. *Parliamentary Convention of Ministerial Responsibility Under Duress:* The parliamentary convention by which ministers are answerable for all administrative decisions by public servants seems to have been weakened, as it relieves the officers of direct responsibility for their actions, and instead they are happy to pass the buck to ministers rather than accepting accountability for wrongdoing or not carrying out decisions. To escape from responsibility, elaborate rules and procedures have been drawn up for administrative actions, such that it is very difficult to pinpoint anyone for action or inaction. Furthermore, officers seldom remain

in one post for more than two to three years, so by the time a problem is discovered they are long gone.

4. *Weak System for Discipline and Punishment:* The system of discipline and appeal rules is very cumbersome and prescribe elaborate procedures before any punishment can be inflicted (Raj 1984: 127). It is extremely difficult to prove inefficiency and, therefore, it is rarely attempted. Hence, weeding out and punishing nonperformers or lazy persons is almost impossible. Even if someone has been held responsible for fraud or corruption, there are numerous escape routes, such as administrative appeals, mercy petitions, administrative tribunal and the courts. After a long-drawn-out process, the accused employee often gets reinstated. A weak system of discipline and punishment facilitates corruption.
5. *Seniority, not Competence, Rules the System:* Respecting elders is an ingrained cultural value in Indian society. But this became entrenched in the administrative system during the British Raj, when an ICS officer, once recruited on a competitive basis, could always rise to the level of Secretary or head of department simply by biding his time and remaining 'clean'. Even after independence, the system of seniority has been vigorously defended by public servants. This can be demotivating for younger staff and breeds cynicism and frustration.

Democratic decentralization through people's participation

The concept of *Panchayat* (village council) reaches back to ancient India. The system was almost ruined during Mughal and later British periods, but the Colonial British Government introduced elected councils in cities and towns in 1920 (Golandaz 1993: 355). In 1952, India initiated a community development program for comprehensive rural development, and later a three-tier system of local government was put in place. However, legal status and taxing powers were not satisfactorily resolved. A parallel system of governance began to operate, in which public representatives were unable to control resources, while government officials were carrying out their responsibilities. Diversity of political and bureaucratic cultures has made it difficult for the representatives and the officials to work together harmoniously, while attempts to bring them together have resulted in continuing organizational conflicts due to divided authority and unclear responsibilities (Ahmed 1995: 54).

In 1992 the 73rd Amendment to the Constitution provided a formal status to the institution of *Panchayati Raj*, which enabled the State Finance Commissions to allocate resources between the State Government and local bodies. The amendment ensured five-yearly elections, and reservation of seats for members of Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and women. This was the first time in India that

reservation for women in elected bodies was implemented. The reform also required the District Collector to report to the Chairman of *Zila Parishad* (district-level elected body) on community/rural development issues. This was a return to the ancient tradition of making village councils the basic decision-making participatory unit in governing the nation.

Similar to the *Panchayati Raj*, the 74th Constitutional Amendment accorded municipal bodies a secure status with respect to the sharing of provincial financial resources. As a consequence, the powers of the DC and his subordinate officers at subdivisional levels have further eroded. It is too early to judge the effectiveness of these changes and the impact these reforms will have on the total authority of the DC, but it is clear that the power and glory of the old-time 'District Rajah' is waning.

Administration in the liberalized era: Issues of convergence and divergence

The Nehruvian era promoted the hegemonic role of the State in the Indian economy. This created a sprawling, commanding bureaucracy, deeply rooted in a 'licence-permit-raj' culture, in which the State not only directly occupied the commanding heights but also exercised powerful discretion. State-directed planning in a 'mixed economy' gave new life and meaning to the colonial culture of bureaucratic control (Maheshwari 2002: 237). That is, the postcolonial government attempted to take ownership of the inherited institutions, adapting them to modern political programs and principles, rather than rejecting them or reverting to precolonial legacies. This continued until 1991, when the New Economic Policy ushered in the era of globalization, liberalization and the free market economy, promising to dismantle the inspector-raj lock, stock and barrel.

The change, although slow to permeate various layers of bureaucracy, involves greater decentralization, disaggregation and bureaucratic downsizing. This is a familiar global agenda. Thus, we see the decentralization of developmental decision-making centers; the creation of trade organizations in service and business sectors; privatization of nonessential and consumer services; participation of the private sector in commercial and business administration; and establishment of independent authorities to regulate commercial and business contracts and agreements in government services. Along with these new forms comes the abolition of many inspectorial systems; minimization of discretionary powers of authorities; abolition of bureaucratic obstacles and bottlenecks; more transparency in government decisions, activities and contracts; grant of right to information; simplification of rules and procedures; and downsizing of staff. Bureaucratic modernization measures include greater use of technology in office management, such as computerization of procedures, records and correspondence. We enumerate some major features and developments of these new

administrative arrangements in the wake of a liberalized economy:

6. *End of the Inspector Raj*: Since 1991, the States and Central Government have consciously attempted to restructure various departments so that the much-dreaded inspectorate system could be brought to an end. The current trend is self-regulation and benchmarking. Regulatory authorities in different service sectors have been constituted to prepare such benchmarks, which are to be adhered to by all the players. For example, there are regulatory authorities in such sectors as power, telecommunication and insurance. Now, even in departments such as income tax or municipal corporations, self-assessment is encouraged and honest self-declaration is being checked randomly and through profiling so that large-scale requirement of manpower is cut down to the minimum.
7. *Private Sector in Competition with Public Sector*: With the exception of security and defense, most government-controlled enterprises have been opened to the private sector. The old mindset of the government, especially a cynical attitude towards the business world, is being changed. Some of the public sector undertakings have been disinvested and the equity has gone to the private sector. For example, various domestic and international airlines have entered into the aviation sector, giving a direct challenge to erstwhile Indian Airlines and Air India, which are now merged into one company to gain the benefits of economy of scale and meet the challenges thrown at them by private operators. Similarly, competition in the telecommunications sector, which has witnessed the fastest growth in the Indian economy, is enabling provision of improved services at competitive prices.
8. *Public Private Partnership (PPP)*: In the liberalized era, private sector participation has been made possible through the Public Private Partnership (PPP) model. Development of new Build Operate Transfer (BOT) variants, namely toll collection, annuity and model concession agreements, have attracted private investment in the infrastructure sector (Naik, February 26, 2007). PPPs now include construction of highways, roads, bridges, hospitals, educational institutions and airports. The success of this model hinges on clarity in policies and an equitable and quick dispute resolution mechanism. This requires change in the mindset of the bureaucracy. The frontline operators will from now on be private players, whereas civil servants have to take the back seat to ensure better quality of services without compromising the revenue generation to the State. They have to control any type of corruption that may corrode profitability and the revenue, if not attended to in time.
9. *NGOs Playing Major Role*: In the last two decades, Non-Governmental Organizations (NGOs) have widened their scope of work. They have utilized the large pool of educated and trained manpower to provide services in health, education, relief, empowerment, advocacy, awareness,

environment, welfare, etc. Previously, government departments were monitoring and controlling most NGO activities; now a new dimension to administrative thinking has emerged since the central government has allowed its employees to work with NGOs to gain experience at the grassroots.

10. *Judicial Activism*: The system of Public Interest Litigation (PIL) and judicial review has offered an opportunity to the higher judiciary to look into administrative matters wherever essential from the point of view of equity, fair play and performance, and also review the legislative enactments for being in conformity with the Constitution of India. It is due to judicial intervention that the level of air pollution in Delhi has been reduced. However, of late, there has been some criticism about the over-reach of the judiciary (Anand 2007).
11. *Proactive Media*: The Indian media are vigorous and fiercely independent. They conduct investigative reporting and probes, indulge in exposés, and prepare special reports to draw the attention of the public. They expose corrupt/inefficient government officials and their implications for the public governance. They also suggest how old customs and traditions should be replaced so that the public gets access to government services. Nevertheless, 'despite their enhanced powers and opportunities to expose and expand, their voices are not feared by the corrupt and the wayward in the polity' (Khare, March 15, 2007).
12. *Globalization Pressures*: Globalization has created pressures to implement a series of institutional, budgetary and regulatory reforms. It has brought the most important challenge to conventional views of an administrative system. At the center of this global-local interface, there is also an emerging global consciousness for ushering in the era of good governance. Thus, globalization has emerged as a focal point for administrative reforms.

There has, in sum, been a paradigm shift from public administration to public management, from providing to facilitating and to becoming more citizen-centric. As with all such attempted transformations, the new coexists with the old. With liberalization, deregulation and the new environment of globalized governance, there needs to be a complete change in the mindset of the officers for whom in the past control, command, supremacy, status and power were important considerations.

Conclusions: Persistence and challenge

While we can trace the manner in which certain features of precolonial administrative institutions were adapted and built upon by the colonial rulers, it seems clear that the key to understanding the contemporary inheritance of administrative traditions in India is the British colonial legacy. This legacy was, by and large, accepted and adapted in the postindependence era

by India's rulers, despite some reservations. Some features of the administrative style in relations with citizens – strict proceduralism and 'rule by clerks' in dealings with the public, creating fertile ground for low-level corruption – persisted over the following decades. In some senses, corruption is now a systemic feature. Pavan Varma (2004: 75–79) writes that corruption is rampant and systemic at all levels, not only in the case of bribes from street vendors to keep their unlicensed stalls but also in appointments through the public service commission to government departments; the transfer of government officials to 'lucrative' posts where 'extra' money can be made; and securing of government contracts. Weak discipline and a culture of protection, if not bureaucratic privilege, has reinforced these developments.

The senior public service, while retaining much of its character as an elite service, has undergone a process of politicization, which has extended also to other ranks (Pinto 1997). The neutrality doctrine has been redefined with the coming of the professional politician working with the professional administrator, both forging a bond of mutuality of benefits. Yet core conventions of neutrality and professionalism retain their relevance: '...although the media continues to project a negative image of bureaucracy as being bloated, inefficient, status-conscious and authoritarian, it is not totally cynical, bereft of idealism and dedication' (Dwivedi 1989: 251). Today's good governance and ethics climate promotes transparency rather than hiding the truth, or using state security as a pretext. Some moves in this direction include publication of a 'citizen's charter', initiation of e-Governance in delivery of public services and legislation of a Right to Information Act in India. India has acquired a reputation not only for judicial activism but also for civil service activism, particularly in cases where civil servants refuse to oblige politicians by bending the rules, and even speak out. Media and the public are ready to support a bold and courageous civil servant who wants to 'stop the rot' (Pinto 1997). Traditionalists both condemn and admire such behavior, contradicting as it does the principles of loyalty and neutrality that, paradoxically, often inspire it.

With liberalization of the economy, the private sector now challenges the might of the public sector, whose undertakings have been forced to change their ways of functioning. There is greater realization of the need for efficiency, accountability and a professional performance culture at different levels in these organizations to cope with the challenges thrown up by private players or joint ventures. The key question, yet to be resolved, is whether these post-1991 reforms, which attack many administrative traditions and adaptations head-on, will eventually transform the system.

5

Traditions and Bureaucracy in Bangladesh

Ahmed Shafiqul Huque

The colonial administrative inheritance is a powerful presence in contemporary Bangladesh, just as it is in India. But in the case of Bangladesh the postcolonial political situation has been fraught with crises and punctuated by military intervention, resulting in authoritarian forms of rule for significant periods. In such a situation, the bureaucracy has been a force of continuity and stability, enjoying considerable subsystem autonomy and resisting reform: as Smith puts it, in Bangladesh postcolonial authoritarian rule has 'retarded development of political institutions that might have held the bureaucracy accountable' (1996: 229). As a result, as we argue in this chapter, the bureaucracy in Bangladesh may still be best characterized as 'postcolonial', combining features directly traceable to colonial institutions and norms with postindependence adaptations and innovations, the latter essentially appearing as new 'layers' on the original bedrock. In this context, external pressures for reform in recent years have been strongly (and in most cases successfully) resisted.

As described in the previous chapter, the foundations of a modern public administration system in South Asia were laid during the colonial period. British influence on the administrative system of India promoted an elitist bureaucratic ethos that helped sustain colonial rule. The Indian Civil Service (ICS) and the Secretariat served as the key instruments. The Secretariat consisted of departments, each of which performed a specific set of functions. The Secretary, invariably a member of the ICS, was at the head of the department. 'The vertical and horizontal differentiation of the secretariat and its operating methods stood the tests of time and endured constant political turmoil that posed challenges to colonial rule. It remained the main edifice of public management even after the British quit the subcontinent' (Zafarullah and Huque 2001). In postcolonial Pakistan (the unit that included Bangladesh until 1971), the Secretariat retained its central position in the administrative system. The elite and generalist Civil Service of Pakistan (CSP) replaced ICS as the most powerful group in administration, and continued to adopt similar policies and strategies. Imperial heritage,

control of British officers over key positions, negative attitude toward politicians, elitist behavior of administrators, and paternalistic approach toward the public were predominant in the Pakistani public bureaucracy after the departure of the British (Khan 1980: 114–121). Senior bureaucrats in the Secretariat formulated policies and subordinate departments implemented them (Islam 1990: 71–76). The impact of politics on administrative and economic modernization of Pakistan was minimal; as a result, there ‘has been no sharp ideological break with the past’ and the apparatus of government remained essentially the same (Braibanti 1966: 209–353).

A neocolonial bureaucracy

In postcolonial societies, all colonial traditions and legacies are viewed as undesirable since they are used as tools of oppression by the colonial power. While leaders of nationalist movements pledge to replace the colonial institutions, ironically, they are often retained and used for similar purposes against opposition groups after independence is achieved. Thus, the structure of administration in Bangladesh has not changed much since the British and Pakistani period, although there has been a process of layering of new practices and relationships.

Table 5.1 depicts the evolution of features, values and relationships over the years as Bangladesh was under British and Pakistani regime and subsequently emerged as an independent country. Under British colonial rule, the bureaucracy was characterized by centralized authority and control, rigid hierarchy and a top-down approach to decision-making. The elitist system resulted in domination of superior officials over subordinates and

Table 5.1 Bureaucracy in Bangladesh: Evolution and change

| | 1882–1947 (British) | 1947–1971 (Pakistan) | 1971–Present (Bangladesh) |
|---------------------------------------|------------------------|--------------------------|--------------------------------|
| Authority | Centralized | Centralized | Centralized |
| Hierarchy | Rigid | Rigid | Slightly flexible |
| Control | Centralized | Centralized | Centralized |
| Decision-making | Top-down | Top-down | Limited input from below |
| Rule application | Strict | Selective | Irrational |
| Elitism | Dominant | Dominant | Dominant |
| Superior–subordinate relationship | Superior- dominated | Superior- dominated | Increased power sharing |
| Trust | Low | Low | Low |
| Politician–bureaucrat relationship | Irrelevant | Bureaucrat- dominated | Increasingly interdependent |
| Competence | High | Low | Variable |

low trust between them. Officials were competent in applying rules strictly. The maintenance of strict control and promotion of commercial interest are compatible with strict application of rules. During Pakistani rule, a notable feature was the entrenchment of a strong bureaucracy that inhibited the development of political institutions. Ethnic, linguistic and cultural differences accentuated the division, and rules were applied selectively to favor specific groups. Consequently, the level of competence slipped. More changes were evident in postindependence Bangladesh, but the features of authority, control, elitism and trust remained unchanged. Intermittent stints of civilian and military governments led to politicization of the bureaucracy and this opened up scope for input from outside the hierarchical structure, which had become more flexible through lateral entry and appointment of military as well as political personalities in the civil service. At one point in time, the Superintendents of Police in 53 out of the 64 districts were former military officers and the 'majority of state-run corporations and even voluntary organizations had military and ex-military officers as their Chairmen' (Iftekhharuzzaman and Rahman 1986: 35). While politicization had a positive impact in terms of a stronger position of the politicians and subordinates, it led to irrational application of rules and uneven level of competence as political considerations dominated administrative decisions.

The tradition of domination by the bureaucracy, particularly the generalists, continues in Bangladesh. As before, the central Secretariat is at the apex and 'conceives, initiates and designs policies and apportions them to implementing agencies' (Zafarullah 2003: 271). There are four tiers of employees, and members of the Bangladesh Civil Service (BCS) are at the highest level. They are differentiated into 29 functional cadres. There are five ranks, and the tasks are very broadly defined. The officials are recruited through the Public Service Commission, but their career management is greatly influenced by separate ministries. Elitism was expected to be gradually phased out with the retirement of officials who had earlier served in the CSP and had been placed in key positions after the independence of Bangladesh. The last officer from that service retired recently, but their place is being taken by members of the BCS, and the elitist approach continues. The professionals have remained sidelined by the dominant generalists in spite of recommendations to eliminate this tradition. In the 1980s, engineers, agriculturists and medical professionals in the public service formed a coalition to press for their demands, but were unsuccessful in the face of resistance from generalists.

The bureaucratic elite is the most organized group in society, with access to power and resources. This group has shrewdly adjusted its strategies to maintain its dominant position by forging alliances with the military rulers and, after the emergence of civilian rule, with political parties (see Huque and Rahman 2003). Several bureaucrats have entered a career in politics after retiring from service in the government. A large number of those in service

have similar plans, and this has an adverse impact on the professionalism and neutrality of the civil service. Politicization of the bureaucracy started early in the history of Bangladesh with the dispensation of favor to bureaucrats who participated in the war of independence. As a large number of senior bureaucrats were repatriated from Pakistan after the war and placed in the service of the Bangladesh government, conflict emerged between them. The repatriated officers were larger in number and ascended rapidly in the service after the Awami League was removed from power in 1975. In later years, senior bureaucrats forged alliances with ruling political parties and thus helped thwart reform efforts that could have been used to keep the bureaucracy under political control and make it more accountable.

Keeping a distance between the administrators and the public served the colonial rulers well. While this was considered inappropriate for an independent nation, the gap has not been bridged. Numerous layers of bureaucratic units and cumbersome rules prevent the public from approaching and receiving services from the insensitive and impersonal machinery of administration. This issue is intimately related to the prospects of transparency and accountability in the decision-making process. Elite senior officials at the central secretariat operate in isolation and make critical decisions that affect the citizens. Parliament became ineffective due to political conflicts and noncooperation from the opposition political parties, and accountability could not be ensured.

In sum, the bureaucracy in Bangladesh has retained most of the features of colonial administration but at the same time added some new postindependence features, such as increasing politicization. Those administrative traditions that have survived have done so for a number of reasons. First, the structures and processes refined over the Mughal, British and Pakistani periods serve the critical purpose of routine administration. Successive governments of Bangladesh found this arrangement to be functional, and did not wish to undertake reforms that could destabilize the system. Second, successive regimes relied heavily on the senior bureaucrats for governing the country. Since this group was unwilling to surrender its power and privileges, the ruling parties acquiesced. In the process, politicization has become a growing trend in the democratic era – that is, it is an outgrowth of one aspect of the bureaucratic tradition as such. Finally, the socioeconomic conditions of the country have not reached a sufficient level of development to facilitate the implementation of a modern framework of administration. Low levels of access and participation in public affairs and a rather delayed emergence of civil society were responsible for the lack of demands to eliminate colonial administrative traditions. Zafarullah (1987: 459) has described the system as ‘...elitist in nature, narrow in outlook, insulated from the people, and nonresponsive to the political leadership, as well as corrupt, antiquated, high-handed, and obsessed with the preservation of its status and privileges’.

Administrative reform in Bangladesh

The leaders of the new country were staunch nationalists and keen on launching massive reforms to overhaul the bureaucracy. A systematic approach was required to deal with these problems. The following section provides a brief overview of the developments and reform attempts undertaken since 1971. Table 5.2 provides an overview of these attempts.

Civil Administration Restoration Committee (CARC), 1971

Immediately after independence, a Civil Administration Restoration Committee (CARC) was formed to recommend ways and means for reestablishing the administrative system devastated during the war of liberation. The CARC recommended a secretariat with 20 ministries and the rehabilitation of administration at the field levels. There was no significant departure from the Pakistani tradition.

Administrative and Services Reorganization Committee (ASRC), 1972

The ASRC was formed in 1972 to consider the existing structure of various services and the amalgamation of all civil services into one unified service. The ultimate objective was the preparation of a comprehensive scheme for administrative reorganization (GoB 1972: iii–iv). The ASRC proposed a single ‘classless’ unified grading structure with 10 grades. It also recommended devolution to local levels of government to make administration ‘democratic’. By the time the report was submitted, the government was facing intense

Table 5.2 Administrative reform in Bangladesh

| Reforms | Context | Purpose | Outcome |
|--|---|--|------------------------------------|
| CARR 1971 | War-ravaged new country | Ensure continuity of government | Resume previous pattern |
| ASRC 1972 | New nationalist government in power | Radical change to control bureaucracy | Report shelved |
| NPC 1972, 1976, 1984, 1986, 1989, 2004 | New nationalist/military government in power Inflation Weak economy | Win public support | Report partly implemented |
| P&SC 1976 | Civilianization of military rule | Strengthen bureaucratic elite | Elite class of bureaucrats created |
| MLC 1982 | Justification of military intervention | Review organization and personnel | No action |
| CARR 1982 | Justification of military rule | Decentralization | Central control continued |
| PARC 1997 | Action on election pledge | Make civil service efficient and effective | Yet to be implemented |

political opposition, economic crisis and a breakdown in law and order. The regime had to reconsider its relationship with the bureaucracy and decided not to move ahead with reforms that significantly reduced its power. The ASRC reports were shelved, and the generalists remained entrenched. The government 'chose to maintain the *status quo* in the bureaucracy – changes it believed might hamper postwar reconstruction in which generalist civil servants had a major role to play' (Zafarullah and Khan 2001: 994).

National Pay Commissions (NPC)

A regular feature in Bangladesh is the appointment of NPC to determine salaries and benefits for employees in the public service. The NPCs were constituted at regular intervals. Over a period of 33 years, six Commissions have worked toward proposing a national pay structure for all employees in the civil service. It has been done with reference to the cost of living, resources at the disposal of the government, need to reduce the disparity between the highest and lowest income groups, and the objective of attracting and retaining talented and qualified personnel in view of the demand for and supply of different professions and occupations. The elite group of bureaucrats have viewed the proposal for equity as an effort to undermine their standing in the system. The first NPC (1972) intended to reduce the disparity between the highest and lowest scales of pay, and sought to compress the existing numerous scales of pay in the public sector into 10 grades. This gave rise to extreme complexities and the government could implement only part of the report. The second NPC (as a component of the Pay and Services Commission, 1976) recommended 52 grades and scales of pay, but the government reduced them to 20. The third (1984), fourth (1986), fifth (1989) and sixth (2004) NPCs retained the number of scales at 20, with considerable difference between the highest and lowest grades.

Pay and Services Commission (P&SC), 1976

The P&SC was entrusted with a broad mandate of recommending a suitable service structure for the civil service and the methods of recruitment, training and placement, and for developing rational and simple principles for the amalgamation of the employees of the former Pakistani central and East Pakistani provincial governments, who performed similar duties and functions. A third task of the P&SC was to recommend a suitable pay structure and fringe benefits for all public employees (GoB 1977). Similarly to the ASRC, the P&SC proposed the amalgamation of all existing services and removal of discrepancies among the services by adopting uniform scales of pay and scope for advancement. Particularly significant was a proposal for the creation of a special class of bureaucrats at the apex of the public service (SSP or Senior Service Pool) by drawing upon officials from the entire service. The plan to organize the SSP was aimed at maintaining the domination of generalist bureaucrats and depriving officials from other services

from ascending to senior positions in the civil service, and, in effect, 'gave generalists further opportunities for exercising control over the administrative system' (Zafarullah and Khan 2001: 995).

Martial Law Committee 1982 (MLC)

A military takeover in 1982 resulted in a 'Martial Law Committee for Examining Organizational Set-Up of Ministries/Divisions, Departments, Directorates and Other Organizations under Them' (MLC for short). It was assigned the task of recommending a charter of duties for public officials, and scrutinizing manpower levels. Other tasks included a review of the requirements and use of vehicles and telephones, as well as matters related to enhancement of efficiency (GoB 1982b: 1). Although the MLC documented inefficiencies and irregularities and recommended improvements, the attention of the government shifted and there was no progress in this respect.

Committee for Administrative Reform/Reorganization (CARR), 1982

The new military government also constituted a Committee for Administrative Reform/Reorganization (CARR) 'with a view to identifying the inadequacies of the system for serving the people effectively', and recommending 'an appropriate, sound and effective administrative system based on the spirit of devolution and the objective of taking the administration nearer to the people' (GoB 1982a: 1). The recommendations of CARR resulted in a program of decentralization and steps to facilitate the operation of local councils. Rather than leading to more local power or participation in order to overturn the tradition of centralized administration, it resulted in the extension of the central government bureaucracy through a new layer of administrative agencies at the subdistrict level (Huque 1986). There were a few other attempts to tinker with the system of local government, but they did not have much impact.

Public Administration Reform Commission (PARC), 1997

The report of PARC, published in 2000, indicated that previous reform efforts had changed little of the colonial inheritance, in spite of several attempts made over the years. PARC also detected politicization as a major problem, noting cases of promotion regardless of performance and differential treatment based on political considerations (PARC 2000: 29). The Commission proposed a number of service improvement measures, such as modernization of land administration and streamlining the procedures of receiving pensions. Most of the recommendations are yet to be implemented. In 2009, the Chief Adviser to the Government of Bangladesh had to remind public officials 'to make public administration more dynamic, transparent, accountable and pro-people through necessary upgrading to deliver government services to the people' and to implement the recommendations made by PARC in 2001.

External stimuli

While the reform plans of the Bangladesh government aimed to integrate the various services, develop a charter of duties for public servants, maximize the use of resources and improve management, international agencies emerged as strong forces in encouraging reforms that could push the country toward the direction of New Public Management. The *Public Administration Efficiency Study* was jointly sponsored by the Government of Bangladesh and the International Development Association in 1989, while the *Public Administration Sector Study in Bangladesh* was conducted by the United Nations Department of Development Support and Management Services in 1993. The World Bank published a plan under the title *Government That Works: Reforming the Public Sector* in 1996. Table 5.3 presents the key areas examined by these agencies and the problems identified.

All three reports had the potential to lead to changes that could contribute to the elimination of antiquated traditions that had plagued Bangladesh for years. There were directions for bringing about changes in the relationship between the political and administrative institutions, enhancing transparency and accountability, increasing efficiency, emphasizing performance and reducing generalist domination. The reports became ineffective in the

Table 5.3 Assessment by external agencies

| Agency | Areas examined | Problems identified |
|---------|---|---|
| IDA/GoB | Standards of performance Policy implementation Delegation Staffing | Cumbersome rules and regulations Limited knowledge and tardiness of officials Poor coordination Excessive reliance on formal communication Long-winded process of appointment Limited training facilities Inefficient office layout |
| UNDP | Organization Management Decision-making Performance Accountability | Inadequate definition of functions Ineffective allocation of resources Slow and complex decision-making processes Excessive centralization Lack of information bases Awkward central–local relationship |
| WB | Role of government Service to citizens Accountability Efficient and professional civil service | Size of government Inadequate space for NGOs/private sector Lack of accountability Nonresponsiveness |

face of stiff resistance from the generalists and indifference displayed by two successive governments (Zafarullah and Khan 2001: 995). In this way, external inputs to the formulation of a reform agenda were also ignored.

Drivers and impediments to reform

Most of the reform attempts in Bangladesh have had little success. While measures aimed at revising (basically increasing) pay and perks of the civil servants could be implemented without much difficulty, the country continued to suffer from bureaucratic dominance, discord between generalists and specialists, fragmented civil service structure, conflict between merit and equity, tension between professionalism and political patronage, a widening gap between people and public administration, and problems of administrative ethics (Zafarullah and Huque 1998). The nature of the bureaucracy and political leadership and their relationship remained a formidable impediment. Reforms remained limited to marginal changes, while recommendations were regularly shelved after their presentation to the government. The plans were laudable, as they aimed at improving the quality of public service, but the depth and breadth of the proposals were too ambitious and beyond the governments' capacity to implement.

Various factors have contributed to the failure of administrative reforms in Bangladesh. Frequent change of government distracted the process, and new groups of leaders had different priorities. They sought to justify their ascent to power by highlighting the failures of the previous regime, so reform commissions were common. However, political leadership shied away from implementing recommendations for substantial changes. They either did not want to disturb existing arrangements which had helped them to assume power, or were unwilling to risk destabilization of their power base. As state power was often seized through unconstitutional means, new rulers required unqualified support from the bureaucracy to continue in power, and hence reform plans that could adversely affect this group were discarded. In other cases, the bureaucracy itself demonstrated strong resistance to reforms that could weaken its position in the system. There was a lack of interest in making the system more accountable and transparent, as these arrangements could erode the power held by the ruling elite. Therefore, the same political leaders who set in motion the procedures for reforms would drag their feet over implementation. More pressing problems also often relegated administrative reforms to the back burner. Reforms in the early 1970s were derailed by a breakdown of law and order, tension between the military and paramilitary forces, famine, and public dissent against the government. Subsequent attempts were also affected by antigovernment movements, political crises, and military coup and counter-coup. Administrative reforms were neglected as governments came under pressure to deal with more critical problems. Too many disruptions precluded the possibility of undertaking substantial reforms over long periods of time.

Meanwhile, a degree of layering became evident as new values and practices became superimposed on the old. Monarchy and colonial rule were replaced with a modern democratic system, but the tendency toward personality-based or dynastic rule continued. The result is a curious mixture of authoritarian and democratic principles. Authority remains centralized and a rigid hierarchical system is followed, but rules are applied selectively. The level of trust remains low, and competence varies due to a high degree of politicization. Politicization of the public service, and particularly the Public Service Commission, resulted in its use as a conduit for dispensing favors to the party faithful. It also opened up avenues for corruption, as public employment was up for grabs by those who could purchase the positions.

In the 1990s, feeble attempts were made to introduce elements of New Public Management at the insistence of international agencies, which were keen to facilitate a convergence in the pattern of administrative arrangements across a number of countries. Pushed mainly by the World Bank and other donors, there was some progress in the areas of privatization, promotion of performance-based management and efforts to streamline the process of recruitment in the public service. There was not much enthusiasm for the total quality movement, and attempts to reduce the size of public service did not succeed. Although 'good governance' rhetoric does feature prominently in the political discourse, there is no serious attempt to pursue this ideal, as governments are reluctant to open up the system to public scrutiny and be held accountable for their actions.

Conclusion: Bureaucracy as usual

Traditions have influenced the attitude and behavior of administrative officials in Bangladesh to a considerable degree. It is possible to detect some aspects of the ancient Indian (Hindu) and Mughal (Muslim) legacies, but the colonial Anglo-Saxon (British) legacy is dominant in current administrative arrangements. These legacies are reflected in the areas of superior-subordinate relationships, leadership and communication styles, and approaches to decision-making. While a strong network of local government facilitated a democratic approach, the imperial tradition of central dominance was upheld through numerous arrangements of bureaucratic control. Local institutions were subjected to rules and regulations that made them completely dependent on the center, and the benefits of the participatory approach could not be achieved. Reforms in local government have 'stalled' since 1999, mainly because 'real devolution would be a significant threat to political and administrative control of the countryside, a preoccupation of the rulers of Bengal and Bangladesh...' (Laking 2001: 18–19).

In spite of reform attempts to modernize the public service, the pattern of communication remains unchanged. Information and instructions flow down the hierarchy and lower-level units are expected to comply with them. This practice can be traced to the tradition of colonial rule, which

operated in complete distrust of the subordinate units and officials. A handful of British (and, since 1947, Pakistani) officials were placed at the highest levels of public organizations, and they were entrusted with the task of ensuring that the interests of the rulers were upheld. The system was based on an inherent distrust of the subordinates, and the tradition continues in which superiors place no confidence or trust in the ability of subordinates. The current arrangements are intended to protect the interests of the ruling political party.

Laking noted that overcentralization in decision-making in the public service of Bangladesh 'has persisted despite regular recommendations from reviews for increased delegation' (2001: 45). For example, the instructions of the Secretariat issued in 1976 specify that the decision-making process should be limited to three layers of administration, but in practice files often 'pass through six tiers and in some exceptional cases up to ten' (PARC 2000: 9). Distrust, lack of competence and rigid adherence to the prescribed procedures emanate from colonial administrative traditions that have taken root over a long time, and are likely to persist.

There are several ways of explaining the sustenance of these bureaucratic traditions in Bangladesh. First, in terms of state-society relations, the existence of a large, poor and effectively disenfranchised rural population under the domination of urban elites remains a key feature. Paternalistic cum authoritarian patterns of rule have not been eliminated. Even in the postcolonial period, there has been little change in the relationship between state and society, with the state machinery captured by political parties and/or the military that represented the interest of the urban middle class. Consequently, a huge section of the society remained unrepresented and disenfranchised as urban-based groups used the state institutions to retain and enhance their status and privileged position.

Second, in terms of relations between political leaders and administrators, in the post-British colonial periods the central bureaucracy exploited the dependence of political leadership on its experience and expertise to further its own interests. The nationalist political leaders had spent many years in organizing movements against the colonial rulers, and were not experienced in governing. As in India, they accepted the need to rule through the existing bureaucratic structures and personnel. The bureaucrats were able to provide support in reestablishing the administrative machinery and ensure continuity. This was critical for the incoming government to claim legitimacy and exercise state power. Thus, senior bureaucrats continued to enjoy the power and perks that they had become accustomed to under colonial governments. Despite the appearance of a parliamentary democracy, the Parliament of Bangladesh could never become effective to the extent required to exercise control over the bureaucracy.

While the changed circumstances required a new approach to public administration, the privileged position of the bureaucracy and the ambivalence of political leadership helped the colonial legacy to prevail in the face

of reform ideas and demands. The bureaucracy paid lip service to the concepts of New Public Management, but was not keen to adopt these ideas seriously. Some progress was achieved in the area of privatization, but this could be attributed more to the complexities of internal political machinations than an attempt to promote efficiency or the private sector. There is international pressure to converge with the trend in other countries as well as the need to streamline management in the public sector, but they have largely been reduced to plans that remain unimplemented.

In sum, in Bangladesh the endurance of the basic features of colonial administrative institutions can be attributed in part to the need for a strong framework in which routine administrative tasks as well as developmental projects could be accommodated. The bureaucracy remained trapped in administrative orthodoxy as a strong bureaucratic structure operating within a fragile political system. Attempts to eliminate bureaucratic authoritarianism, elitism and a 'colonial mentality' failed in the face of stiff resistance from the bureaucrats, and from the political leadership who needed their support. Other factors, such as political instability and economic crises, also played their part in shifting attention to other problems that required immediate attention. Thus, reforms were planned but not implemented.

The bureaucracy itself played a major role in contributing to this outcome. Senior bureaucrats served as members of reform bodies, and based their observations and recommendations on previous reform proposals.

Traditions die hard, and the circumstances in Bangladesh have nurtured a bureaucracy that preferred to operate with the same approach and techniques that were put in place during the colonial period.

Acknowledgement

I would like to acknowledge valuable comments and feedback from Habib Zafarullah.

6

Where Administrative Traditions are Alien: Implications for Reform in Africa

Goran Hyden

Institutions are not independent of society but are a product of underlying social forces and structures. Knowing where institutions come from, therefore, becomes a necessary first task. Adopting such a position differs from approaches to the study of public administration that focus on technical or managerial issues internal to specific organizations. The technocratic way of approaching public sector reform in Africa has been dominant, leaving a trail of grey literature that continues to be the main source of interpreting public administration in the region. Although there are a few notable exceptions (for example, Adamolekun 1999), most of what is being written on public administration in Africa tends to be prescriptive rather than analytical. It pays no attention to how administrative and political legacies shape choice and behavior. Nor does it consider the conflicts that exist between norms that are indigenous to African societies, those that were introduced by the colonial powers, and the contemporary reform agenda with its inspiration from New Public Management.

The argument in this chapter picks up on two comments made in the discussion of postcolonial states in Chapter 2: first, that administrative legacies are driven by tensions between the importing culture and the exported model (Badie 2000: 140–146); and, second, that the results are in many cases predatory and dysfunctional (Bayart 1993). The case of Africa also provides a contrast with South Asia, in that there were few, if any, precolonial state traditions. However, there was a rich tradition of non-state institutions which deeply affected the way colonial and postcolonial states and administrators operated. Similarly to South Asia, postindependence political developments were also important in shaping administrative institutions and reforms, but here the contrast was that civil service institutions in Africa did not show the same resilience in the face of political change.

The chapter is divided into five sections. The first sketches the historical-sociological factors that make the political and administrative situation in

Africa different. The second traces the efforts by the colonial administration to impose a new order on African societies and the implications for the African people. The next section discusses the transformation of public administration after independence. Any discussion that focuses on the continent at large is difficult, given the variations that exist. The emphasis in this chapter, therefore, is on the administrative legacies of former British colonies. However, the fourth section tries to set the experience in these countries in a comparative perspective, referring to the situation in the former French colonies. The final section discusses the implications of the administrative setup in Africa for reforms aimed at enhancing performance.

Factors explaining African governance institutions

An analysis of administrative traditions in Africa must consider two important facts. The first is that the colonial interlude was quite brief, spanning only a few generations. For example, Jomo Kenyatta, who became Kenya's first president in 1963 and died in office in 1978, was born before the British had established control of the territory in the early twentieth century. The second is the timing of the imperial conquest. Unlike in Latin America, which was colonized in the sixteenth century and began to achieve independence as early as the beginning of the nineteenth century, colonialism in Africa is almost exclusively a twentieth-century phenomenon. This means not only that Latin American countries had a much longer time to shape their administrative institutions from within, but also that they could face modernization while being independent countries. This is a significant difference from Africa, where modernization was a colonial and foreign project that clashed with indigenous premodern values. Africans, therefore, have always had an ambivalent attitude toward modernity. They embrace many of its outcomes, notably improved healthcare and formal education, but they are more skeptical of the process and mechanisms that produce modern goods and values. For all these reasons, it is no surprise that premodern values continue to be significant in shaping political and administrative behavior in these countries.

The persistence of premodern values in African countries is the result not only of an aborted colonial project but also of the nature of their own political economy. The technological innovations that historically helped propel agriculture in a more productive direction in Asia and Europe, notably the draught animal, the wheel and the plough, never came to Africa for reasons relating to its isolation (Goody 1971). Agricultural technology in Africa remained simple, farmers relying almost exclusively on manual tools. The result was that farms were inevitably small. Any social differentiation reflected the size of the household. Whatever differentiation that did exist never stood in the way of sharing resources with others. There was no private ownership of land. Clans and lineages were the authoritative entities

for deciding any dispute over land. This form of social organization did not crystallize into social classes of rich and poor. Cleavages were not lateral, between the haves and have-nots, but vertical, between families, lineages and clans.

If freedom and equality are the guiding principles for social action in modern society, reciprocity was the legitimate norm in precolonial Africa. Because in precolonial days societies remained relatively isolated from each other and quite autonomous, the internal relations among members of a given community were quite stable and predictable. Reciprocity was easy to practice. Although conflicts did occasionally arise, they were settled by the contending parties. There was never a need for a third party to judge. Institutions were informal and deeply immersed in the social structure of society. Individuals were never integrated into corporate or bureaucratic structures with a common goal.

This 'economy of affection' (Hyden 1980) is without public or corporate goals. Instead, it relies on sharing and distributing resources in such a way that all those in need are satisfied. It is not socialist, but it is communalist or communitarian. It is microrational, although not in the sense that public choice theory implies with its assumption of the autonomous individual in pursuit of utilitarian ends. Its rationality is embedded in social networks or community relations. Calculations include consideration of what a particular action means to those on whom an individual is dependent.

Governance institutions in precolonial Africa were rudimentary and spanned over limited geographic space. Many societies had no state institutions. In others, ruling institutions centered on a chief or a king who surrounded himself with a small number of retainers serving as advisers and administrators. An exception was Ethiopia, which did develop its own imperial institutions and an accompanying administration that ruled over a large territory. Even there, though, the organization was elementary and formalization of relations and duties only at an incipient point.

Although the colonial powers considered this socioeconomic and political reality on the ground in Africa to be backward, they were never able to completely erase the norms associated with it. When we talk about administrative traditions in Africa, they are first and foremost colonial in origin, but these traditions cannot be analyzed in isolation from the socioeconomic and political legacies with roots in precolonial Africa. The latter continue to shape choice and behavior in ways that compete with or undermine the norms associated with the alien administrative traditions.

The colonial administrative legacy

Colonialism was first and foremost about extracting resources from the African continent in order to serve the industrializing countries in Europe. Prior to the conquest of its territories in the late nineteenth century, the

merchants and ship owners in Marseille and Liverpool held sway. They saw no valid reason why France or Britain should be in Africa, because trade was the source of the blessings of civilization. The building of bureaucratic government and armed forces was anathema to them. Colonial conquest, however, produced its own momentum toward building government and armed forces (Nicolson 1969). In the long run, competition for resources led to the establishment of colonial territories controlled by rival European powers. Britain, France and Germany were the big three, but Belgium, Portugal, Italy and Spain were also part of what has been called 'the scramble for Africa'.

The question was how best to establish a new political and administrative order. The metropolitan governments in Europe were not anxious to spend more than necessary. Their ideology was that, as much as possible, their colonial territories should pay their own administrative expenses. This meant collecting revenue. Taxation, however, was not just a fiscal matter. It had implications for how these territories were governed. Two issues became especially salient: (1) direct or indirect rule, and (2) what kind of officers to recruit.

Two distinct ideologies evolved among the colonizers. One relied on 'direct' rule, in which the colonial service was an extension of the system at home. It was a unified career system in which all designated officers in a single hierarchy reported to a central office. This 'integrated prefectural' model of administration (Smith 1967) was much preferred by the French, but it was adopted also by the British, especially where there were no traditional African authorities to rely on. The other system has been referred to as 'indirect rule'. It implied the use of indigenous institutions as the lowest organs of administration. For example, local kings or chiefs, together with their rudimentary system of administration, were adopted by the colonial administration, adjusted to serve its objectives, and formalized by law. This model was applied especially by the British, who tried to limit the number of servants that they had to send to Africa. Its architect was Lord Lugard, who as early as 1906 had made an initial pitch for the model (Lugard 1965). It really took off, however, in the late 1920s and became an inspiration to many young colonial servants who ventured to Africa in the 1930s and 1940s. One of the most committed practitioners of indirect rule – Sir Donald Cameron – concluded, following his long career: 'Build from the bottom; do not attempt as I found in Nigeria when I returned there in 1931 to make as it were, a crown or a king at the top and then try to find something underneath on which it might – perhaps – appropriately be placed' (Cameron 1937: 4).

Indirect rule was not just an approach with administrative implications. It gave priority to 'native' interests and the doctrine of native paramountcy. Although this argument was most often couched in a patronizing fashion, it provided a rationale to support a common belief among many colonial officers on the ground that the progress of people on the continent would

be best served by 'organic growth', which would be upset by too much interference (Lee 1967: 44). This was quite a radical position in the 1930s and 1940s, but it became less so after the Second World War when the British began implementing the Colonial Development and Welfare Act. This piece of legislation obliged the colonial service to promote social development in the education and health sectors and provide an infrastructure that fostered local development. This placed the British in a more direct tutelary relation with their African subjects. This new relationship generated benefits in terms of better health and more educated Africans, but it also led to a greater realization among them that they were being treated as subjects and not citizens (Mamdani 1996). Their political awareness, therefore, came as a result of being increasingly exposed to more direct forms of rule. The notion of an organic growth of indigenous institutions under indirect rule was replaced by the notion that Africans had to be made ready for democracy in the way this concept was understood and practiced back in Britain.

The second issue was what kind of officers to hire for service in Africa. It had two dimensions. The first was the choice between political and administrative cadres. The second was between generalist and specialist administrators. Administrative cadres were most important in the early phases of colonization, one reason being the organizational chaos that often existed in the newly acquired territories. The 'administocracy' that had prevailed in the 1920s, however, was later called into question because it led to a centralization of authority and diminishing sensitivity to the opinions of the indigenous people (Nicolson 1969: 216–250). From the 1940s onwards, therefore, the emphasis shifted in favor of the Political Class, a cadre of officers who as District Commissioners and District Officers would take on much greater responsibility for making decisions in the field. This new system brought the colonial service in closer touch with the local population. The Residents (political officers) were called on to foster 'development from below' in the interests not of the chiefs but of the people (Cameron 1939: 75; Kirk-Greene 1965: 193–225). The result was that a measure of local democracy and governance involving elected representatives began to evolve under the tutelary oversight of these political officers.

The officers who really ran the colonial administration were generalists, members of what the British called the 'Administrative Class'. Because the generalists were often persons who had been promoted to top positions toward the end of their career they grew impatient with the more field-oriented specialist cadres who served in professional positions and who first had to secure the cooperation of their Residents, district officers or chiefs. The generalists were largely interested in demonstrating their efficiency in terms of prompt decision-making and rapid processing of cases, while the professional and specialized cadres – engineers, medical personnel, agricultural extension staff, and the rest – saw themselves as 'modernizing pioneers'. The former were generally a conservative group imbued with skepticism

about the value of innovations made without the consent of those they were designed to benefit. They had most influence during the period up to the Second World War, but thereafter the pendulum shifted in favor of the modernizers. The professional cadres became increasingly influential, and designed policies with far-reaching effects on the indigenous population.

These policies were generally pursued in a benevolent fashion. The investments in education were probably the most appreciated, while policies in other fields, for instance policies in agriculture that called for transformation of local farming practices, were more controversial. Cliffe (1964) showed how the resistance to colonial rule in Tanganyika (today Tanzania) in the 1950s grew rapidly in the rural areas because of the interventionist measures taken by agricultural officers trying to modernize peasant agriculture and cattle-herding in the country.

As the British colonies moved toward independence in the 1950s this conflict between generalists and specialists was never fully resolved at the political level. Because independence required the creation of a civil service attuned to new circumstances, the Office of the Chief Secretary – the most senior generalist – became the agency for this task. It strengthened central control and coordination at the expense of the more specialized ministries. In the actual transition it was British colonial servants who controlled not only the administrative but also the political agenda, causing tension with the African ministers, who at that time had been appointed to serve in ministries with a more specialized development mandate.

The transformation of administration after independence

There were two reasons why the institutions that had been put in place by the colonial administration were called into question after independence. One was their lack of grounding in African society (Dia 1995). The other was the revolution of rising expectations that political independence brought. The rapid constitutional developments that paved the way for independence within a few years outstripped the development of the public services as local institutions. As Adu (1969: 14) writes, the civil services in African countries were unable to respond to the national aspirations of independence and the progressive realization of these aspirations. Africanization of the civil services was an attempt to deal with this challenge but it was not enough. Those Africans who were rapidly promoted to senior and leading positions in the civil service were often seen as colonial 'leftovers' with orientations on the job that nationalist politicians perceived as being out of date.

The allegations of being disconnected, irrelevant and lacking capacity for administering new development policies became too much to ignore. Even Western scholars got involved in the debate about the future of African civil services by beginning to argue for a special type of public administration

that was attuned to the development needs of the new states (e.g. Schaffer 1969; Thompson 1964). This 'development administration movement' became influential in the 1960s and added weight to the political calls for a transformation of the institutions inherited from the colonial powers.

The political process after independence has been one of dismantling the formal institutions that were inherited from the colonial powers. This process of institutional change – achieved both by design and by default – has not been confined to changes in administrative practices. It has also affected the underlying state structures. In fact, it has been a matter of attuning the state to the norms and values of African society, many of which have their origin in precolonial society. It becomes necessary to trace this process in greater detail with respect to three key relationships: (a) politicians and administrators, (b) staff inside the service, and (c) bureaucrats and the public. This framework builds on previous efforts, for example by Peters (1988) and Pierre (1995), to create a pragmatic, middle-range theory for the study of administration.

Politicians and administrators

During the colonial period, the politicians who controlled the colonial service were not on the ground in Africa, but located in the metropolitan capitals. This physical distance created an organizational distance that mattered. Administrators in the colonies – even in the Francophone territories with their integrated prefectural model of administration – enjoyed a definite degree of autonomy and could make discretionary decisions with important ramifications for the indigenous population. This changed with independence and the emergence of an African cadre of nationalist politicians. The latter clearly wanted to create a new order by reversing many of the principal features of colonial administration. Although the extent to which this ambition was put into practice varied from one country to another (Hyden 1995), the tendency in that direction was ubiquitous across Africa.

At the rhetorical level, this widespread political effort to revamp the civil service was driven by a well-intended aspiration to do what the nationalist politicians believed the colonial administration had ignored: benefit the majority of the indigenous population. As a result, populist development policies were pursued regardless of cost and feasibility. The views of civil servants were largely ignored and they had little choice but to comply with the whims of the politicians. The alternative was to lose their jobs. A study that reviewed the first 10 years of public administration, reflecting the views of senior civil servants, drew attention to 'undue' politicization as the most serious issue affecting civil service performance in Anglophone African countries (Rweyemamu and Hyden 1975).

To promote their development aspirations, politicians became increasingly interested in using affective or ascriptive, rather than professional, criteria for hiring and promoting civil servants at the senior level. The formal

relations that had been laid down in constitutions, laws and procedures were thrown to the side in favor of a set of informal rules that made the politicians undisputed rulers and confirmed a number of other premodern features of African society, notably patriarchy. For instance, it was not unusual that the head of state insisted that he be referred to as the Father of the Nation. This 'Big Man' approach has been identified as a principal characteristic of African politics. It is at the root of clientelism and the 'weak state' syndrome that so many observers and analysts have identified (Chabal and Daloz 1999; Herbst 2000; Hyden 2006).

Because power is being held in a personal rather than an official capacity in these societies, it is being exercised in a dispersed and unpredictable manner. The civil service, which was the backbone of the state in colonial days, has been broken. The informal institutions that have replaced the formal relations between politicians and administrators tend to dominate the outcome of what government does. It is not policy but patronage that determines these outcomes. Growing involvement by international agencies in economic policy and governance reforms has only marginally helped to create a more predictable policy environment. The very institutional foundation on which a professional civil service can be built has been undermined.

Staff relations

The internal administration of the public service provides another measure of how individual officers behave. The academic debate on this issue has centered largely on how much behavior is shaped by universal organizational norms or by factors external to the organization. The former suggests that organizational behavior is the same regardless of culture, while the latter implies that it is a reflection of structures in society.

Among the latter, Price (1975) has argued that policies based on purposive rationality will emerge in Africa only when administrative elites become isolated from the rest of society in the same way as Calvinists and Leninists were in European countries. This argument is in line with a historicist approach that sees the character of administration being a reflection of the broader development of society (Hyden 1983; Riggs 1964). Advocates of this approach have also been generally skeptical toward effective transplantation of institutions and management approaches derived from experiences in developed societies.

The organization theorists, on the other hand, point out that African subordinates respond to administrative systems in very much the same way as they do in Western societies. The pressure of authority in organizations is such a dominating reality that it evokes a universal, cross-cultural response (Leonard 1977). Managers may exercise their authority differently, but the result is the same (Dzakpasu 1978). Protagonists of this approach are generally optimistic about the prospect for improving administrative

performance. Instead of assuming that improved performance has to await social and political changes in society, they tend to look for organizational enclaves where managers enjoy enough autonomy from political interference to actually engage in effective management (Leonard 1991).

These two approaches are not necessarily mutually exclusive, and the image of administration and management of African public services is both more complex and differentiated, as a study of high-level civil servants in nine eastern and southern African countries indicates (Montgomery 1987). The author tests five different assumptions that have been made about relations between senior and junior officers in African administrations: (1) African administrative systems are more like personal fiefdoms than modern organizations; (2) African managers are indifferent to policy issues; (3) these managers are driven more by ideological fantasies than performance issues; (4) public managers tend to denigrate private sector entrepreneurship; and (5) African administration is too rigid to change.

When probing these theses in the nine countries, the study revealed that four of them emerged in recognizable form. Even if the personalistic interpretation of African administration may be oversimplified, it manifests itself in various forms, both positive and negative. For instance, personalism at least in part explains why African managers showed real concern with the incompetence of their subordinates. At the same time, these managers turned a blind eye to corruption and concerned themselves much less with national goals and public welfare than with checking on how colleagues and subordinates behaved. The study also shows that internal organizational matters far outweigh other considerations in the day-to-day management of public organizations. Managers devote far more attention to issues of internal resource distribution than to trying to achieve policy objectives. Turf battles and 'bureaucratic politics' occupied much more of their time than policy issues.

The only image of African administration that was not supported by the data was that senior managers are driven by ideological or political fantasies. Interaction with cabinet ministers rarely involved the discussion of political issues. By contrast, administrative arrangements feature quite often in these conversations. Negotiations were almost always internal with little or no pressure group politics influencing resource allocation. Dealings with the private sector, at least at that time, were almost nonexistent. The relative unimportance of the private sector was confirmed by the study (a conclusion that may not stand up to closer scrutiny today).

Relations between senior and junior officers in the public service in African countries need further study, but available evidence tends to confirm Montgomery's findings. Appiah (2004) found that the dominance of generalists tends to have detrimental effects on professionalization. He sees it as being too rule-oriented at the expense of being concerned with the interests and welfare of clients. Civil servants hired on professional grounds

continue to get caught in neo-patrimonial arrangements that limit their own development and service to the public (Gran 2004). At least one other study, however, suggests that staff relations based on personal acquaintance are not inevitably harmful to performance. Umeh and Andranovich (2005: 129) conclude that in the African administrative context it is not uncommon to find two individuals (senior and junior cadres) maintaining a highly paternalistic and trusting relationship simply because they both, for instance, attended the same educational institution or were colleagues in some capacity prior to joining the organization they both work for. The power distance between senior and junior staff in Africa, to borrow the concept developed by Hofstede (1991), is quite long but it functions in a benevolent manner.

Bureaucrats and the public

The public service is meant to be a means to an end, not an end in itself. Civil servants are hired in order to deliver services and amenities to the public. Historical experience has confirmed, however, that bureaucrats easily ignore their role in society, especially if there are no pressures on them to perform the role of servants of the public. This problem has been addressed in developed societies through democratic means. Citizens are allowed to organize with a view to lobbying government as well as holding officials accountable for their decisions and actions. The evolution of a purposive bureaucracy that is also responsive to public demands has taken place parallel to the institutionalization of democracy. The African region lacks a democratic legacy. A client-oriented bureaucracy operating in a civic context, therefore, should not be expected.

Civic space is the outgrowth of a society in which thinking long-term, accepting abstract rules, and acknowledging interdependence comes naturally to individual actors. Such a society is inevitably modern, relies on a market-based economy, and rests on the principle of rule of law. Furthermore, it is typically a society of relative plenty. 'Civicness' is more easily pursued in conditions of plenty than poverty. It encourages discourse on issues of principle with a claim to universal validity.

Affective space is prominent in societies like those in Africa that are still characterized by premodern features. The formal institutions of a market economy are weak and the idea that rules are independent of human agency is not widely embraced. Such space tends to foster compliance and a preference for claims of validity based on concrete and tangible results. Adhering to the norm of reciprocity, people want to see that what officials promise is also delivered. How it is achieved does not matter. The differences between civic and affective space are summarized in Table 6.1.

Because affective space dominates over civic space in Africa, associational life tends to be different from the civil society we know from Western societies. The public's emphasis on immediate and tangible results makes associations vulnerable to failure. Because the existence of an organization is not dependent on a universal cause, but serves a particular local interest

Table 6.1 Comparison of civic and affective spaces of communication

| Type of space | Action level | Interaction behavior | Claims of validity | Effects |
|---------------|-----------------|----------------------|--------------------|-------------------------|
| Civic | Principles | Discursive | Universal | Enhancing citizen voice |
| Affective | Concrete action | Compliant | Local | Strengthening loyalty |

or preference, its legitimacy rests on a shallow and temporary foundation. Furthermore, organizations are often dominated by a single individual with persuasive personal qualities. Because of the dominant role of the founder, relations in most of these organizations tend to be personalized. Criticism is discouraged and viewed as a sign of disloyalty. Rules and procedures are often ignored in order to make things work the way the leader wants. In short, many of the features that are associated with the Big Man syndrome in politics can be found also in associational life outside government in African countries.

There is no denying that African countries have a rich associational life of their own, but the vast majority of organizations are community-based and focused on local problem-solving. They serve an important role in local communities and contexts but they have little, if any, influence on how government bureaucrats operate. These organizations do not operate according to a particular plan but instead function in response to need. Holding public officials accountable is not what these organizations are all about. International nongovernmental organizations operating in Africa try to take the accountability relation seriously, but their ability to be effective is hampered by the perception in government circles that as foreign entities they have no right to question local officials. The result, as Montgomery's study indicates, is that African bureaucrats are quite aloof from public interests and responses (Montgomery 1987: 916). They are demonstrably less public-oriented than they are concerned with personal matters. Foreign donor governments have tried to step in and strengthen public accountability. Support of parliament and national audit offices are cases in point. Such initiatives notwithstanding, local capacity for holding government officials accountable remains weak. African governments continue to see their accountability relation with donors as more significant than with local constituencies.

The Anglophone experience in comparative perspective

At the level of formal institutions, distinct features of the British model can be identified, although these institutions are permeated by local norms that make its mode of operation quite different from the original model.

As indicated above, there are several possible explanations for this state of affairs. One line of argument is that the colonial interlude was too short to result in a social transformation of African society and, by extension, the rise of a modern bureaucracy. A second line is that the British preference for indirect rule legitimized indigenous African norms of rule that in the end undercut the growth of a civil society as well as a Weberian type of rational and purposive administration. Yet another line is that the original model was upheld by British civil servants in the colonies, and when they departed at or around independence there was not enough of a critical mass of senior African civil servants to reproduce it. Was the experience in other African countries colonized by the French, Portuguese or Belgians any different?

The main difference is that the other colonizing powers relied foremost on direct rather than indirect rule. The French, in particular, but also the Portuguese, approached colonization with an organizational blueprint that in essence was a replica of what existed on the ground at home. They were more deliberate than the British in achieving a full transplantation of new institutions to the African scene. It was a centralized system of administration in which 'prefects' served as heads at different levels of the government hierarchy. It rested on a coherent system of laws and procedures that made it more autonomous of society than the British system ever was, but also more rigid and dependent on legal rather than political opinions. The French and Portuguese systems of administration tended to be even more alien bodies in African society than the British system was. At the same time, Africans who have taken over administrative positions after independence have tended to imitate the *hauteur* of their colonial predecessors.

If there are differences with regard to the way the colonial model of administration was introduced, there is more similarity with regard to how the state as a governing institution relates to society in Africa. Because political considerations tend to dominate economic and administrative ones, the administrative – and economic – sphere cannot be analyzed without reference to the qualities of the state. The administrative norms that the British and French brought to Africa have been undermined, not by the lack of understanding on the part of those Africans who occupy positions in government bureaucracies, but by the political leaders, for whom the reversal of the norms associated with colonial rule has been a priority. To this day, African government leaders remain skeptical of the wisdom and value of models that are being brought by international agencies. This has implications for public sector reform.

Implications for public sector reform

It is possible to identify three generations of administrative reform. The first was in response to the indigenization of the civil services in the 1960s and

focused on a more attractive incentive structure for government employees and on making government institutions more attuned to postindependence development aspirations. The first part of this reform effort was achieved, but the latter, which included such measures as deconcentrating authority to field levels, proved more difficult. The results of this generation of reforms, therefore, were at best mixed.

The second generation of reforms began in the 1980s and was a response to Structural Adjustment policies calling for a smaller and more efficient government. The dominant measure was a significant reduction in the number of government employees, but the reforms also included privatizing activities that could be more efficiently carried out by private or voluntary agencies. These reforms were initially politically controversial, but African governments largely complied with the demands.

The third generation, which concerns us most in this chapter, is associated with the implementation of the New Public Management agenda. It has been going on for the past 10 years in African countries and is in many respects the most ambitious because it entails not only managerial reforms but also professionalization of the civil service. Given the legacy of politicization since independence, what has been attempted in recent years is a tough agenda. It has been largely funded by international agencies like the World Bank, but it has been pursued with consistency and vigor, unlike previous efforts. The implications of this effort are the subject of the remainder of this section.

The strategy among reform-sponsoring agencies has been to launch system-wide projects. They have adopted the conventional rhetoric of administration which proclaims that explicit, comprehensive planning of administrative structures is possible and necessary and that piecemeal change only creates chaos (March and Olsen 1984: 282). It is not clear, however, how effective such a strategy is in situations where the administrative realm tends to be driven by factors over which civil servants have little control, notably political decisions. Some analysts have suggested an alternative approach that considers identifying opportunities for improvement in organizational settings where the chances for making a difference are great. There is evidence from around Africa that, even in the face of an overall dismal record, governments have at least some agencies that function well enough to serve as models for others (Daland 1981; Strauss 1998). Daland refers to such agencies as 'pockets of productivity' and believes that they can be used for spreading reforms to other agencies.

The reason why there are relatively few such pockets of productivity in African governments is because clientelist relations and patronage politics are so pervasive. Because political officeholders defend the status quo so as to perpetuate clientelism and rent-seeking, champions of reform have to be found elsewhere, notably among the professional ranks within the civil service. This has been the experience of countries such as Mozambique

and Tanzania, which have been relatively successful in reforming their public sector. One problem with reliance on such outstanding individuals is that because of their success they are easily recruited by international agencies for work at a different level, as happened to the reform champions in Mozambique and Tanzania. The lack of continuity at the top level is a serious problem because bureaucratic reform requires long-run commitment, patience, and perseverance (Brown 1977). The emphasis that the World Bank and other donors have placed on 'quick wins', that is, reforms that can be implemented quickly and at little cost, is important for getting a momentum but the real challenge is how to sustain the reform process when resistance is becoming more explicit.

As long as such resistance is championed by political leaders who view administrative reforms as threats to their control of patronage, this challenge remains overwhelming. It is made no easier by the fact that many civil servants prefer to hide behind the security of hierarchical relations of authority inside ministries and departments. The model of administration that was inherited from the colonial powers is not wholly irrelevant. It serves the interest of those civil servants who fear change.

Even though it may be argued that administrative reform ought to be easier in African countries than elsewhere because the civil service is less rigidly institutionalized and competition between different modes of organizational behavior creates unexpected opportunities for change, the situation is more accurately described as 'conflict-ridden' (Kayizzi-Mugerwa 2003: 346). The politicians have their own neo-patrimonialist approach that calls into question the forms associated with the model inherited from the colonial powers. In addition, there are the reformers who wish to introduce a results-oriented way of organizing the public sector. The difference between these models or approaches is summarized in Table 6.2.

Table 6.2 Differences between competing models of administration in Africa

| Dimension/source | Neo-patrimonialism | Colonial model | New public management |
|--------------------------|---------------------------|------------------------|------------------------------|
| Organizational objective | Power maintenance | Law and order | Development |
| Service rationale | Ruler | Rule | Result |
| Organizational structure | Patriarchal | Hierarchical | Team-based |
| Operational mode | Discretionary | Mechanistic | Organic |
| Staff orientation | Upward | Inward | Outward |
| Career system | Favoritist | Fixed and closed | Flexible and open |
| Handling of wrongs | Blaming others | Denying responsibility | Learning lesson |

Conclusions

In the context of our analysis of administrative traditions and their impact on contemporary systems of administration, Africa is not an exception but an outlier. Many of the features that have been described here as typical of African systems of administration are found elsewhere. Political interference in administrative organization is not unique to Africa. Nor is the lack of a long-term commitment to administrative reform. What makes African countries different, however, is the absence of an indigenous state and administrative tradition to build on. The efforts by political leaders since independence to reshape the government structures that they inherited from the colonial powers could be described as a process of manufacturing a set of alternative norms derived from African society. This process, however, has focused more on changing the broader state–society relations than on administrative reform, and the result has been a subversion of the norms associated with the colonial administration. It has also limited the extent to which administrative reforms are feasible because the conflict between indigenous and foreign norms makes it very difficult to know where to start and how to proceed. That is why administrative reform efforts that build on the conventional rhetoric that it must be comprehensive rather than piecemeal, standardized rather than adapted to local circumstances, tend to fall short of their objectives.

Because the administrative traditions are alien and have been increasingly called into question after independence, the problem in African countries is not an excessive path-dependence that holds back change. In fact, the opposite is the issue: how can a dependent path be established? The mixture of competing norms that currently characterize administrative settings in Africa makes this a daunting challenge. Foreign consultants serving as advocates of administrative reform in Africa have been reluctant to consider this reality and have acted as if change could come both quickly and widely. Given the dismal record of such reform efforts, it may be important to remember that the long-run development of political and administrative institutions is typically less a product of intentions, plans and consistent decisions than incremental adaptation to changing problems and circumstances. The implication, as one observer has noted, is that administrative development is less a matter of engineering than of gardening; less a matter of hunting than of gathering (Szanton 1981: 24). African countries are still in the process of growing, if not manufacturing, their own administrative ‘traditions’.

7

Legacies Remembered, Lessons Forgotten: The Case of Japan

Martin Painter

Introduction

Japan's success as a 'developmental state' was often attributed in part to the qualities of its bureaucracy (Pempel and Muramatsu 1995). Close interconnectedness between a high-status, meritocratic bureaucracy and key economic actors, coupled with insulation of the bureaucratic elite from politics, facilitated close guidance of economic activity in pursuit of the national interest (Ginsburg 2001: 585–586). The concept of 'embedded autonomy' nicely captures this combination of qualities (Evans 1995). But in recent times many factors have combined to raise doubts not only about the continuing relevance of the developmental state model but also about the sustainability of Japan's bureaucratic traditions. Japan since the 1980s has experienced wave after wave of reforms – privatization, deregulation, reorganization, administrative law reform, anticorruption reform – that challenge deep-seated bureaucratic traditions. The ideas behind most of these measures originated from overseas and, taken together, comprise a typical neoliberal agenda for a more hands-off 'regulatory state'. Yet, in terms of outcomes, Japan has appeared to be a 'reluctant reformer'. Writers have noted how Japan's reforms have 'staggered' (Kawabata 2006: 4) or have faced 'gridlock' (Painter 2005: 243). Proposals for privatization reforms have been 'mutilated' (Toyama 1998: 392) and a new administrative procedure statute in Japan simply 're-equilibrates the status quo' (Ginsberg 2001: 603). In sum, there has often been a 'major disjuncture between rhetoric and reality' (Beeson 2003: 39).

Cheung and Scott (2003: 12) argue that Asian state traditions are antithetical to NPM and continue to exert their influence even in the face of powerful external reform pressures. But in what ways do these legacies of the past constrain or shape contemporary reform in the Japanese case? In this chapter, I argue that the key to understanding such legacy effects lies in specifying the 'hybrid' nature of Japanese administrative traditions. A hybrid system is one in which foreign imports or transplants have at key

points in history created a new departure, the legacy of which persists in a distinctive 'amalgam' of the foreign and the local. Japan's 'Asian state' is such a hybrid, typified in Chapter 2 as 'Confucian and Continental'. The origin of this hybridized tradition was in late nineteenth-century Japan under the Meiji restoration regime, which embarked on a rapid modernization program by borrowing from the West. The primary source of models for the Meiji reformers was Germany, for reasons discussed below. These borrowed models were influenced by a deeper set of cultural and institutional traditions and 'transformed' through being adapted to fit in a particular political and developmental context. Confucian ideas and institutions which were expressed in Japanese cultural norms and myths were appropriated and merged with imported modern elements as Meiji ruling ideology (Vlastos 1998: 8–12).

Two key dimensions of the Japanese bureaucratic tradition that was formed in this period – 'bureaucratic transcendence' and 'sectionalism' (Boyd 2006) – continue to be evident up to the present day. This was despite defeat in the Second World War, regime change and the imposition of a new constitution by the American occupiers. At this time, Japan experienced a second wave of transplantation which introduced a new set of institutions. While these (and subsequent reforms) posed challenges to bureaucratic transcendence and sectionalism, they were partially resisted and were often symbolic – 'rhetoric' rather than 'substance'. I suggest that this pattern of resistance and uneven adoption may in part be a result of the legacy effects of a multilayered hybrid tradition. Paradoxically, Japan's legacy of borrowing has not in recent times served it well: the models and measures now being imported are more often 'misfits', 'fads' and 'fixes' than 'best fits'. Instead of drawing useful lessons from abroad, as was the key to innovation in the Meiji state, Japanese reformers seem to have forgotten the key to successful emulation.

Transplants, hybrids and administrative traditions

Comparative law scholars have commonly used the metaphor of the 'transplant' to discuss legal copying between jurisdictions. It is often argued that transplants from one 'legal family' (Husa 2001) to another are more likely to result in 'rejection' because the body of law in (for example) a Continental system is an 'organic whole'. Thus, transplants will only flourish if they are chosen with sensitivity to context and culture of the whole social or legal 'organism'. But Alan Watson (2001) stresses the relative autonomy of legal reformers from their social and political contexts: local reformers pick and choose what seems like a 'good idea' from the contemporary global scene; and much of what is transplanted subsequently lies on the surface of a set of social processes from which it can remain disconnected (Watson 2001: 98–99, 116–118, 135). Gunther Teubner (1998) argues, however, that a

foreign transplant will set in train a dynamic of 'irritation', with the potential for change both to the introduced concept or rule and also to the domestic context with which it interacts:

Legal irritants cannot be domesticated; they are not transformed from something alien into something familiar, not adapted to the new cultural context, rather they will unleash an evolutionary dynamic in which the external rule's meaning will be reconstructed and the internal context will undergo fundamental change. (Teubner 1998: 12)

Teubner's analysis draws attention to the ambiguous nature of the legacy of borrowing. The result may be 'new divergences' (Levi-Faur 2005: 460–461) rather than a pattern of assimilation and convergence.

Another perspective on borrowing emerges from Westney's (1987) study of nineteenth-century Japan's emulation of European models. She depicts the Japanese Meiji reformer travelling Europe in search of models for successful modernization as the 'rational shopper'. But preferences and tastes are socially conditioned, so the choice is affected by preconceptions. An 'implicit model' in the borrower's mind influences his or her interpretation or 'editing' of what is selected as a model (Sahlin-Andersson 2001; Westney 1987: 24–25). Moreover, the borrower may pragmatically depart from the model because it doesn't really 'fit' when implemented in the local context. This 'selective emulation', argues Westney (1987: 29–31), can be seen as a process in which copying shades rapidly into innovation.

Westney's account is more actor-centered than Teubner's but it, too, suggests the possibility of new divergences through adaptation. On the other hand, Teubner's analysis of the way imported institutions are 'adapted' to a local culture suggests a greater degree of indeterminacy. A transferred legal or administrative institution does not only coevolve in parallel with institutions; it will also evolve within or in relation to a social, economic and political context. Thus, the sources of 'irritation' are not just tensions within a legal community between foreign and local rules and norms but also tensions between the new legal import and norms and practices in these other social systems:

Attempts at institutional transfer seem to produce a double irritation in the new context. They irritate law's binding arrangements to society. Foreign rules are irritants not only in relation to the domestic legal discourse itself, but also in relation to the social discourse to which law is, under certain circumstance, closely coupled. (Teubner 1998: 32)

The idea that a legal or administrative institution may be either tightly or loosely coupled to other social systems is particularly important for understanding hybridization. Rather than seeing 'culture' as an invariable

background factor in legal (or administrative) institutions, it suggests that wider social norms and cultural traits may permeate them in varying degrees in different contexts. Either a close fit or a 'misfit' would be equally feasible.

The possibility of 'loose coupling' is emphasized in the 'garbage can' analogy of Cohen et al. (1972). They view organizational reform as a 'decoupled' process in which both problems and solutions have worlds of discourse and action of their own. 'Reform talk' is only loosely coupled with actual problem-solving: much reform is essentially hypocritical (Brunsson 1989). 'Fads' and 'fixes' predominate in the reform process. How the adopted rhetoric actually affects local practices is another story, shaped almost entirely by context and politics: talk is cheap, but action can be costly (Brunsson 1998: 265–275). Whatever is borrowed is also 'transformed' as it is adapted to a local context (Christensen and Lægheid 2001). In this view, there is a primary emphasis on context and on continuity, with a higher level of skepticism about the possibility of innovation: whatever is new will continue to be shaped primarily by the preexisting context.

From this discussion, I draw a number of conclusions for the analysis of hybrid administrative traditions: first, we need to specify the agents of diffusion and borrowing and what frames their choices; second, we need to look closely not only at what they choose to disseminate or copy and why, but also at the subsequent adoption and implementation processes to observe adaptations, innovations, continuing 'irritations' or the emergence of purely 'symbolic' reforms; and third, we need to observe whether and how the introduced element continues to interact as a body of meaning and practice with the surrounding systems of government and society. In sum, we have arrived at a common set of analytical questions with which to address the case of Japan's hybrid administrative traditions.

Confucian and continental: Meiji Japan and the modernization project

The 1868 Meiji restoration sought to supplant the weak feudal Tokugawa regime with a modern system of national government that would better equip Japan to resist European imperialism. However, the political situation in Meiji Japan and the deep-rooted social and political conservatism of many members of the new regime meant that the new oligarchs trod carefully. Their state-building efforts were built on a reinterpretation of Japanese tradition as well as on a careful study of foreign models. Leading figures in the new ruling elite were despatched to Europe to study the law, civil service training, police systems and much else. Leading reformers such as Hirobumi Ito spent time with continental intellectuals and statesmen and learnt not only the law and government but also social and economic thought and policy (Lehmbruch 2001: 60). Once borrowing began and foreign experts

visited Japan, there were 'contagion' effects: the experts gave advice on other reforms, while innovations in one field were diffused to another.

The case of police reform provides an illustration of the highly deliberate nature of the selection process (Westney 1987). The French police system attracted the Meiji rulers because it was highly centralized and multifunctional in nature, concerning itself with areas of social control and local administration beyond the narrower concerns of the Anglo-Saxon police. Local self-government was not an institution with any appeal to the newly ensconced Meiji elite, faced as it was with pockets of local resistance and rebellion.¹ The adoption of the French police system entailed 'the construction of a highly centralized and standardized police system penetrating the entire country...' (Westney 1987: 45). The Tokyo police system, established from 1874, drew on the Paris Prefecture of Police as a model, down to direct translation of police regulations and handbooks. Subsequent extension, refinement and elaboration of this system across the whole of Japan outpaced, extended and modified the original model in important respects. That is, local adaptation and implementation led to some new departures. For example, the Japanese system was more clearly hierarchical and more rationally delineated into functional units. There were innovations, such as a system of neighborhood police stations affording a much wider spatial dispersion. The result was a set of organizational features that were a mix of some originating in Paris, others emulated from other organizations in Japan and others still that were internal innovations within the local police administration (Westney 1987: 60–63).

Over the period 1870–1890, Meiji ideologues and reformers turned increasingly to Prussian models (Martin 1995). By the turn of the century, Japan had a constitution that was heavily influenced by German constitutional theory and practice; a meritocratic civil service modeled on the Prussian system of training and recruitment; a modern military machine molded in the shape of the Prussian army (following a less than successful transplantation of the French model (Martin 1995: 38–41)); and a ruling ideology that, while drawing on Japanese traditions, was influenced strongly by 'Bismarckian social policy and German economic thought' (Pyle 1998: 135). The preference for continental and specifically German models is significant. Debates in the new regime's intellectual circles over neo-Confucian versus Western 'enlightenment' ethics had swiftly been resolved in favor of the former. In keeping with this, Meiji reformers found nonliberal, organicist conceptions of the state along Prussian lines more appealing than the individualist and pluralist Anglo-Saxon tradition. In favoring German philosophies of law, social organization and government, Japan's reformers selected the more conservative strands, in particular those that supported the 'social monarchy' and emphasized patriotism.

The 1890 'Imperial Rescript on Education', one of the Meiji rulers' most important ideological statements, expressed Confucian values but

deliberately did not name them as such. The Rescript sought to express a modernizing break that nevertheless was consistent with conservative images of Japanese culture and 'national spirit' (Pyle 1998: 109). This was a time when the conservative elite were under challenge from more liberal-minded activists who advocated a more democratic constitution. The ultimate appeal was to a duty to 'guard and maintain the Imperial Throne'. This doctrine was also expressed through Article 1 of the 1889 constitution in the concept of the *kokutai*, roughly translated as the 'family state', in which authority, expressed in the imperial will, was indivisible. The Meiji constitution was drawn up as a 'gift' from the Emperor to his people and could only be amended on the initiative of the Emperor. At the same time, authority was to be exercised strictly through the rule of law in the form of imperial ordinances, a rule-governed bureaucracy and a professional judiciary (Haley 2001). In all of this, the parallels with the *Rechtsstaat* model are striking.

While sovereignty was embodied in the emperor, most of the effective means of exercising it devolved to the bureaucratic elite. The Parliament or Diet was deliberately not made sovereign and its effective powers were circumscribed. The process of recruitment and promotion of top officials was gradually institutionalized during the 1880s and 1890s in the form of a bureaucratic meritocracy embodying training, recruitment, rotation, promotion and retirement, with direct borrowing from the Prussian model. In the 1880s teaching at Tokyo University was reorganized with a view to providing an 'apprenticeship' for civil service entrance (for some years, Tokyo graduates were exempted from the civil service entrance examination). However, as in the case of the postal reforms, direct transplantation was followed by adaptation and innovation, in this case following the near collapse of the original Prussian-based reforms of the examination system (Spaulding 1967: 88–99). But, as in Germany, training in the law was seen as the ideal preparation for a bureaucratic career; technical officials were made subordinate in authority to the 'administrative' class; and all ranks were meticulously organized into rigid hierarchies, with little opportunity to cross from one to another or to rise above one's originally allotted class.

The civil service in this context was set up as a key cog in a self-perpetuating and permanent system of authoritarian rule (Silberman 1976, 1993, 1995). In turn, the bureaucracy became the recruiting ground for political leaders. The guardians of the state were educated and trained in a system that embodied at its core the official ruling ideology. The principle of 'administrative transcendence' (the idea that the bureaucratic rule in the name of the emperor elevates the bureaucrat to occupy an 'autonomous space above the rest of society' (Garon 1997, quoted in Boyd 2006: 65)) was firmly entrenched. Attempts by elected Diet politicians to make senior civil service appointments were thwarted by the strict provisions of the 1898 Civilian Office Appointment Code (Muramatsu 1997: 25).

At roughly the same time, a system of functionally departmentalized administration was set up. In 1885, a structure of ministries was established along the lines of European models. But here as well the model was transformed. In the 1889 constitution, the lines of authority and accountability were not constructed in such a way as to make cabinet the lynchpin of the political executive. Instead, each minister was individually accountable to the sovereign. Heads of government departments and the military chiefs were, in this respect, equivalent and coequal in their authority and power. Even the Prime Minister had no clear and obvious primacy. His power and standing rested on his ability to achieve consensus by political means among his cabinet colleagues. The reality was a highly fragmented system in which ministers representing their departments enjoyed a virtual veto power over collective decisions (Boyd 2006: 59). The cliquism of the *hanbatsu* (clans) during earlier years of the Meiji period was in this respect mirrored in the rapid institutionalization of a high level of sectionalism in the departmental system (Koh 1989: 27–28; Muramatsu 1997: 20–22). Fragmentation and the building of separate ministerial and bureaucratic spheres were also encouraged by the heavy reliance on policy-making through imperial decrees rather than by legislation. As a consequence, departmental officials owed their prime loyalty to their department, or even more narrowly to their division and section, more than to the government as a whole. This was reinforced by the Prussian-style rigid hierarchy. The head of the ‘section’ (and all his subordinates) held authority by virtue of direct personal appointment, but experienced minimal ‘horizontal’ restraint or coordination and little, if any, external accountability.

The Meiji bureaucracy was interventionist and proactive. For example, public enterprises dominated the industrialization drive in key sectors such as engineering and metalworking, which were directed towards the military effort (Weiss 1993: 333). Steps were taken to promote adoption of Western technology, including government research institutes, exhibitions and subsidies or grants to specific industries (Yamamura 1995: 114–115). The ruling elite’s eagerness to industrialize, however, was accompanied by a deep suspicion of its effects on social cohesion. ‘Preventive actions’ requiring careful state interventions were taken to prevent some of the ‘corrupting’ effects of industrialization, such as the growth of class conflict under the influence of socialism (Pyle 1998: 131). Bureaucrats in the 1890s sought to get agreement from business on factory laws (a law was finally passed in 1911) and promoted agricultural cooperatives in the countryside. ‘Grass roots’ youth groups and military associations – ‘half-bureaucratic/half-popular’ – were instituted (Pyle 1998: 140). Actions were taken to suppress trade unions, with heavy reliance on the police to monitor and regulate their activities. Later, in the interwar years, government ministries honed various instruments of government-business cooperation and promotion, including tax concessions and subsidies (Yamamura 1995: 121).

In sum, partly through emulation and adaptation of continental European state institutions, but also through pragmatic innovation to deal with local circumstances, Meiji rulers created the basis for a distinctively Japanese system of government. In their selective emulation and local innovation, the Japanese reformers created a new hybrid. Within it, we can see points of potential tension and misfit, for example in the contradiction between some of the elements of responsible cabinet government on the one hand and, on the other, the transcendence and sectionalism of the imperial bureaucracy.² This tension surfaced in the relatively brief interlude of the 'Taisho Democracy' (1912–1925), when elected politicians gained more power over the bureaucracy, but this interlude was followed by military rule in 1930 and even stronger assertion of bureaucratic power. As we discuss in the next section, the same tension persists today as a legacy of the Meiji reforms.

Sectionalism, transcendence and the 'democratic irritant'

Contradictions between bureaucratic–imperial legitimacy and power on the one hand and parliamentary responsible government on the other were at the root of the arguments between Japanese politicians and American constitutional reformers during the post-World War II occupation. These debates were not so much about public administration as about the nature of the state and its constitution. In imposing a parliamentary cabinet system at that time, the reformers hoped that there would be a new departure. The American drafters wrote a liberal–democratic constitution which asserted that the people, not the emperor, were sovereign (Moore and Robinson 2002). Meanwhile the Japanese participants in the process revisited and debated their traditions, attempting to reconcile them with the new order.

On the face of it, the 1947 constitution subordinated the bureaucracy to the elected political executive by placing full executive power in the hands of a cabinet which was made collectively responsible to the Diet. The Prime Minister was designated as head of cabinet with powers to appoint and dismiss ministers. These arrangements consciously followed the Westminster model. Several other steps were taken to signal a break with the past, including abolition of the Ministry of Domestic Affairs (which had exercised tight political control over local government, public works and other public services) and the establishment of new ministries and departments. Several of these followed the US model of the independent regulatory agency, although most were subsequently integrated into the departmental system (Haley 1995: 83–86). One important exception was the National Personnel Agency, which retained autonomy over civil service personnel administration, thereby preventing politicization of personnel administration with the institutionalization of party government in the 1950s. Basic features of the prewar civil service were not touched, while most of the incumbents were kept on (Jun and Muto 1998: 195–197).

The 1947 constitution transformed the Japanese political system through instituting an era of party government characterized by one-party dominance. But, despite the apparent Liberal Democrat Party (LDP) hegemony, most scholars have continued to depict Japan as a 'bureaucracy dominant' system (Mulgan 2000: 183–184): '...the bureaucracy, the provider of gifts, unelected, non-political, unaccountable to the public...constituted the state...' (Tamamoto 1995: 18). High-ranking Japanese bureaucrats continued to answer questions in place of cabinet ministers in debates in the Diet, a practice that dates back to the Meiji period. Ministers in postwar Japan have not exercised the kind of direct political control of their departments and agencies that is more familiar in Westminster-style systems. Middle-level section bureaucrats framed policy proposals (*ringi sho*), which were passed up to senior officials and to other agencies in the search for a consensus, following which ministers put their seal of approval (Jun and Muto 1995: 130–131). On the way, other stakeholders (including key politicians) were consulted, but the bureaucracy remained the guiding hand.

An important feature of bureaucrat–politician relations was the partnership between bureaucrats and the political factions (*hanbatsu*) and policy cliques (*zoku*) of the ruling LDP.³ Party factions, party elders and policy cliques comprised a complex system of intra-party power-sharing. Party factions and elders determined the election of party presidents and hence the prime minister, who in turn was constrained in the selection of ministers by the need to reward factional supporters. The *zoku* – sectorally organized groups of MPs with close links with producers and the relevant parts of the bureaucracy (Mulgan 2000; Nakano 1998) – weakened unified political control over policy and administration. They distributed the spoils of office through the party and cemented links between factions and political donors. *Zoku* bosses, aided by the bureaucracy, developed standing as the experts in particular policy sectors, and were often more influential than the minister. Underlying these networks of influence were the money politics and corruption that regularly rocked Japanese politics with scandals.

Thus, the bureaucracy shared power with the dominant ruling party and, in this sense, was highly politicized; at the same time, the bureaucracy itself shaped and influenced ruling party predispositions and policies. Many top LDP politicians came from the senior ranks of the civil service. Government departments and agencies – and sections within them – were an indispensable part of a stable set of networks of power overlying and supplanting the formal hierarchy of control and accountability. Among these networks of influence were those linking government with business. Legal and political norms and conventions of policy-making in postwar Japan have predominantly called for negotiated rather than by-the-book forms of administration (Haley 1995: 94–96), although recent administrative law reforms have increased the degrees of transparency and formalism. Close ties between the bureaucracy and business were reinforced by the system of *amakaduri*,

under which members of the administrative elite upon retirement (which comes at a relatively early age) found rewarding positions in the private sector or in public corporations (Inoki 1995; Koh 1989; Usui and Colignon 1995).⁴

On the one hand, it would seem that the transplantation of institutions of a strong Westminster political executive and responsible party government did not disturb core features of the dominant bureaucratic tradition. The transition from an imperial bureaucratic state to a modern democratic regime seemed to combine the inherited strengths of the Japanese system of bureaucratic government with the legitimizing institutions of a modern democracy. A tradition of bureaucratic activism in domestic affairs was supplemented with newly refined instruments of administrative guidance (Haley 1995: 95; Yamamura 1995: 118–122) and by the incorporation of ruling party factions into the distributive arena of government–business relations. A new array of pro-development industry policies and sophisticated instruments of economic planning, protection and promotion were devised and implemented. Thus, the elements were put in place for the success of the post-World War II ‘developmental state’ (Ginsburg 2001: 585–587).

Yet this depiction of smooth continuity and the emergence of a new amalgam would be misleading. Rather, a new hybrid emerged in which the transplanted institutions of responsible party government existed as irritants alongside inherited traditions of bureaucratic transcendence and sectionalism. While administrative traditions originating in the Meiji period persisted, a partially incompatible liberal–democratic state tradition was pasted on. The new hybrid was a mixed legacy defined by tensions and accommodations, many contradictory or expressing inherent dilemmas. By way of illustration, there have been repeated attempts by administrative and political reformers in Japan to give muscle to the constitutional prescriptions of the policy coordination role of the prime minister and cabinet (for example, a strong prime minister’s bureaucracy), each of which has fallen short in the face of the forces of the system’s deep-seated bureaucratic sectionalism. In other reform sectors as well, each reform ‘stagger’ and each ‘mutilation’ of a reform proposal has in some degree been a symptom of internal structural dilemmas in Japan’s hybrid system of public administration.

The public sector institutions set in place by the postwar occupation have proved remarkably resilient (Koh 1989: 59–60). From the 1960s a series of administrative reform councils initiated reform proposals. The First Provisional Administrative Reform Council, set up in 1961, recommended reducing the number of bureaus, staff reductions and measures to improve coordinating capacity. Some of these proposals bore fruit in the late 1960s, the most significant being a decision to scrap one bureau in each ministry and to reduce staff by 5 percent (Pempel and Muramatsu 1995). Bureaucratic resistance was overcome through equal sharing of the burden and the delegation to the bureaucracy of the decisions as to which bureaus

were to be disbanded and how to deal with surplus staff (Ito 1995: 242). Later Administrative Reform Councils in 1981, 1983, 1987 and 1990 also achieved significant results, but again through a process that was clearly negotiated, not imposed. Reform proposals were shaped not to arouse unnecessary opposition, and the process was deliberately step-by-step (Ito 1995: 245–247). The outcomes included a set of measures to institutionalize expenditure restraint, a process of deregulation and a series of privatizations, including Japanese National Railways and Nippon Telegraphic and Telephone Public Corporation. Among the proposed measures against bureaucratic resistance that were not implemented was one to reorganize the central planning machinery.

Increasingly the reforms being demanded were driven by external pressures and deployed NPM-type slogans and templates. Privatization, deregulation, accountability and transparency reforms were being pressed on Japan by its trading partners, particularly the US. By the 1990s the agenda of reform issues had expanded in response to economic stagnation and political upheaval. The LDP's temporary loss of hegemony in 1993, following a series of corruption scandals, sparked concerns about democratic accountability and bureaucratic power. The New Party *Sakigake* played a major role in bringing these issues to the fore and also sought to limit the influence of bureaucrats over the reform process, but without success (Nakano 1998: 304). Freedom of information measures stalled and proposals to reduce the power of the Ministry of Finance over financial regulation through setting up an entirely independent agency were watered down (Nakano 1998: 307). Similarly, in the case of the administrative procedure law, which required the bureaucracy to formalize its practices of informal administrative guidance in its relation with business in pursuit of greater transparency and accountability, '(w)hile the symbolic value... may have been high, it did little to change existing law' (Ginsburg 2002: 6).⁵

The reform process continued when the LDP returned to office in its own right. External pressures generated by economic recession and international criticism broke the gridlock over reform of the Ministry of Finance, with the establishment of the Financial Services Agency in July 2000, completing a partial separation begun in 1998 and removing the control of financial institutions regulation from the Ministry. Reforms implemented in January 2001 include a restructuring of ministries and departments, the strengthening of the Cabinet Office and the appointment of State Secretaries and Parliamentary Secretaries to assist ministers in running their departments. Now, OECD models of regulatory reform, agencification and civil service recruitment by 'open competition' rather than the conventions of a closed career service were being promulgated.

This 'Heisei era' reform wave (named after Emperor Heisei) has prompted comparisons with the Meiji period and the US Occupation era (Ginsburg 2002: 2), with the claim that it is 'epoch-making because it grapples with none

other than the fundamental structure of the legal order itself' (Rokumoto 2001: 545). However, many of the reforms were resisted by the bureaucracy or, if adopted, were transformed or emasculated. Kawabata (2006) argues that a key element in bringing reforms such as privatization to fruition was whether or not the departments, agencies and enterprises targeted were key players in the 'distributive' as distinct from the 'developmental' sector of the political economy. In the former, the *zoku* continued to wield power. Thus, privatization of telecommunications proceeded more smoothly than privatization of the postal business because in the first case fewer distributive interests were threatened. In either case, the process of reform was controlled and negotiated by bureaucrats in key departments. Where reform did occur, it was often at very high cost through side-payments (for example, the expansion of the bullet train networks as a price for privatizing Japan National Railways). Kawabata (2006: 183), echoing the argument presented here, calls Japan a 'dual state' in which the political dynamics operate very differently in the two sectors.

Cerase (2002) also argues that the bureaucracy has continued to control reform even in this antibureaucratic era. He analyses 'deregulation' in Japan as a process of bureaucratic remodelling in which government officials, having recognized the external pressure for reform, took charge of the process and channeled it along traditional lines of bureaucratic policy-making. The 'Three-year Programme for Promoting Regulatory reform' begun in 2001 was taken up with enthusiasm by government agencies as an exercise in 'reregulation'. Promulgation of standards and mechanisms for notification replaced *ex ante* licensing as the dominant mode of regulation, and the mechanisms of bureaucratic guidance shifted to education, monitoring and inspection. By controlling the process of reform, the bureaucracy reinforced its role and status as the dominant, guiding force – the existing agencies remained 'at the centre of the scene' (Cerase 2002: 642). In sum, the bureaucracy sought to 'control its own demise' in such a way that it 'may well simply become its own successor' (Cerase 2002: 629).

The capacity of the Japanese bureaucracy to capture and absorb contemporary reform models, leading to ambiguous outcomes, is seen in the case of 'agencification' (Goldfinch 2006; Nakano 2004). Ambitious agencification proposals were stillborn in the face of resistance from departments and civil servants. Reforms modeled on the UK 'next steps' agencies became simply a device to take civil servants off the central departmental payroll to meet downsizing targets (Nakano 2004: 182–183). The actual form and functions of the new agencies were clearly a distinctive local product, not a direct transfer. Agency rhetoric was also adopted to promote reform to mechanisms of control and regulation over Japan's university system. Goldfinch (2006: 594–595) notes that these reforms were directly modeled on those already advocated in other OECD countries and describes the various channels by which experience was transmitted and evaluated. The move from

a 'state-controlled' system, where the universities were ostensibly simply arms of the Ministry, to a system of 'autonomous' universities each enjoying separate legal status, in reality involved only a modification of the 'form and structures and mechanisms by which control is exercised' (Goldfinch 2006: 599).

In each of these cases, we see reform efforts following parallel tracks and creating uneven and ambiguous outcomes. In contrast to the Meiji era, the modern era of borrowing and transplantation has created new ambiguities or 'misfits' as much as setting in train a process of innovation. On the one hand, reform pressures from politicians and society create a search for new foreign models, the supply of which is driven by global reform processes. On the other hand, Japan's dominant administrative tradition creates a legacy of irritation and hence a fundamental ambiguity over whether these models are appropriate, with the resulting disjuncture between the rhetoric of reform and the reality of the captured, domesticated outcome. Alliances with distributive coalitions reinforce the bureaucracy's power to resist reform or to channel it safely when it challenges its traditions.

Conclusion

In sum, the reform record shows a mixed picture of uneven and ambiguous outcomes that may be partly explained by the legacy effects of Japan's administrative hybrid. Bureaucratic transcendence and sectionalism were two of the core characteristics of this hybrid. They embodied accommodations between 'foreign' and 'local' norms that originated in the first wave of Japanese reform in the Meiji period. In a later wave of imported reform after the Second World War, some aspects of transcendence and sectionalism were challenged by the imposition of a Westminster model of accountability and political control. These new transplants and the existing traditions entered into an uneasy relationship which, in turn, created a new set of divergences. New players entered the policy-making and administrative processes, not through the formal channels of cabinet or ministerial control but through the informal networks and alliances that linked the dominant party factions with bureaucratic agencies. The *zoku* became a means by which the bureaucracy continued to assert its dominant role, albeit in ways that distorted some of its traditional mode of 'transcendence'. While the bureaucracy continued to legitimize itself through its sense of public role and mission, its partnership with the factions in distributive politics tainted it with scandal and corruption (Tamamoto 1995: 19–20).

In this context, administrative reform agendas, with increasing insistence and frequency, addressed a number of core issues that arose from the tensions and contradictions embodied in the new hybrid. Foreign models of NPM, transparency and accountability were drawn on in order to overcome perceived problems of bureaucratic inertia and inefficiency. However,

the bureaucracy in large part retained the capacity to control the reform agenda, particularly its implementation. In this setting, reform motives and outcomes were often ambiguous. Tokenism and 'rhetorical reform' were common across several sectors. Reform, while not insignificant, was piecemeal and halting.

In sum, Japan's recent reform experience strongly suggests that the legacy effects of its administrative traditions are a significant factor in affecting both style and substance. I have argued that Japan's administrative traditions are characterized by a significant degree of hybridity. Two key features of this hybrid – bureaucratic transcendence and sectionalism – were not eliminated by the postwar reforms; rather, Teubner's metaphor of 'irritation' aptly describes the resulting dynamics. Accommodation took place through the absorption by the bureaucracy of the *zoku* into its inner circles, while tensions were evident whenever political actors sought to challenge or disrupt transcendence or sectionalism. While LDP pork-barreling may have 'corrupted' the traditional aura of transcendence, creating a new dynamic for reform, transcendence as a set of norms concerning the legitimacy of bureaucratic power, along with sectionalism as a fundamental organizing principle, continued to be dominant.

Finally, this analysis suggests a more general point about the effects of administrative legacies. There is a special category of administrative traditions that are clearly hybrid at their core because, at some point in time, borrowing or imitation played a central role in a set of major institutional departures. In these cases, hybridity itself has a strong set of legacy effects. In Japan, those parts of Meiji administrative traditions that were intimately connected to the imperial ideology were sharply repudiated following defeat in the Second World War, yet the norms and practices through which they were expressed continued to influence bureaucratic organization and behavior. The new layering resulting from the postwar episode of borrowing has buried only some parts of the legacy. The result is neither fish nor fowl; in some ways a combination of the strengths of both, in others a system continually at battle with itself where symbolic reform, false starts and nonauthentic borrowing of 'fads' and 'fixes' feature as often as 'best fit' emulation.

Notes

1. Later, in selectively emulating the German model of local government in the Municipal Code of 1888, Japan's ruling elite rejected German traditions of limited local autonomy and 'local citizenship' and adopted a highly centralized system of local administration (Totten 1977).
2. Other aspects of Japan's bureaucratic inheritance illustrate how local norms and practices created local adaptations of imported bureaucratic institutions. Jun and Muto (1995), for example, stress the importance of Japanese social and cultural practices in producing key aspects of organizational behavior in the Japanese

civil service, such as 'groupism'; the importance of ritual and symbolism in producing harmony; and the reciprocity that is expected and fostered in superior-subordinate relations. These behavioral norms and practices operate in some cases to reinforce and in others to distort the transplanted Western bureaucratic structures, producing a distinctively Japanese hybrid.

3. Under Prime Minister Koizumi (2001–2006) the *zoku* and factions were challenged and other channels of policy-making were opened up. However, they remained powerful (Kawabata 2006: 182–183).
4. Koizumi announced his intention to stamp out the corrupting effects of *amakaduri* in 2002 and began reforms to regulate the system of postretirement employment more closely. A familiar pattern of halting reform was set in train: a new set of rules introduced in 2007 by Prime Minister Shinzo Abe were widely criticized as 'toothless' (*The Japan Times*, April 14, 2007).
5. In the longer run, the independent evolution of administrative law procedures through appeals and adjudication is potentially a major new irritant in the system of government.

8

Public Service Bargains in British Central Government: Multiplication, Diversification and Reassertion?

Martin Lodge

Interest in the existence and the effect of administrative traditions has been a long-standing feature in the study of executive government, especially when linked to the investigation of inheritance, transplant and irritant effects. Two perspectives have been particularly prominent when it comes to the study of 'legacies'. The first broad perspective emphasizes the *mortmain* effect of administrative and political institutions, allowing for more or (usually) less scope for reform. The second broad perspective is linked to the study of institutional transfer, especially in the light of experiences of colonial and postcolonial administration. For example, the interaction of the 'Whitehall model' being handed over to a 'derivative middle class' led to specific modifications to 'public service bargains' in the English-speaking Caribbean (Lodge and Stirton 2009; Subramaniam 1983).

The notion of the public service bargain implies that specific 'deals' – usually imagined rather than written down – emerge in the context of specific conditions.¹ In this sense, the traditional Whitehall bargain, as noted by Schaffer (1973) in his original formulation of the idea, is a creature of a particular time and place. The Whitehall bargain is linked to the formal institutional framework of a majoritarian government in a broadly unitary state, therefore appearing particularly vulnerable to changing preferences among politicians. This is in contrast to alternative systems that are characterized by higher political decision-making costs and are therefore more likely to frustrate political reformist instincts. In order to sustain stability, the 'Whitehall bargain' requires informal understandings and social ties as well as support from other parts of the political system (i.e. societal or financial interests).

By using the notion of 'public service bargain', this paper seeks to trace administrative tradition effects in the case of British central government over the past three decades. In the next section it first sets out how the 'traditional' public service bargain at the center was supposed to look and

then explores to what extent there has been change across three central dimensions of this bargain – reward, competency and loyalty. Second, it explores the phenomena of the diversifying and multiplying bargains at the level of central government and enquires whether these new bargains could be regarded as departures from the traditional bargain or whether they are characterized by similar logics. Finally, this paper suggests that ‘legacy’ and ‘tradition’ are rather unhelpful rhetorical devices when used to point to the importance of the past. Instead, the British experience suggests a process that historical institutionalists would define as layering, with substantial interaction effects across different bargains (see discussion in Chapter 1). Given the presence of competing logics, it is unlikely that the past will be the future, but it is just as unlikely that the future will not feature substantial traces from the past.²

The traditional public service bargain – broken and discarded?

The traditional public service bargain has been characterized in the context of British government by ‘serial loyalty’ (or serial monogamy): civil servants give up their right to express their political views publicly in exchange for obtaining access to the highest level of political decision-making and safe rewards (including pensions), while politicians give up the right to hire and fire civil servants in exchange for receiving enthusiastic and loyal support. This bargain has never been written down, but it has nevertheless been defined as a key feature of political–civil servant relations, often summarized in the notion of a supposedly neutral civil service. Historically, this set of ideas was dependent on time and place. Although emerging in the late nineteenth century, it was not until the end of the First World War that they became dominant.

A decline, if not the breakdown, of the traditional bargain is said to have been the result of a drumbeat of reform announcements since the 1980s. Looking at the bargain by the late Noughties, while British top civil servants are among the best remunerated in Europe, their area of responsibility and degree of competency have been challenged – partly by the growth of civil servants on other bargains (discussed below), partly by ongoing stories of public policy disasters – and their loyalty has been questioned in political memoirs and elsewhere. Observers such as Donald Savoie (2003) and Christopher Foster (2005) have suggested that the traditional bargain has broken down, while Michael Moran (2003) has noted the demise of club government given the internationalization and heterogenization of political, administrative and financial–economic elites. Similarly, Ed Page (2007) has diagnosed a decline in status and policy involvement that used to define the senior civil service, suggesting that this trend could be understood as a move from a ‘status’ to a ‘purposive’ contract relationship, as defined by Max Weber. As the traditional public service bargain in the British context

was conceptualized as an 'agency-type' bargain, it has been identified as most likely to fall victim to managerialist fashions (see Hood and Lodge 2006, chapter 9). So, if these accounts are correct, then the legacy effect is at best that of an extremely fragile bargain that is likely to be replaced once the 'peculiar conditions' that underpinned the original bargain have altered. The rest of this section investigates the claim of a death of the traditional Whitehall bargain by looking at three dimensions central to any public service bargain: reward, competency and loyalty.

In terms of reward, the traditional bargain – not unlike civil service reward systems elsewhere – was characterized most of all by permanence and the guarantee of a pension. By 2007, redundancies had occurred and the 'final salaries' pension scheme was under consideration, so that both central formal pillars of the rewards bargain had been broken. Underlying the traditional reward dimension of the bargain was a pattern of predictability – up to an unwritten but known point on the organizational ladder (deputy undersecretary) – and a material reward pattern characterized as 'double imbalance'. The latter defined the incentive structure of paying relatively well at the outset of a career and relatively badly towards the end of the career. Other, more immaterial rewards offered compensation, whether in the form of titles and medals or access to power. And, while competition and rivalry for positions within the civil service were certainly present, they were conducted in a form of mutuality-based system that was supposed to test individuals in a variety of departmental contexts (see Foster 2005). This peer-review system also included some elements of luck, in the sense of being 'noted' in particular positions or not. Overall, the reward dimension of the traditional bargain included a broadly predictable reward and career trajectory, linked to some egalitarian components when it came to the level of reward and informality of career supervision.

By 2007, the reward side of the bargain looked remarkably different, at least at the formal level. Within the 'traditional' bargain, there had been a bifurcation of the reward side between career civil servants and those 'side-entrants' in the same post who were relatively better paid, thus causing considerable dissatisfaction. This followed an earlier bifurcation in rewards between traditional and executive agency-type civil servants (discussed below). There was also considerable evidence that the 'double imbalance' pattern had dissolved over time, with very senior civil servants earning more than ministers (and the prime minister), and moving ahead by comparison with more junior staff (see Figure 8.1). Such a pattern did not go hand-in-hand with a relative decline in the immaterial rewards in terms of titles and gongs, but it did go hand-in-hand with reduced access to political decision-making and also with reduced anonymity and career protection. It also accompanied a decline in social status or 'demystification' of bureaucratic office (see Page and Wright 2007). Predictability, too, had declined, with the level one could expect to be carried up the ladder of organizational

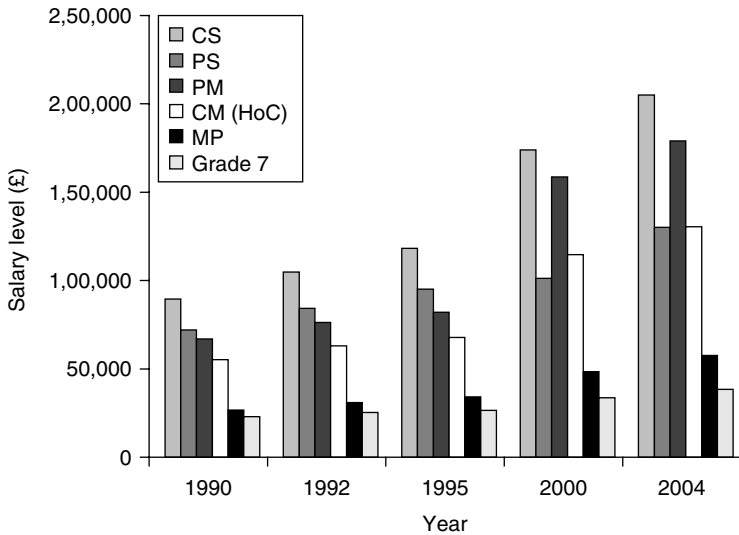


Figure 8.1 Reward bargains in Whitehall–Westminster

Notes: CS-Cabinet Secretary, PS-Permanent Secretary, PM-Prime Minister, CM-Cabinet Minister (with seat in House of Commons), MP-Member of Parliament, Grade 7-middle-ranking civil servant.

hierarchy having diminished. In addition, civil servants were increasingly expected to compete with people from outside central government for positions, in particular in leading positions, with about one-third of all openly advertised positions going to ‘outsiders’.

Rivalry within the system had become increasingly prominent, and ideas of performance-based pay had also gained increasing currency. Similarly, performance-pay moved from an individual to a team-based element. Assessment rules were regularly accused of being relatively unclear. In that sense, therefore, the legacy of the reward dimension of the traditional bargain had changed considerably, namely towards increased rivalry, both from the inside and the outside, as well as towards a growing uncertainty over career progress and performance assessment.

However, it would be premature to suggest that changes on the reward side amounted to a collapse of the traditional bargain. Some legacies of the traditional reward dimension appeared to have survived – one was that many of the side-entrants had already experienced life in the (wider) public service; another was that those making it to the top were possibly similar to those who would have done so in the past. In other words, while life was more uncomfortable, more people were told to look for an early exit and life was more of a ‘free for all’, the end product looked relatively familiar. The most significant structural reform of the past two decades, namely the creation of a ‘go-anywhere’ senior civil service, was initially intended to make

sideways entry less difficult. What emerged was very much an attempt to instill the traditional values at the top of the bureaucracy. In that sense, the legacy of the reward dimension of the traditional Whitehall bargain lived on – although, in other respects, Whitehall bureaucrats earned more, but lived more dangerously and less anonymously.

Turning to competency, the traditional Whitehall bargain at the top stressed the importance of ‘sage-type’ qualities, that is, the ability to advise the political partner on all political matters. Much emphasis was placed on civil servants’ emotional distance from the subject matter. At the same time, less emphasis was placed on the importance of managerial skills – these were regarded as less prestigious than policy-advisory skills, given also the legacy of ‘indirect administration’ (see Campbell and Wilson 1995). As in the case of rewards, much could be said when looking only at the competency dimension about a broken bargain from the viewpoint of 2007. Any British politics anorak could not have failed to notice considerable political criticism regarding civil service competency, from the area of law and order, procurement and management of IT processes, to the culling of badgers, to ‘normal’ consultation processes, such as in the area of energy policy. For some, the sage-type qualities had become less important as traditional civil servants had been shouldered aside by political advisers (discussed below). The arrival of multiparty government across the devolved parts of the UK also signaled to some the arrival of a potential growth in demands on ‘boundary-spanning skills’ in the context of multilevel and coalition politics (although these remained to be made explicit), while the main demand across Whitehall was for more ‘delivery’-type competencies, in the sense of managerial capabilities in producing particular policy outputs and outcomes (not to be confused with the related move towards establishing Next Steps Agencies, to be discussed below). Ironically, ‘delivery’ was not defined in the sense of developing policy (the traditional area with which the civil service in central government had been centrally concerned) but as delivery of results that were often outside the formal jurisdiction of central government.

Furthermore, a growing shift towards managerial and delivery competencies was notable in the way in which the civil service defined its own competency requirements. As discussed elsewhere (Hood and Lodge 2004; Lodge and Hood 2003), once the senior civil service started to become interested in the idea of competency, it went for managerialist ideas regarding ‘excelling behaviors’ rather than other competency approaches that looked at minimum levels of expertise or subject expertise. The enthusiasm for the ‘behavioral’ approach, in particular in the 2001 senior civil service competency framework, marked the peak in terms of enthusiasm for managerialist ideas. Later developments, moving towards ‘leadership’ and then ‘professional skills in government’, could be interpreted as somewhat of a departure from the pure emphasis on individual delivery skills in that policymaking skills were regarded as desirable, as were financial and human resource skills.

Similarly, the 'capability reviews', announced as the major initiative by the incoming cabinet secretary Gus O'Donnell in 2005, could, on the one hand, be regarded as an extension of the managerialist logic in the sense that the key question was the 'capability to deliver', but, on the other hand, they also had a somewhat different and extensive managerialist logic, namely one that asked more about 'strategic intent' and organizational capability than the individual attitude towards one's job. Indeed, 'strategic thinking' was seen as an area of strength across departments.

It is advisable to caution against taking formal announcements as indicative of an overall move away from the traditional bargain. First of all, while the competency frameworks did indeed move towards managerialist language, it was far from clear whether this was intended by those in charge or whether this was a framework that had 'gone out of control'. A 'public reform announcement syndrome' seems to have set in. The speed in which competency as a guiding idea was replaced by a constant flow of new initiatives suggested that competency as expressed through behavioral qualities never became fully embedded.

In the area of 'loyalty', many accounts have discussed how traditional understandings were undermined. As noted above, the traditional loyalty bargain was one of serial monogamy, in that civil servants committed themselves to work enthusiastically for any elected minister as part of the wider government. This contrasted with bargains that characterized other national systems; for example 'personal loyalist'-type bargains that implied a direct link between the survival of the minister and individual civil servants, or 'trustee'-type arrangements in which loyalty was towards something different from political masters, such as to a constitution. The survival of the serial loyalist bargain was dependent on the presence of informal norms, one being the acceptance by politicians that loyalty was indeed serial and that there was no communication about or with 'exes'. Institutionally, there were also certain conventions that prevented politicians and civil servants from becoming too close politically. For example, during 'purdah' periods the civil service was granted the right to talk to the official opposition in order to be prepared for potential transfers of power after elections.

It is not difficult to suggest that the 'serial loyalist' dimension of the traditional bargain came under considerable strain over the past three decades. One example of such strain was the increasingly open conflict and blaming of each other among active and retired military and diplomatic staff as well as ministers (in their memoirs and in press statements, as well as leaks). After a series of embarrassing failures in the Home Office in 2007, the mutual blaming led to an agreement of a formalized 'compact' between ministers and civil servants. Another example included the public outing of senior civil servants in crisis situations, as in the case of Stephen Byers as transport secretary of state, who forced his permanent secretary, Sir Richard Mottram, to face the media in a public statement in late February 2002. Finally, the

increased emphasis on associating civil servants with delivering to particular 'targets' made them not only more visible to the public, but also more easily identifiable with particular partisan priorities. The very idea of delivering targets suggested that the relationship between Whitehall civil servants and politicians had moved away from a relationship of mutual respect to one where politicians expected bureaucrats to execute ministerial wishes.

It is again not difficult to identify legacy effects rather than a radical departure. Most significant was the actual codification of the assumptions underlying the Whitehall bargain. One was the strengthening of the role of the Civil Service Commissioners in appointment policy. A second issue was the growing codified importance of the Accounting Officer (usually the permanent secretary) in being able to express his or her concerns about expenditure decisions in letters to the parliamentary public accounts committee. A third development, particularly prominent after 1997, was the codification of civil service roles in departmental decision-making in response to the increased prominence enjoyed by political advisers in decision-making. In that sense, very much in contrast to what someone like Christoph Knill (1999) would predict, the actual tendency in the traditional Whitehall bargain has been to make conventions more explicit, if not more 'judge'-type. In other words, the 'instrumental bureaucracy' was able to make itself more 'autonomous'. Advocates of further codification demanded a Civil Service Act. For some this was to preserve the animating ideas of the traditional Whitehall bargain, for others codification was seen as the way forward to signal a decisive break with the past; either way, the sustaining or breaking away from the traditional Whitehall bargain suggested a considerable legacy effect of traditional understandings.

To conclude, much has been said about the broken bargain in the Whitehall village. It is not difficult to point to changes across all three dimensions of the traditional bargain – nevertheless, certain components survived, and appeared even stronger than in an earlier period. Noticeable in particular is the codification of particular roles that arguably marked a departure from the kind of informality that was said to have characterized earlier relationships within Whitehall. While, therefore, the observed patterns fly in the face of those accounts pointing to broken bargains, they do not suggest a full reassertion of the traditional bargain either. Instead, there has been somewhat of an uneasy accommodation in a bargain world of multiplication and diversification.

Multiplication and diversification of public service bargains at the center

Legacy effects need to be studied on the same object over time, yet legacies hardly matter when new types of civil servants on a different set of bargains rise in significance and sideline traditional civil servants. Such a story has

been not uncommon in the English-speaking Caribbean, for example in Jamaica. In that case, reformist politicians established separate public bodies which gained increasing prominence, given the political possibility of shaping personnel policy more actively. In the British case, there were at least three sets of bargains emerging over the past three decades that gained significant prominence in the British landscape. In this section, these three bargains – the regulatory, the agency and the political adviser bargain – are discussed. It is suggested that the phenomenon of multiplication and diversification at the center has led to considerable interaction effects. This section primarily focuses on the impact of interaction effects between the ‘new’ and the ‘traditional’ on these ‘new’ bargains.

The first new bargain that emerged on the British administrative landscape was the one applicable to the economic regulators of the newly privatized utility companies. These bargains included a commitment (expressed in legislation) to independence and autonomy, with the regulator taking on a more judge-type role. Therefore, rewards were not dependent on performance measurement, the competency requirements were supposedly to be concerned with technical expertise rather than providing advice on political fixes and battles, while the loyalty understanding was that of a judge – terms of office were not tied to electoral cycles, removal from office was highly restricted and political intervention powers were (formally) limited.

The second new bargain emerged almost a decade later as part of the ‘Next Steps Agency’ policy development. In true managerialist fashion, chief executives were granted an area of discretionary authority that was controlled via output targets. In that sense, competency requirements were those of a ‘deliverer’ – agencies were given tasks to perform and targets and rewards for the chief executive (employed, initially, on fixed-term contracts) were closely tied to the obtainment of these set goals. Should targets be exceeded, then rewards way beyond those for traditional civil servants were on offer; should there be failure, chief executives faced the sack. In addition, these positions were offered to ‘traditional civil servants’ (who had a choice of rewards package) and to ‘incomers’. In contrast to civil servants under the ‘traditional’ bargain, these agency chief executives were to have a public profile. In many ways, therefore, they could also be seen as ideal blame-magnets for unpopular policy tasks. In general, this managerialist bargain emphasized rivalry as a reward pattern, deliverer-competency and ‘executive’-type loyalty.

The third bargain, the one involving political advisers, was hardly new (it had its origins in the late 1960s and 1970s), but gained increased prominence under the Blair government. These political advisers were recruited directly by ministers and their survival was directly tied to that of their political masters. Their competency was to offer technical advice in some cases, but more usually to deal with internal party politics and news management.

Therefore, their understanding of loyalty was that of a personal loyalist. Some political advisers were able to survive more than one political master, thereby being more akin to a 'party loyalist' than a personal loyalist. It was mostly the perception of an increased role played in formal policymaking, as well as political attempts to grant political advisers powers to direct civil servants, that lay at the heart of the perceived change in the bargain associated with political advisers.

None of these bargains has faded away, or seems likely to do so. Nevertheless, they have come under considerable pressure for modification, if not emasculation. Turning to the regulatory bargain first, 'informal' practice – so characteristic of the traditional Whitehall bargain – came into play. One informal device was the selection of the regulator herself or himself. Final selection was in the hands of the responsible secretary of state, and, while appointment was not on the explicit basis of party membership, there was a clear indication that regulators had to be regarded as reflecting the dominant line of thinking of the minister and government of the day. While regulators were not sacked, politicians got involved in rumors and open contestation of regulatory jurisdiction, thereby undermining the status and judgement of regulators who had 'gone wrong'. It was, therefore, not surprising to see a succession of regulators resigning 'on their own behalf' after the election of the Labor government in 1997. The prison regulator, Sir David Ramsbotham, was said to have learnt of the ministerial acceptance of his request to resign from an already issued fax (Ramsbotham 2003: 277–278). While regulators were supposedly involved in technical decision-making regarding regulatory issues, it was nevertheless the case, especially in the example of the railways, that ministers received direct political advice from regulators in an informal way. Regulators, therefore, had far less 'judge-type' autonomy in their area of responsibility and loyalty, and engaged not merely in technical issues, but also in sage-type political advice. The bankrupting of the privatized railway infrastructure was one episode that showed the difficulty of ministers in a highly charged environment to deal with the supposed constraints established by the regulatory bargain within the Whitehall village (see Lodge 2002).

Equally, over the years the agency bargain came to considerable grief. While some (such as Polidano 1999) have suggested that the 'big stories' hide a much more orderly functioning of the executive agency universe, others suggest that such stories highlight the fundamental problems that underpin a managerialist bargain in the Whitehall context. More generally, Maor (1999) has suggested that the managerialist bargain has over time been taken over by increased demands for political control, while Hood (2002) has noted how the agency bargain may already have been a political control strategy from the outset, driven in particular by blame avoidance motives. At first sight, the managerialist bargain does indeed appear extremely fragile: the idea of delegating responsibilities for a distinct field

of activity in exchange for rewarding performance according to agreed targets is open to cheating and gaming on both sides, whether in terms of invading ('micromanaging') policy space, refusing acknowledgement of performance, or misrepresenting performance (or biasing performance in ways that reduce overall outcomes). It was therefore hardly a surprise that the managerialist bargain in the Whitehall village hit substantial problems, whether regarding the Child Support Agency, the Prisons Services Agency or the Passport Agency. All of these problems could be related to interdependent responsibilities between the various actors, and often competing legislative provisions.

It was, therefore, not surprising that the managerialist bargain came to be characterized as 'last week's salad' by a senior civil servant (see Hood and Lodge 2006: 171). The response to the problems was a more careful selection of chief executives with a heightened awareness of how to deal with the high politics context of politics and ministers rather than necessarily with 'business leadership'. Official evaluations of Next Steps agencies also met a distinctly lukewarm reception (see also James 2003), criticizing the degree of 'disconnectedness' between ministers and executive agencies (Office of Public Sector Reform & HM Treasury 2002: 6), the lack of consistent performance measurement (Cabinet Office 2002), and, in particular, the continued insistence on input-oriented targets (see also Lodge 2007). Thus, if 'fragmentation' and 'focusing' of organizational units were one central aspect of managerialist reforms over the past two decades in order to break the perceived shortcomings of the traditional Whitehall bargain, then this initiative too has been significantly reversed.

In sum, the managerialist bargain was, over time, considerably neutered. For legacy enthusiasts, the problems of the agency bargain could be seen as a typical result of a system that historically has been shaped by an understanding of civil servants as 'surrogates' of ministers (as termed by Sisson). If all parties to the traditional bargain have this particular understanding, then the emergence of supposedly distinct entities can only cause irritation, in particular in times of ministers being in (the media) heat. Dominant logics of action, according to this particular view, have shaped and modified the initial ideas of the managerialist bargain and therefore made it more 'Whitehall-like' and compatible.

A story of accommodation could also be told for the bargain applying to political advisers, namely that, despite continued criticisms of the usage of political advisers during the Blair administration, the high point of 'spin' was arguably reached in early 2002 with the sacking of the 'spin doctor' (Jo Moore) of the then Transport Secretary, Stephen Byers. The episode involved leaks and counter-leaks and eventually also cost the minister his post. Regardless of the exact dynamics of this incident, the open conflict between elements within the traditional civil service (ironically, led by a 'new arrival' from the BBC who had taken on the job as official transport spokesperson)

and the political class marked for some the moment when both parties realized that further conflict was unhelpful to either side. As a response, so the argument goes, there was a 'bouncing back' of the Whitehall bargain to the changed environment, including further codification of the respective roles. Such a trend was further facilitated by public criticism of Blairite government by 'spin and sofa', especially following the suspected suicide of the government scientist, Dr. David Kelly, in July 2003.³ Equally it could be suggested that such a 'normalization' was inevitable as governments came of age.

The three new bargains could therefore be seen to have witnessed some modification and accommodation according to the lines of the traditional Whitehall bargain. This accommodation occurred less in terms of a 'colonization' and more in shaping the core logics of the respective bargains towards the political dynamics that were inherent in the Westminster system and to which, to some extent, the traditional Whitehall bargain corresponded. In many ways, they also could be seen as part of a larger set of bargains that have populated the ecology of British central government in the past, for example the type of bargain applicable to those running the state-owned enterprises or public corporations (very much on the lines of the managerialist bargain set out above) or to those 'incomers' during the two wartime administrations of the twentieth century. However, to stop the story here would suggest that the legacy effect was just one-way – as noted above, legacies have to do with interaction effects. These interaction effects are discussed in the next section.

Layering and interaction effects

One set of interaction effects between traditional and chief executive types of bargains occurred in the area of rewards. There was the increasing opening up of job vacancies within Whitehall to people from outside the traditional Whitehall population, akin to the initial ideas governing recruitment for chief executives of agencies. Furthermore, there was an extension, although incrementally, of performance-related pay deals, again first introduced in the case of the chief executive bargain. Finally, the response to dissatisfaction regarding the initial bifurcation (and pay differential) was a 'catching up' in terms of salary levels of traditional top bureaucrats, although salaries for key chief executive positions were substantially higher than those available to traditional civil servants in central government departments.⁴ In turn, agency chief executives moved towards a rolling contract instead of a fixed-term contract in order to avoid 'cliff edge' problems; the overall effect was to make their employment relationship more similar to that affecting traditional Whitehall civil servants. In other words, in particular at the top, the reward dimension had to some extent converged in form, although not as much in level.

In the area of competency, too, the initial ideas of competency were first considered in the case of agencies, and filtered, via the decentralization of personnel policy to departments, into discussions regarding the senior civil service. Therefore, interest in leadership and competency, as well as delivery, could again be seen as a theme that was first trialed in the area of executive agency, only to be taken up later in discussions regarding reform of the traditional Whitehall bargain. Senior civil servants were increasingly said to have become 'managers' of their departments with junior staff developing policy, thereby also converging in terms of their competency requirements.

The loyalty and responsibility dimension was where the competing logics that surround the traditional Whitehall bargain were most evident. On the one hand, there were demands to define the relationship in terms of a principal-agent or an executive type of relationship. These were inspired by the managerialist ideas that also underpinned the chief executive bargain. Indeed, the idea of using performance targets and identifying individual civil servants with them further extended the growing visibility of individual civil servants in terms of delivering policy outputs and representing that distinct area of government policy. On the other hand, the growing number of regulators inside central government (for example, ethics watchers), as well as the growing importance attached to codification of roles in order to safeguard traditional values applying to political advisers, civil servants or ministers, pointed to the influence of the new bargain applying to regulators. The idea driving much of these developments was that, through 'judge-type' calculation and operation, the environment could be made politics-free. Thus, as much as there was an emphasis on making civil servants more managerial in the sense of executing ministerial wishes rather than helping formulate them, there was also a countervailing trend towards making the traditional bargain more similar to the 'regulatory bargain' discussed earlier. Both of these developments could arguably be explained by attempts of politicians to avoid public blame for unpopular decisions.

In other words, far from being a dominant force within the diversified world of bargains in Whitehall, the traditional bargain was as much open to 'irritation' through the logic of other agencies' alternatives. A question for further research, then, is what kind of factors account for the selection of particular reform elements rather than others. Such an analysis of selective adaptation and filtering by 'gatekeeping' actors may reveal underlying legacy effects, while at the same time raising issues of case selection and evidence-gathering.

Conclusion

Without comparisons, it is difficult to point to distinct national patterns. Nevertheless, this paper has attempted to suggest that the stereotypes

of a British administrative legacy and its demise need to be qualified. Bargains were not broken, but survived in a state of continuous tension and adaptation.

By concentrating on the traditional Whitehall bargain, this paper has taken a very narrow and selective angle. It neglects, for example, the presence of multiple bargains present within the jurisdiction of the United Kingdom, such as the historical bargain (emerging in the nineteenth century, but building on earlier foundations) established for local police forces (explicitly designed them *not* as agents of local politicians), the bargains applicable to local government civil servants (that clearly mix executive roles with functions that are defined by statutory duties), as well as those applying to military and intelligence bureaucrats (again where convention provides for greater autonomy from elected politicians). None of these can be seen as mere variants of an agency-type Whitehall bargain. A more extreme example was the deal established for the police force in Northern Ireland in the late 1990s, which was supposed to operate on consociational lines.⁵ What this suggests is that one has to be careful in suggesting a single British administrative legacy – in many ways, the administrative landscape was characterized by considerable diversity and coexistence over time, thereby suggesting substantial openness to bargains beyond the main characteristics of the traditional Whitehall bargain discussed in this paper. In other words, the wider institutional setting of the British political system allowed a considerable variety of diverse bargains to coexist.

The account provided here does not suggest a broken traditional Whitehall bargain or one that has been replaced by alternatives. Rather, what is suggested is that the ecology of bargains at the center has witnessed multiplication and diversification, in the sense that these bargains operate on partly competing and partly complementary logics within the same niche (namely one that involves 'high politics' at least to some extent). As a consequence, multiplication and diversification go hand-in-hand with conflicts and misunderstandings (of an intentional and unintentional nature). When one looks at the interaction between new bargains and the traditional bargain, the observed process was not one of straightforward transformation of the old by the new, or the colonization of the new by the old, but rather a more complex and differentiated process of adaptation and, arguably, hybridization, as would be predicted by institutional arguments wedded to the 'irritation' perspective (see also discussion of this in the previous chapter). Such an argument does not lend itself to heated discussions about broken bargains, nor does it lend itself to a conclusion of 'reassertion' of the traditional bargain. For example, criticisms of public servants have arguably changed in quality and intensity; rewards have changed and so have demands on competency and, to some extent, and in contradictory ways, understandings regarding loyalty and responsibility. In addition, recruitment has arguably led to increased diversity, digitalization to somewhat changed working

practices and demands for transparency to greater visibility of the Whitehall machine.

Taking a public service bargain perspective permits a differentiated analysis of legacy effects that provides a more careful understanding of change in its three components – reward, competency and loyalty. If the bargain-type analysis is correct, then administrative systems need to be understood as multiple-bargain type arrangements that in themselves reflect the multiplicity of demands and their interplay within a complex society, rather than a single and static culture. Public service bargains rise and fall with change in their habitat and through strategic action (and interaction) among actors party to the bargain. Societal differentiation or the rise of new middle classes and electoral constituencies creates conditions for the emergence of demands for new bargains. Politicians are said to demand ‘responsive’ civil servants, blame-magnets if executive tasks go bad and ‘commitment devices’ for economic activities. Similarly, civil servants sought refuge in promises of autonomy from political interferences by either managerial autonomy or judge-type regulatory units. Given the strategic nature of actors, each bargain brings with it inherent problems of cheating (as noted above in the case of the managerialist bargain) but also, given competing logics of action, scope for misunderstandings. Public service bargains are not for ever; they break down or at least become modified in the light of changing preferences and disappointment. In other words, they are an endogenous part of ongoing renegotiations between interdependent actors.

Public service bargains – individually and in their variety – consist of multiple opposed views in a state of dynamic tension, rather than one single dominant view. As informal institutions (Helmke and Levitsky 2004) they exist as ‘formal structures’ and require ‘noncontractual conditions’ for the contract (as a Durkheimian perspective would have it). This makes the tracing of administrative legacies far more problematic and difficult, and points to the importance of hybridization and irritation in the study of the way in which administrative systems accommodate and adjust to changing environments. Indeed, as noted at the outset, public service bargains reflect particular times and places. Any study of administrative legacies, therefore, needs to be sensitive to changing times and places as well as to the strategic interactions between actors who are party to particular public service bargains. As a result, legacy, in order to be a helpful concept, needs to be understood as a dynamic process that is about the interaction between competing layers in a relatively open context, rather than as a uniform and static factor that allows for ‘nothing but the same old story’.

Notes

1. This paper draws on Hood and Lodge (2006).
2. A similar claim can be found in Mick Moran’s ‘The British Regulatory State’ (Moran 2003) in that, according to his argument, the collapse of club government

and the emergence of the regulatory state has led to an incomplete penetration of the 'new' logic – therefore leading to substantial problems, if not collapses, of the new style of hypermodern governing.

3. For the subsequent review of decision-making by the former Cabinet Secretary Lord (Robin) Butler, see http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/14_07_04_butter.pdf (accessed 28 January 2010).
4. Salary levels were, however, not said to influence power relations. Permanent secretaries were said to insist that chiefs of agencies visited them, thereby signaling their superior rank.
5. The possibility of this consociational bargain becoming operational by the mid-2000s was dependent on the support of Nationalists, Republicans and the Roman Catholic Church. It shows that bargains are only viable if they are not opposed by influential sections within a population.

9

Public Administration in the United States: Anglo-American, Just American, or Which American?

B. Guy Peters

Two closely connected research questions about the underlying administrative tradition in the United States guide the analysis in this chapter. The first is to what extent American administration is sufficiently similar to other Anglo-American countries to say that they partake of a common tradition. The second is to what extent the internal differentiation and contradictions of the American public sector prevent there being an American tradition at all. Neither of these questions has a definitive answer, and both will require exercising some judgment, as well as some tolerance of ambiguity. Both relate directly to key themes introduced in Chapters 1 and 2: the extent to which we can speak of ‘families’ of nations sharing common traditions; and the extent to which, within a nation, something we call an administrative tradition can contain ambiguous elements in constant tension.

I have elsewhere (Peters 2004a) argued that we can identify an administrative tradition that comprises the Anglo-American democracies. This tradition was largely founded by the experience of the United Kingdom, and is especially easily identifiable in countries such as Canada and the Antipodes. This tradition also is shared to some extent by other countries that were a part of the British Empire (see Braibanti 1966; Dwivedi and Mishra this volume, Chapter 4) as well as those that have been part of the American ‘empire’, such as the Philippines (McPherson 2002). But to what extent is public administration in the United States sufficiently similar to that of the United Kingdom and the other Westminster systems to be able to say that there is a single underlying tradition? No definitive answer may be possible; indeed, the degree of variation found among these systems may be one feature of the Anglo-American tradition.¹

Bertelli and Lynn (2006b) argue that the American administrative tradition is defined rather clearly by Madisonian, constitutional principles and has been consistent over time. But determining the nature of public administration in the United States is perhaps not as simple as that constitutional

Table 9.1 Four versions of American governance²

| | Hamiltonian | Jeffersonian | Madisonian | Wilsonian |
|--------------|---------------------|----------------|---------------------|-----------------|
| Style | Top-down | Bottom-up | Separation of power | Hierarchy |
| Major player | Executive | Legislature | Balanced | Bureaucracy |
| Values | Authority | Accountability | Constraint | Neutrality |
| Instruments | Executive privilege | Participation | Constitutional law | Professionalism |

basis might appear. Indeed, the constitution has itself evolved in some rather dramatic ways during its 220 plus years. As well as internal variations within American government at the levels of state and local government, there are also interesting and significant variations within the tradition when considered more broadly. Donald Kettl (2000) has argued that there are four distinct conceptions of the nature of the American state and of the role of the public bureaucracy in governing (see Table 9.1). It is perhaps especially interesting that, although the Constitution mentions the public bureaucracy in only the vaguest possible terms, the public bureaucracy is central to several of these conceptions of governing (see Bertelli and Lynn 2006a). In particular, the Wilsonian tradition makes the role of a professional civil service central to governance, as would the Hamiltonian conception of strong executive governance, albeit closely linked to the power of the president.

Therefore, we will need to understand which version of the American tradition is being invoked at any one time. Political leaders and reformers have a number of viable options they may want to attempt to activate as they continue to shape the administrative system and its relationship to the political. For example, the Clinton administration and its reinvention strategy might be thought to reflect the Jeffersonian model for the State, while the current Bush administration is an extremely Hamiltonian, executive-dominant regime coupled with a spoils system with greater cronyism than any in recent memory (Sherman 2005). The current administration also explicitly rejects many aspects of the Wilsonian tradition, through its denigration of the professional managers in the civil service (Aberbach 2005). The internal variations in the American administrative tradition at once provide flexibility and adaptability, while at the same time also potentially creating confusion and conflict.

The Anglo-American tradition

Unlike some other traditions in administration, such as the Napoleonic, which can be identified with a formative actor or particular style that

served as the foundation, the Anglo-American tradition in administration has evolved over time through a number of different influences. Indeed, a good deal of the administrative tradition in Britain *per se* could be seen as a result of its own colonial experiences in India (see Chapter 4), as well as from quasi-private administration. Since the time that the tradition became relatively institutionalized, it has proven to be extremely adaptable, which in itself may be one of its defining characteristics.

Much of the development of British bureaucracy as we now know it occurred after the United States had gained its independence, and for much of the formative period of the Republic there was some explicit rejection of the British style of governing. The major exception to this generalization is that some basic considerations, such as civil liberties, and some fundamental ideas concerning political representation and other basic political values were already in place at the time of the Revolution.³ The strong conception of executive power, whether vested in the monarch or in a president, was then very much an anathema in American political discourse, although it has remained central to British government.

The Anglo-American tradition in public administration could be thought to have several important features. These attributes are especially evident when these systems are contrasted with continental European administrative traditions. These central attributes include:

- (a) *Separation of State and Society.* The model of the state embedded in Anglo-American thinking about governing is one which is essentially contractarian. This theory of the state is embedded in British political philosophy, for example that of Thomas Hobbes or John Locke, as well as very early in political documents such as the American Declaration of Independence.
- (b) *Separation of Politics and Administration.* The assumption in the Anglo-American model of administration has been that politics and administration should be separate activities in the process of governing, with civil servants willing to take direction from any political master. This separation is typified by the notion that civil servants are anonymous and that the political leader is responsible for decisions made within his or her organization (see below).
- (c) *Management vs. Law.* The role of the Anglo-American public administrator is defined much more as a manager than is that of the civil servant on the Continent, or in many other administrative traditions (Damaska 1986). Certainly, law is important for Anglo-American administration (see Rosenbloom 2000), but the senior public servant will define his or her role more in terms of making things happen than in terms of strict adherence to formal law.
- (d) *Variety.* The Anglo-American model of administration and governance has not been neat and tidy. The style of governance has been adaptive,

tolerating a good deal of variation in forms of administration, and even in law.⁴ For example, even though a number of other traditions use federal solutions, the federalism in the Anglo-American systems tends to allow greater administrative and policy diversity (see Hueglin and Fenna 2006).

- (e) *Links to Social Actors.* The state in the Anglo-American tradition generally has been conceptualized as autonomous, making and implementing law on its own (if often working through subnational governments). To the extent that nongovernmental actors have been involved, this has been at the behest of the public sector, rather than because they have any particular right to be involved.
- (f) *Politicized Accountability.* Accountability is largely conceived of in political terms. The traditional model of accountability in parliamentary systems in this family has been that the minister is accountable for all actions of the organization. The United States compounds that political involvement in accountability with a strong role for the Congress in the accountability process.

The above is a very brief and necessarily oversimplified statement of some complex characteristics. Further, to the extent that the variables for the Anglo-American systems have been defined largely relative to other traditions, we are in essence dealing with, at best, ordinal rankings. That having been said, we can understand this tradition of public administration better from having even this rough mapping in place. The question that then arises is whether public administration in the United States is sufficiently similar to that of the United Kingdom and the other Westminster systems to warrant inclusion in one family.

American exceptionalism

In some ways the American administrative tradition is quite distinct from other cases in the Anglo-American group. In particular, the American administrative system is at once more politicized and more legalistic, and tends to permit more direct public participation. This seemingly contradictory pairing of attributes is a product in large part of the political tradition. Further, the inability of public administration to protect itself, especially from very direct political influences, reflects the relatively low regard in which the public bureaucracy and especially the federal bureaucracy is held in American political life.

It is crucial to remember that the federal government is the tip of the iceberg for the American public sector. The United States is very much a federal system, and one in which the central government is significantly less dominant than in some other federal systems. In 2006, of the approximately 22 million public employees in the United States, only 2.7 million were federal,

and if we remove the 700,000 in the Department of Defense, the 250,000 in Veterans Affairs and the 800,000 in the US Postal Service (itself now only quasi-public) then we are left with a relatively small public sector providing services to the public. Most of the service delivery, including that for many federal programs, is done by state and local governments, so we need to understand something of these governments as well. Although all states partake of some common ideas in public administration, their various political histories have produced significantly different patterns of governing.

The other fundamental aspect of governing in the United States that separates it from European, and to some extent from other Anglo-American, systems, is that what the State is expected to do is so different. As well as having legal constraints to protect individual liberties (see below), American government has a limited role in the market, and a small domain for economic and social regulation. While that public domain has grown and is larger than many conservatives would like, American government is different (as Anthony King once said) because Americans want it to be different.⁵

Politicization

Although most of the approximately 22 million federal public employees are managed through a formal merit system, an incoming President can appoint approximately 4,000 officials in the executive branch. Although a number of these officials are in the Executive Office of the President (Dickinson 2005) and hence would probably be patronage appointments in almost all cases, many of the officials are occupying positions that in other Anglo-American systems would be held by career public servants. To this large number of appointments in the executive branch can be added a large number of staff appointments in Congress that are heavily influenced, and often controlled, by political considerations.⁶

Following the full-blown spoils system of the Jacksonian period (White 1954) and the assassination of President Garfield by a disappointed office-seeker, a slow process of creating a career public service was undertaken (Hoogenboom 1961; Ingraham 1995). Although the number of patronage appointments was gradually rolled back, a number of opportunities for political appointment were retained. Some were retained for pure patronage reasons, while others were retained in an attempt to ensure that the president's program would indeed be implemented by a career bureaucracy that was not trusted, especially outside Washington. The 'government of strangers' (Heclo 1978; see Maranto 2005) that has been created by this personnel system thus has some virtues, even democratic virtues, to go along with obvious problems.

The maintenance of large numbers of political appointments also reflects the populist tradition in American politics, an approach to governing that must be considered along with the four more legalistic and constitutional versions advanced by Kettl (see Table 9.1). The populist, Jacksonian

model reflects the fear of an entrenched political and administrative elite that would dominate 'the little man' (Lukacs 2005), and hence represents a more extreme version of democracy than that found in the Jeffersonian model.⁷ This strand of political thought can be seen more clearly at the state and local levels in the Midwest and South, with state governments having numerous elected officials who might otherwise be thought to be better as appointees of the Governor, or career officials.⁸ In addition, state and local governments have tended to be even slower than the federal government in adopting merit system protections for their employees, although this strategy may reflect the maintenance of political machines at the local level as well as any particular ideological commitments.

The number of political appointees has been increasing, despite pledges from several presidents to reduce the number. Paul Light (1995) referred to the 'thickening of government', meaning that while many civil service jobs were being terminated several layers of political appointees were being added in many federal agencies. These officials tended not to have operational authority, but rather were appointed to attempt to impose more political control. Further, the agencies that were the most politically sensitive had the most appointees added (Gilmour and Lewis 2006a; Ingraham et al. 1995; Lewis 2004), demonstrating the extent to which political issues were dominating these appointments. For example, the number of appointees in the Justice Department has increased by over 50 percent from the end of the Clinton administration until the present.

In addition, some reforms of public administration actually have contributed to the degree of political appointment in the federal government. The most notable of these was the Civil Service Reform Act of 1978, which permitted up to 10 percent of the newly created Senior Executive Service to be appointed by the President (Benda and Levine 1988). While increased politicization was not the apparent intent of this legislation, it was the net effect. Further, some of the deregulatory reforms associated with the National Performance Review, such as softening some of the civil service regulations, have the potential for increased politicization, although the actual consequences are not so clear.

Moreover, the level of intensity of politicization has been increasing markedly, especially in the second Bush administration. Hugh Heclo (1978) pointed out several decades ago that issues networks had been created in Washington that linked many of the political appointees to the governmental process, whether they were in or out of office: the appointees were becoming more expert. These officials may have been partisans, but they were also expert and remained involved with their policy area in think tanks, the universities or consulting firms, while waiting for the return of their political party to power. The Nixon administration had attempted to politicize the federal bureaucracy, but their plan had largely failed (Nathan 1975) and the expertise of political appointees had continued to increase.

But the anecdotal evidence is that the current Bush administration has been reverting to the pattern of cronyism and pure patronage in its appointments (Sherman 2005). Certainly appointees in previous administrations were meant to exercise some political control, but their task was not defined entirely in political terms. This politicization of appointments has also been highlighted by the willingness of the Bush administration to evade the usual involvement of the Senate in 'advise and consent' for nominees to executive positions. Although all presidents have used some 'recess appointments' to get their favorites in office, the Bush administration has used more, and seemingly for more important positions (Edsall 2006; Stout 2007). As well as undermining the important quality check from the Senate, the increased use of recess appointments is but another example of the decline of comity in the political process in the United States, and the rather extreme level of politicization.

Other members of the Anglo-American group of administrative systems have also begun to add more political appointees. The clearest evidence is the number of personal advisers, policy analysts, etc. that now populate especially the central agencies of government and to some extent also the individual ministries (Sausman and Locke 2004). At the operational level the creation of numerous autonomous and quasi-autonomous organizations in these countries has created opportunities for disguised patronage, even if the disguise is often rather transparent (Maor 1999; Savoie 1999; Skelcher 1997). There is a difference of type as well as of degree in the level of politicization and patronage across the Anglo-American administrative systems, but we do need to remember that the underlying concept of a politically insulated public service has become somewhat dated.

In summary, the American public bureaucracy is a mixture of a highly professionalized and depoliticized civil service at its lower levels, and a highly politicized and transient set of officials at the top of public organizations. This mixture often creates conflict and inefficiency in policymaking, as the two groups may have little respect for each other, and may not cooperate easily. But it also provides some elements of both stability and political responsiveness to the management of the executive branch.

Legalism

The case for the legalism of American public administration is perhaps less dramatic than that for its politicization. The case is perhaps harder to make because the managerialism that has been argued to be part of the Anglo-American model has been deeply entrenched in American government. Long before NPM became popular in other parts of the world, the 'old public management' was already in place in the United States.⁹ These ideas went back at least as far as the Progressive reforms of the late nineteenth century, of which Woodrow Wilson was an important advocate, but reached their peak with the Brownlow and then the two Hoover

Commissions (Arnold 1998). The idea of the President as the chief executive officer of what was in many ways a huge firm was central to these reports and the associated reforms of the executive branch. The managerialist conception of administration was to some extent reinforced by the Nixon and Reagan administrations, but there was no managerialist revolution, and indeed no need for one.

Despite the strong emphasis on management, there has also been a greater concern with codified administrative law than in the other Anglo-American systems. The legalism that is evident in the American system is in part a function of the central role of the Constitution. Some fundamental issues in public administration, such as delegation and personnel powers, have at times been raised to the constitutional level (see Pierce 2002). In addition, the emphasis on individual rights embedded in the Constitution provides a number of legal mechanisms – most notably the due process clause – that can constrain administrative action.

Just as the politicization of the civil service reflects the populist tradition in American political life, this legalism reflects the institutionalization of civil liberties and the virtues of limiting state power over the individual – the Jeffersonian model of governing, in Kettl's terms. The underlying justification for the development of a codified and extensive body of administrative law has been to create processes by which the citizen could contest both the making of administrative regulations and the use of administrative adjudication. Further, the Madisonian emphasis on constitutional balance motivated Congress to attempt to restrain executive power through public law (see Moe and Gilmour 1995).

The growth of American government during the New Deal and then during World War II produced a patchwork of administrative procedures, with little consistent attention to the fundamental constitutional principle of due process.¹⁰ Further, the creation of a modest yet real welfare state, as well as a large volume of economic regulation, produced a manifest need for clear administrative procedures (Kerwin 2003). Seeing the potential for abuse in the then existing confusion over administrative procedures, Congress acted in 1946 with the Administrative Procedures Act (APA) (Freedman 1978; Gellhorn 1986). This act has been crucial to maintaining due process within the administrative process, and also has had a significant impact in opening up the federal bureaucracy to influence from outside.

The APA outlined procedures for making administrative rules (regulations in the American administrative lexicon) and for adjudicating decisions in cases of individual claims against public administrators. One significant contribution of the legislation was that in both formal and informal rule-making the bureaucracy had to inform the public. Citizens, and more likely interest groups, were then given the opportunity to comment on the rule. The rule-making agency was obliged to consider the contributions from citizens and to make rules that were not 'arbitrary and capricious'. State

governments also have a range of administrative procedures acts that contain analogous features (albeit with considerable variation).

The administrative agencies themselves were also assigned a major role in adjudicating whether the agencies had made correct decisions in individual cases. This adjudication represents a huge volume of activity, millions of cases each year in Social Security or Veterans Affairs, as well as hundreds of complex licensing decisions in federal regulatory agencies. Because the cases would be determined in the first instance within the organizations making the decisions, strong procedural protections had to be put in place. Further, in many instances the cases could be appealed into the regular federal court system once all the administrative remedies were exhausted, further ensuring that individual rights could be protected. The APA is the foundation for a range of additional legislation concerned particularly about opening the procedures to greater public scrutiny, and creating greater freedom of access to the procedures. Further, case law has tended to require ever greater formalization of record-keeping, facilitating appeal into the regular court system.

In summary, the constitutional basis of American government has tended to require greater legalism than has been true for the other Anglo-American democracies. Some of that legalism has been eroded by greater politicization, for instance in the antiterrorist laws of the second Bush administration. Further, the other Anglo-American systems have become more legalistic, for example through the implementation of the Charter of Rights and Freedoms in Canada. But the American administrative system remains substantially more bound by formal law than do others in this group of administrative systems.

Participation

The third possible dimension of American exceptionalism, when compared with the other Anglo-American systems, is the level of public participation. As already noted, the APA provides for indirect participation in rule-making. The 'notice and comment' provisions of informal rule-making are used most often by interest groups rather than ordinary citizens, as are the opportunities for testimony in formal rule-making, but the opportunities are available for use by any individual willing to invest the necessary time and energy. The shift toward negotiated rule-making has opened more options for participation (Coglianese 1997).

A number of provisions in individual laws also mandate opportunities for public participation. Some of the more famous of these were the provisions for 'maximum feasible participation' in urban renewal programs beginning in the 1960s, but a range of other programs also have mandated participation. For example, facilities licensing for power plants and other major physical improvements involving federal funds require public hearings, as do rivers and harbors 'improvements' carried out by the Army Corps of Engineers. State and local governments have even more requirements

for public hearings, with everything from simple zoning changes to major policy changes requiring some form of public involvement. This participation may be far from authentic, but it is still available (see Schachter 1995).

Although the case can be made that American public bureaucracy does provide opportunities for participation, the obvious question is whether this is distinctive. While the American system arguably does permit more direct involvement of the public than the British administrative system, or perhaps those of the Antipodes, it might be claimed that Canada has in fact surpassed the United States in this respect, with the emphases on citizen engagement and empowerment during the past several decades (Patten 2001). In addition, the opening of the public sector in most of the Anglo-American democracies has been creating the conditions for informed participation, even if the mechanisms for actually becoming involved are not as obvious. The growth of the 'audit society' (Power 1997) and with that the use of league tables and other competitive mechanisms for accountability give citizens information that could be used to place pressure on the bureaucracy (Hood et al. 2004). For that potential to be put into effect, however, would require institutions and opportunities for participation that may not be there, and seemingly most of the pressure for service improvement continues to be exerted from the center of government rather than from the public.

American unexceptionalism

While the United States may be exceptional in some respects, the lack of exceptionalism is also important. On several of the dimensions that we have used to characterize the Anglo-American model, public administration in the United States exemplifies the model created extremely well, and indeed may be essential for anchoring the meaning of the concept.

Separation of politics and administration

The politicization of the upper echelons of the public sector in the United States may appear to put the notion of the separation of politics and administration into doubt, but in many ways that level of politicization strengthens the concept rather than weakens it. A large part of the logic of using so many political appointees is to maintain the 'primacy of politics' over administration. Although in practice it may be difficult to separate politics and administration, that logic remains deeply ingrained in American thinking about public administration, going back at least to Woodrow Wilson, and the normative force of the argument remains impressive.¹¹

The normative force must, however, continue to confront certain structural factors that tend to provide bureaucratic agencies with substantial political leverage and the autonomy for action. The American federal bureaucracy is highly deconcentrated, with the individual agencies having

their own political connections and able to generate their own political support. Many agencies have the capacity to resist pressures from political leaders for control, and can play off executive and legislative politicians in order to maintain their autonomy. Most implementation of domestic programs is not performed by federal bureaucrats directly, but rather by state and local officials. Policy may be made in Washington, but it is put into effect by bureaucrats who have only a legal and financial connection with that policy.

At the same time, the power of central agencies in the federal government has been increased in order to confront the prospective autonomy of the federal agencies. The capacity of the Office of Management and Budget to monitor both the budgets of the agencies and their regulatory activities provides the president with substantial political control. In addition, the Executive Office of the President has been organized to provide more detailed oversight of some programs of government. The capacity of the National Security Council (NSC) to check the powers of the Department of Defense and the Department of State varies with the power of the president and the capabilities of the Director of the NSC. Similarly, the Domestic Policy Council (in its various guises) is able to impose a certain amount of control over domestic policy on behalf of the president. The primacy of politics may not always be maintained in the resultant policy processes, but a strong effort has been made to attempt to impose that primacy.

Finally, in this presidential system the legislature is also capable of exercising its own level of political control over the bureaucracy. The elaborate committee and subcommittee structure of Congress, along with the generous staffing of those committees, provides Congress with much greater capacity to impose their own views on the bureaucracy than is true for other legislatures. That having been said, however, the complexity of the structures and the accountability relationships makes providing any unified control over the agencies difficult. Each agency reports to a substantive committee and an appropriations subcommittee, and may receive contradictory signals from those various oversight bodies.

Internal variation

It would be difficult to find an administrative system that had greater internal variation than the United States. Within the federal bureaucracy a number of different organizational forms are in use. The independent executive agencies are analogous to cabinet departments in that their heads report directly to the president, but the other organizational formats have more remote connections to presidential power (see Seidman and Gilmour 1999). For example, there are a number of public corporations embedded in the federal government. There is also a substantial penumbra, for instance the part-public but primarily private Smithsonian Institutions.

The variations at the subnational government level are even more pronounced, including differences in the number of elected offices as already

mentioned. Even if they are not headed by elected officials, the number of autonomous and quasi-autonomous organizations in state and local governments makes understanding these structures all the more difficult. Perhaps especially important is the large number (over 35,000 in 2007) of special purpose districts created by local governments to provide particular public services. These organizations exist in a wide variety of formats and in an equally bewildering array of relationships to the elected governments that have created them.

The future – directions for reform?

Public administration in the United States, at the federal level at least, did not go through the massive managerialist reforms introduced by the other Anglo-American systems during the 1980s, in part because it had already carried out much of that type of reform earlier. Further, given that rather little of the total volume of public services is actually provided by the federal government directly, many of the 'rowing' reforms were not relevant for the federal government. In contrast, however, state and local governments have undergone massive reforms in the NPM style, and state and local governments are in many ways more advanced in managerial terms (Brudney et al. 1999) than is the federal government.¹²

Participation as a style of reform, however, has been more associated with the federal bureaucracy, at least until the administration of George W. Bush. The National Performance Review during the Clinton administration, and indeed the quality improvement programs during the first Bush administration, were designed to involve lower-echelon workers as well as members of the public in the decision-making of public organizations. The state and local governments had already institutionalized mechanisms for direct public participation in government through institutions such as referenda and public hearings, so the federal government was catching up.

The administration of George W. Bush has moved administrative reform in a new direction, emphasizing performance management. The changes had been preceded by efforts by Congress to implement a performance program, the Government Performance and Results Act of 1993, but the PART program managed by the Office of Management and Budget is an attempt to impose more of a managerial approach on the Federal bureaucracy (Gilmour and Lewis 2006b). That having been said, however, many of the procedural elements of the Federal bureaucracy have not been modified significantly, so the system is to some extent pursuing managerial goals through some rather old-fashioned mechanisms. As well as having the strong managerialist element, these reforms also tend to stress the Hamiltonian and (some elements at least) the Wilsonian versions of American governance, emphasizing executive leadership and the separation of policy and administration.

Given the emphasis on executive domination during the current administration, any future reforms are likely to be in the direction of restoring

some balance of power, and also of restoring the professionalism of the public service. The latter value has been attacked in any number of ways during the administration of George W. Bush, so it would be important to attempt to reinvigorate the career public service. This need is all the more apparent since the civil service faces demographic challenges as well as the continuing lack of interest of most young Americans in a career in the public sector.

Summary – conflict of doctrine and reality

Understanding the American administrative system requires the interpretation of some fundamental ideas in the context of practices that sometimes appear to diverge from those ideals. In many ways the ideals and the stated premises of the system are very much centered in the Anglo-American model, but the practice can diverge significantly. For example, the idea of a professional, neutral civil service – the central component of the Wilsonian style in American governance – has been expressed any number of times as a central tenet of American public bureaucracy. At the same time the level of politicization – as an aspect of the Jacksonian tradition – has continued largely unabated, or perhaps even increased.

The problem of the interpretation of governance in the United States is compounded by the various alternative versions of what the underlying tradition is. Any reformer, or any president, can attempt to reshape the system in any one of four or five models. Each of these models of governing, with the possible exception of the Jacksonian, has substantial legitimacy and resonates with some aspects of American political history. Thus, some models of American government are closer to the other Anglo-American systems than are others. In particular, the Hamiltonian model might fit well with the power of the executive in the contemporary United Kingdom, while the Jeffersonian model reflects some of the emphasis on empowerment in Canadian government.

What, then, are the answers to the two basic research questions set at the outset of this chapter? For both the answer remains ambiguous, although I do hope that the reasons for the ambiguity are more apparent. First, when seen from a sufficiently great distance there are a number of common aspects of public administration in the United States and in the Westminster systems to justify their being considered together. Along some dimensions, such as diversity, the Anglo-American model of public administration in the United States tends to be the clearest case with the highest level. Further, to the extent that administration in the United States deviates from the model developed, it is largely through adding attributes, such as legalism, rather than contradicting the fundamental points of the model.

The question of whether there is a single model of governing and administration in the United States is somewhat more difficult. The four models

outlined by Kettl, and the addition of the populist model especially at the state and local levels, provide a number of alternative ways of both interpreting American administration and also reforming administration. The Wilsonian and Jeffersonian models – professional management and democratic participation – have been the dominant strands in administration, while the other two appear more or less explicitly from time to time.

The importance of these debates for shaping governance in the United States to some extent gives the lie both to the sense of pragmatism in the system and to the lack of importance of the bureaucracy. A good deal of the effort for reforming the federal government and the state governments has had underlying principles. These may not be articulated as ideologies or may not be articulated at all, but there are ideas about governing that do fit into the mental framework of both elites and masses about what constitute good government. Even the Jacksonian spoils system is often practiced without creating large-scale political opposition.¹³

Further, the bureaucracy must be a part of these conceptions of good governance if they are to have any opportunity for success. Americans may deride their public bureaucracy but they must live with it, and are governed to some extent by it. Therefore, all the ideas about good government have some place for the bureaucracy, and administrative traditions in the United States must be understood to some extent as components of larger traditions and ideas about governing. While some important ideas are explicitly about the bureaucracy, the domination of constitutional thinking about the relationships among the full range of governing institutions embeds any discussion of the bureaucracy into the broader debates.

Notes

1. See Chapter 10 by John Halligan on the unifying features of the so-called 'Anglophone' tradition (in which he counts the UK, Canada, Australia and New Zealand).
2. Derived from Kettl (2002).
3. The demand of 'no taxation without representation' was famously at the heart of the rebellion.
4. The State of Louisiana in the United States and the Province of Quebec in Canada use code law for many civil matters, while using common law for most criminal proceedings.
5. The current set of conservatives is willing to tolerate large-scale social regulation by the federal government, but certainly not large-scale economic regulation. Contemporary liberals want exactly the opposite mix.
6. In addition to the large personal staffs of members of Congress, committees and subcommittees have both majority and minority staffs, so that both parties have the opportunity to make appointments.
7. Jeffersonian democracy had the rhetoric of governance by the people, but the people tended to be defined as a relatively small number of economic and social elites, in contrast to the broad populist claims for democratization.

8. Examples would include Commissioners of Insurance, Agriculture, Utility Regulation, and Higher Education, all selected in statewide elections.
9. Management ideas were to some extent also true for the other Anglo-American countries, for example in Canada with the Glasco and Lambert Commissions, and, even earlier, Haldane in the United Kingdom.
10. The 5th Amendment to the Constitution requires that no citizen 'be deprived of life, liberty or property without due process of law', and the 14th amendment extends this constraint to state governments. These rights are usually thought of as concerning criminal justice, but many times more decisions are made in administrative agencies than in the court system.
11. While the Wilsonian tradition has the democratic element that the public bureaucracy should follow the directions of their political masters, it also assumes that in principle administration is superior to politics because administration is amenable to scientific enquiry while politics remains an art.
12. This represents a major departure from the historical pattern, in which subnational governments were the backwater of government and the federal government was the exemplar of good management.
13. The party out of office may not want to protest too much, given that they want their own chance to make appointments once they become the party in office.

10

The Fate of Administrative Tradition in Anglophone Countries during the Reform Era

John Halligan

The 'old Commonwealth' – or the 'Westminster democracies' (Australia, Canada, New Zealand and the United Kingdom) – have formed a natural group of industrialized democracies with institutional roots in the British tradition. This chapter addresses the Anglophone administrative tradition identified with these countries and explores the impact of two decades of recent reform.¹ This reform has been generally more radical than reform in other countries during the same period. One question to be addressed is whether change of this level and type is sufficient to challenge the nature of a tradition or whether an administrative tradition can accommodate such change. At the height of the reform era, when NPM was dominant and accepted as the future of public administration, market mechanisms were seen to be supplanting bureaucracy, the political executive was being strengthened, and open, flexible government was replacing the relatively closed, traditional systems. These developments looked to pose challenges for administrative traditions. Observers foresaw a turning point, with propositions such as 'The End of Whitehall: death of a paradigm?' (Campbell and Wilson 1995; Chapman 1996). Yet debates in the subsequent decade have centered on post-NPM models, and there is also evidence of the resurrection of discarded pre-NPM features – perhaps the reassertion of tradition (Christensen and Lægread 2006; Halligan 2007c).

The chapter first reviews different approaches to administrative tradition and the questions they raise before examining the constituent elements of the Anglophone administrative tradition. Much depends on how 'administrative tradition' is conceived and used. For the country specialists who analyze intellectual currents and patterns of change within historically framed behaviors, the concept may have limited value in interpreting change. For the comparativists who recognize an Anglophone administrative tradition by defining its features in terms of other 'families', there is the question of how well it has performed in specifying distinctiveness and at the same

time in encompassing the different pathways of its members. The chapter then considers how durable elements of the tradition have been, following decades of extensive reform, and in what respects it has changed and adapted with regard to specific countries. This leads to consideration of the continuing meaning and significance of this administrative tradition.

Approaches to administrative tradition

One approach to administrative tradition is comparative. Thus we can contrast a 'public authority' emphasis in continental Europe with a 'service provision' emphasis in the Anglo-American countries (Page and Wright 1999). Another contrast is the distinction between instrumental (Anglophone) and autonomous (Continental) administrations (Knill 1999). Knill links this distinction to another – high versus low reform capacity – based on executive leadership, administrative entrenchment and the influence of the civil service. The cases of Germany and the United Kingdom reflect respectively low and high administrative capacity to reform, but high and low influence of the civil service.

A second approach is to examine the commonalities within a national tradition that have shared meanings and significance to national actors. The results are not necessarily the same as those for the first approach – and comparative perspectives do not necessarily inform this literature. Moreover, as the discussion in the previous chapter on the United States illustrates, variety within a tradition is often highlighted: as Kettl (2002: 44) argues, the four traditions or models he discerned are 'radically different, and fundamentally irreconcilable'. Others report a multiplicity of traditions in the UK and Australia that may either coexist or sequentially evolve (e.g. Bevir and Rhodes 2003; Wanna and Weller 2003). Wanna and Weller (2003: 65) distinguish thematic traditions – for example developmental, distributive, social liberalism – defined as 'blended sets of beliefs maintained by actors who may share differing party affiliations and partisan preferences'. That fundamental change over time may also occur is illustrated by Wettenhall's (2006) argument that a series of 'images of the state' have been important at different times in Australia, including his depiction of an 'older state tradition' with low insulation from society and reliance on diffused and often independent administrative agencies.

The policy style literature also offers lessons about the problems in generalizing about a national style (e.g. the extent to which it applies across policy sectors), the limitations of addressing few dimensions, and the role of 'conjunctural shocks' and cycles (Freeman 1985; Richardson et al. 1982). In addition, a country policy style may be distinguished by a dominant mode but may be subject to occasional interventions. The 'normative guides', as in the dual modes reported for France, might be 'reactive, short-term, and piecemeal' but they are also sometimes 'active, rational, and impositional' (Freeman 1985: 473–474; Hayward 1982: 116).

Finally, recent analysis of patterns of change (including several of the contributions to this book, for example on the UK (Chapter 8) and France (Chapter 12)), indicates that successive phases of reform have added new frameworks rather than replacing old ones (Christensen and Læg Reid 2006). At the same time, the characterization of past practice as 'uniform and clear-cut' has been challenged (Hood and Lodge 2006: 5). The implication is clear: the long-term condition of these systems suggests the need for a multidimensional and dynamic view of administrative traditions, recognizing layering, ambiguity and complexity.

Specification of the Anglophone Tradition

The starting point for establishing the basis of the Anglophone tradition is the Westminster model. The constituent features of Westminster are centered on responsible government as defined by the fusion of the executive and parliament. A central element is the ministerial department in which the minister has constitutionally derived responsibilities, and the concept of ministerial responsibility prevails at least as an operational principle. The role of the public service is to serve the government of the day, but in order to insulate public servants the emphasis has been on their separation from politicians.

Another basis for the Anglophone tradition centers on the external boundaries differentiating the state from the non-state parts of society (the private sector). These have often been imprecise and blurred, as in New Zealand (Mulgan 1997), and have varied over time. The historical experience has differed, with Australia being more inclined to rely on private (or at least non-state) provision in education and health services. Yet there was acceptance that the public and private realms were distinctive, and this was reflected in distinctive boundaries around the public services in terms of careers and identity.

The consequences in practice of the combination of the British tradition and the circumstances that emerged in different New World settings are the product of a set of shared components in this administrative tradition. One dimension concerns instrumentalism and pragmatism, which are aspects of administrative and political culture or style. This combination is distinctive and has significant implications for the machinery of government, processes of change and relations with society.

Instrumentalism is recognized at one level as a view prevalent in the Anglophone tradition about the relations between the political and administrative organs of the state, affording the 'significant *potential* to transform administrative structures and practices, assuming there is a government committed to do so' (Knill 1999: 127). The public service's primary role is to execute the will of the government of the day. In return the public service is protected in certain respects from arbitrary decisions at the individual level. However, organizational change is fair game for political executives seeking to implement their policies because they have the right to pursue a range of

options through reform, while being mindful of the boundaries of action in areas such as partisanship in appointments and the use of the public service.

It should not be assumed that politicians either have availed themselves of these opportunities or do so to the same extent. These countries' administrative histories, like most others up until the 1980s, are littered with unimplemented reform initiatives. Accumulated discretionary responsibilities and the powers of public officials and agencies have historically placed brakes on meaningful change. And, as will be seen later, the politicians of one of the four countries (Canada) have not exercised this reserve power to play empowering and directive roles in reform.

Instrumentalism as a guiding principle in the Anglophone tradition can also be applied more broadly to government's roles. In Australia, for example, there is the 'long-standing reliance on government as the major agency of development'. The Australian instrumental view towards government is attributed to utilitarianism, with government literally regarded 'as the instrument of the people' (Emy and Hughes 1991: 117–118; see also Encel 1960; Wettenhall 2006).

A related attribute of administrative and political style is pragmatism. The Anglo-American systems are identified with the 'pragmatic and incremental nature of governing.... In contrast to most continental political and administrative systems, ideology plays a relatively minor role in Anglo-American politics, and perhaps even less in public administration' (Peters 2003: 21–22). This is regarded as having its origins both in Britain and also in the colonial development experience where conditions (e.g. lack of political parties with strong ideologies) reinforced it. For its part the British tradition was seen as atheoretical and dominated by experience and working through problems. Many qualities of the civil service were 'achieved piecemeal, over long periods of time. They were not the result of major statutes or great constitutional landmarks'; this 'may be entirely consistent with other features of a system of government that does not have a single written document known as a constitution' (Baker 1972; Chapman 1996: 188).

Australian and Canadian governance traditions have been represented as pragmatic. In Australia's case there has been a tendency to blend various ideologies under 'nation building'. The administrators were seen as 'utilitarian and pragmatic – and pragmatism triumphed as a creed and ideological position' (Wanna and Weller 2003: 67). Canada has also been depicted as having a tradition of pragmatism and moderation that applies to political as well as public service leaders (Gow 2004: 9, 21; Lindquist 2006). What distinguishes pragmatism in this tradition is that it can be readily employed as part of the change agenda to serve the requirements of the government of the day. A pragmatic approach supports change-oriented governments in allowing significant reforms to proceed and in acceptance of the malleability of administrative structures. Here, the close relationship with instrumentalism is clear.

A test of an administrative tradition is to examine how well it survives different phases of comprehensive reform. How has instrumentalism prevailed, when historically there were constraints on comprehensive reform? How does pragmatism work under reform conditions, in particular what moves pragmatism from being a hallmark of incrementalism to becoming the handmaiden of extensive reform? What has been the fate of political-bureaucratic relations when governments have taken the reform initiative? Finally, what is the differential response of the four countries within this tradition?

Anglophone family

The four Anglophone countries have been regarded as a coherent group by way of a common tradition and historical and continuing close associations and interactions (Halligan 2003; Peters 1998). However, within the group substantial variations are apparent in governmental institutions. All are parliamentary systems, but two are unitary while the Australian and Canadian constitutions combine federalism and responsible government on Westminster lines. There have also been variations in approaches to reform, rates of change and machinery of government. They also have different-sized public sectors: Australia's is relatively small, while the rest fall in the middle range for the OECD.

Sixty years ago the American observer Lipson (1948: 10) observed that, while inherited traditions permeated New Zealand society and government, it was not just an imitation of the British model because it had adjusted to a new environment: for some purposes New Zealand 'deliberately followed an American or an Australian rather than a British precedent. In others, she has independently arrived at results similar to those of America and Australia by adopting much the same solutions under parallel circumstances'. When New Zealand followed its own course, the results were more like the kindred countries of Australia, Canada and the United States. Debates in the former British colonies about the derivation and ongoing significance of the Westminster model are still going on (Patapan et al. 2005), but, even if disagreement prevails over how central or constant the model is, significantly it remains the common reference point.

Beyond institutional traditions, a number of factors have reinforced the identity of the group over time. The continuing patterns of interaction – historically formed and culturally supported – have continued to be highly significant. There has been a long tradition of exporting and transferring British institutions, within the Empire and later the Commonwealth, which has provided a mechanism of communication among Canada, Britain, Australia and New Zealand with a basis in a common language, cultural legacy and institutions. Endogenous communication patterns influence members of this group through two channels: networks and

bilateral relations between countries. The formal networks derive from relationships developed between Britain and its colonies and maintained following decolonization. This has included agency-level exchanges of staff, annual meetings and circulation of ideas. Alliances for defense and war – most recently, Afghanistan and Iraq – have been entrenched features for members of the group.

The tradition's distinctiveness was reaffirmed during the reform era, which began in 1980. Administrative change of great magnitude occurred, in contrast to the ad hoc change of the past. Despite substantial variations between countries in the process, type and impact of the reforms, the strongest similarities were evident among Anglophone countries, with early parallels drawn among them. Australia, New Zealand and the United Kingdom were grouped as 'NPM reformers' (Hood 1990; Pollitt 1990; Savoie 1994). At the peak of the OECD's fixation on NPM, the Anglophone experiments were upheld as the ideal (OECD 1995).

The emergence of this distinctive set of reforms was a product of a pattern of interaction that accorded legitimacy and relevance to initiatives within an administrative tradition that facilitated rapid transmission and acceptance of ideas and practice. The early identification of NPM came from British writers who first discerned the trend. In addition to the major reforms identified with Britain (e.g. privatization and later executive agencies), individual country programs gained international significance, with New Zealand's 'public management model' being highly influential. Diffusion of reform among Anglophone countries was often direct and rapid (Halligan 2007a), and while context remained important the adaptations were inclined to be less pronounced than those that crossed beyond the boundaries of the Anglophone traditions (see Chapter 13 for a discussion of NPM impacts on the Napoleonic group). The reform movement therefore served to reinforce the notion of the Anglophone group's identity as distinctive and contrasting with that of other traditions.

Reform and country consequences

In the Anglophone group, several generations of reform have occurred in the recent reform era. Distinctive models of reform can be distinguished: managerialism (Pollitt 1990), in which management is the central concept; and NPM, in which disaggregation, privatization/marketization and a private sector orientation are at the forefront (Hood 1991). How to characterize the period after 2000 is less clear, although variations on 'integrated governance' are apparent through the renewed focus on different modes of coordinating and control designed to confer greater coherence and capacity on the public sector. The four countries have experienced all of these models of reform, but with different emphases.

Australia

The Australian experience can be summarized with reference to three models of reform, each associated with a generation, and coinciding with the three decades since 1980. Managerialism best depicts the first phase, in which management became the central concept and reshaped thinking. This was succeeded by a phase that for a time came close to mainstream NPM, in which the markets and a private sector focus were central. In turn, NPM was followed after 2000, although not displaced, by an emergent model of integrated governance (Halligan 2007c).

Political assertiveness was strong in Australia from the beginning of the reform era, with the reform program consisting of political and managerial agendas. In order to accomplish change the political executive had to secure control over the bureaucracy, which was accomplished by shifting from administering to managing. Early priorities to reestablish ministerial control and greater responsiveness to government policies produced measures to reduce the permanency and independence of the public service and its monopoly on ministerial advice (Halligan and Power 1992).

The distinction between paradigm-facilitating changes and those that implement new frameworks is relevant. Among the first were the core ideas contained in the approach to political direction, the centrality accorded to management, the focus on performance and results, and the application of market principles. These became firmly accepted between 1983 and 1988. Among the latter were initiatives that gave expression to these new principles, such as performance pay and reductions in public service discretion. In practice, the pursuit of principle built on and extended the core ideas. Other changes reflect pragmatism and derive from lack of theoretical coherence, system openness and flexibility in adopting techniques and approaches.

The Australian experience is notable for the willingness to experiment and to respond to reform limitations. This was illustrated under the Howard governments (1996–2007) with the switch from an NPM reform agenda to a different approach. The government that drove neoliberal reforms confronted their limitations and contradictions. It found that political priorities were not being sufficiently followed through in program implementation. Whereas NPM led to fragmentation and vertical structures, underlying the new direction were control, coherence and performance. The integrated governance approach since 2000 has involved rebalancing center and line, whole-of-government agendas, central monitoring of agency delivery, and portfolio reorganization. While the previous agenda was to shed responsibilities, now the preference was to reincorporate and to strengthen internal capacity through improved implementation and performance. One expression of this was emphasis on the traditional organizational components – cabinet, central agency and the department – but within a framework that gave centrality to performance management (Bouckaert and Halligan 2007; Halligan 2006).

New Zealand

New Zealand has also experienced three phases of change (Boston and Eichbaum 2007; Gregory 2006). The original New Zealand model of the 1980s combined standard management reforms pursued in other OECD countries with some distinctive, often unique features based on ideas derived from public choice and institutional economics, and which addressed *inter alia* the questions of agency and transaction costs. The New Zealand model won international admiration as a unique case of public sector reform that employed a sophisticated and coherent framework (Boston et al. 1996).

Much of the 1990s was spent implementing, refining and reviewing the reforms. New reforms such as strategic management were referred to as 'second generation', although in some respects the period seemed more like a lost generation as New Zealand, bathing in the international spotlight, found it difficult to engage in sustained improvements (influenced in part by the shift to a mixed member proportional electoral system that tempered the capacity of the executive to act). While management practice and discourse were transformed, perennial questions of public administration remained, with outstanding issues including fragmentation, alignment of political and managerial accountability, lack of evaluation culture, policy capability, service quality variations, and alignment of agency and system needs (Boston and Eichbaum 2007). There was also the need to strengthen the political executive, which had ended up as a residual component under the original model (Eichbaum and Shaw 2007).

In the third phase, system rebalancing and renewal of public management have been central, if cautiously and incrementally pursued. Several themes have emerged since 1999 covering capability, outcomes, integration and central agency roles within a philosophy supportive of the public sector. New Zealand concluded that the public management system provided a foundation to work from, but that significant shifts in emphasis were needed. There have been a rationalizing and refining of systemic elements to align them with government goals, and measures to readdress organizational fragmentation and coordination gaps; and the preference for vertical relationships has been augmented by stronger horizontal integration.

Canada

Canada has been the most enigmatic of the Anglophone systems, with a public service system that reflects both the Westminster tradition and the influence of the United States, but an administrative tradition and a public service that are distinctively Canadian. In terms of management reform, two features are well established: the innovative, creative quality that has produced significant management ideas over the decades; and the lack of assurance when it comes to implementing new initiatives systematically. Canada was one of the first countries to explore management reform but it was slow to incorporate and institutionalize it. Despite not fully

embracing managerialism, the Canadian public service came to exhibit standard management features and to experience the tensions and conflicts produced by attempts to change the administrative culture. NPM was not introduced rapidly or through a sustained reform program at the national level (Aucoin 1995). Canada adopted a developed performance management framework, which it continued to refine (but see Clark and Swain 2005).

Canada remains the exception among the Anglophone countries, insofar as the politicians have often gone missing from the reform process (Aucoin 2002). The lack of sustained leadership from senior politicians produced a vacuum sometimes filled by the Audit Office. At the same time, the political executive has been augmented and questions have been raised about the directions taken in their relationship with career officials (Savoie 2003). For Canadian observers, this pattern is consistent with 'a pragmatic, evolutionary approach to public sector reform, informed by a collegial, corporate approach involving deputy ministers and other executives' (Lindquist 2006: 61). This is illustrated through the case of alternative service delivery, where the approach has been pragmatic and tentative, and did not necessarily separate delivery from public service departments. The resulting 'diversity in service delivery structures...emerged from pragmatic deliberations about...the best governance arrangements for each program function' (Lindquist 2006: 36, 118).

United Kingdom

The United Kingdom was the first to implement a reform agenda, and has regularly renewed it under successive Prime Ministers (Pollitt and Bouckaert 2000). In many respects it can claim one of the most comprehensive series of reforms: over 25 covering management, performance, executive agencies, public private experiments, privatization and devolution (Richards 2003). The United Kingdom has ranked highest in the OECD for outsourcing of government services (Blöndal 2005). Thatcher initiated the first reassertion of the political executive's role in Anglophone countries with considerable success. The formulation of public service reform by the Cabinet Office (2006) distinguished four elements: top-down performance management; introduction of greater competition and contestability in provision of public services; introduction of greater pressure from citizens, including through choice and voice; and measures to strengthen the capability and capacity of civil and public servants. However, the constant restatement of the reform agenda has also attracted claims of chronic reformism (Pollitt 2006).

The British performance management framework has been highly elaborated and top-down, covering targets, service standards, and performance assessment entailing inspection and direct intervention. The Public Service Agreements (PSAs) regime has been 'a novel and ambitious tool for steering and coordinating public activity' designed to pull central government together under one performance framework and to enhance Treasury's

influence over priority-setting by organizations outside central government (James 2004: 398, 400–401). Reported limitations included frequent changes to targets, the weak link with systems where relevant activity occurred, and presentation strategies for blame avoidance. Moreover, objectives were not necessarily clear on priorities, and PSAs appeared to have weak incentive effects (James 2004). This experimentation continues with moves to relax central controls somewhat.

At the same time, the Westminster model is still regarded as conditioning how civil servants and ministers operate. Public service reform has invariably been ‘contained within the existing constitutional framework’ – the Blair Labour government was ‘constrained by continued deference to the ideas associated with the parliamentary state’ (Richards 2003: 28). Two prominent trends since 2000 have been, first, the reversal of disaggregation through the use of executive agencies (Talbot and Johnson 2007); and, second, attempts to reimpose central control mechanisms that reflect a Westminster model (Richards and Smith 2006).

Impact of reform

The impact of reform across the dimensions of the Anglophone administrative tradition indicates some common themes. Management reform was accomplished more readily under this tradition than others. The shift to a managerialist framework was generally accomplished within the first decade of reform and has remained a feature of these countries that has been refined over time. At the same time, there have been turning points, providing impetus for further reform. For New Zealand, Bob Gregory (2006: 157) reports that a decade and half after the heyday of ‘rational choice instrumentalism’ the need to reestablish the status, ethos and institutional capability of the core public service has emerged. The second generation of reform redresses problems that were unintended consequences of the first.

The reform era in Australia saw the reassertion of an instrumental conception of public service as politicians sought to reassert their roles and correspondingly reduce public service discretion (Halligan 1996). Canada remains the exception in so far as the politicians have not taken up the options available under the Canadian system to lead on reform, generally leaving it to the public service leadership. The pattern, then, for Canada is clear: the ‘public service and its political leaders have a tradition of *pragmatism and moderation* that keeps it evolving. [It has only] mildly embraced downsizing and the NPM... and avoided over committing to one or two radical reforms’ (Gow 2004: 21, italics in original).

There was a sense in which major reform and pragmatism could be seen to work in unison in the Anglophone reform experience. A mid-reform era judgment of the Australian way observed that it had reformed its public administration extensively and with many successes (Halligan 1996).

Major reform required adherence to principles that allowed the pursuit of the reform paradigm, anchored the program and permitted incremental and cumulative development of the core ideas. An emphasis on pragmatism produced openness to ideas, and allowed new learning. It encouraged participation in a marketplace of management ideas and how they are applied. In balancing principle and pragmatism, Australia developed the habit of employing self-correcting mechanisms. Thus, it was able to adjust the scope and components of reform and to expand the capacity to change over time. It has also been able to respond to some reform excesses and conflicting objectives in a comprehensive reform program.

The reform era has seen politicians' influence grow everywhere, even in Anglophone systems. While the direction has been towards 'politicization' – defined as the use of measures to gain influence over civil servants – the levels and devices used vary considerably. None has moved to a US dependence on political appointees, although Australia has relied for two decades on political advisers in ministerial offices. The other countries have moved more slowly yet have experienced an expansion of political influence in various ways. The influence of advisers and 'irregulars' has grown in the United Kingdom, with greater reliance on appointees to strategic positions. The expansion of political management has been reported in Canada through the concentration of power at the center, growth of ministerial staff influence, personalization of appointments and politicization of public communications (Aucoin 2006a).

Australia illustrates how a system stays on track. A proposal in 1984 for a political tier within the senior public service represented a significant challenge to the tradition of neutrality. The government eventually compromised with a new position, the ministerial consultant, for augmenting ministerial resources. The minister's office was expanded as an alternative to overt politicization. Governments did not seek to rely on political appointees to top positions and they remained the exception, but political appointments were increasingly interposed between the bureaucracy and politicians. Ministerial staff took over roles previously undertaken by public servants and became an institutionalized part of government (Halligan and Power 1992). The rhetoric continues to reinforce the traditional tenets of the relationship and public servants remain career professionals. However, practice is substantially different from two decades ago, with more blurring of the line between politicians and public servants.

The tradition's susceptibility to societal influences has been reflected in stronger private sector inputs and a greater focus on citizens and customers. The Anglophone countries look to the private sector for solutions and experts far more than other OECD countries. This openness and reliance on management consultants is now well institutionalized (Saint-Martin 2000). The British private finance initiative became public private partnerships. Public administration at the interface has been subject to substantial change, which

has been interpreted in terms of hybridization. The distinctiveness of the public and private sectors has been described as 'a useful fiction for governments', for there are many historical precedents of melding between private and public sectors across several fields (Wright 2000). In the reform era, the range and extensiveness of hybrids has expanded greatly. The question is what directions hybridization is now taking, for the tendencies are contradictory, both favoring more hybrid arrangements and also pointing to reintegration.

Managerialism was a product of the reform era, and the pervasive influence of performance management continues to be apparent. However, the market agenda, a key precept of NPM, attracted an uneven response from the four countries, and has now faded in general. Of all four systems, the United Kingdom under Blair appeared to remain closer than the others to a variant of NPM. Markets have still been most evident in British conceptions, with a model that combines top-down performance management, competition and contestability in providing public services, and citizen choice.

There has been fairly rapid movement through several reform models during the reform era. The reaction to NPM features and the attention to 'governance' has produced similar trends (see Christensen and Lægreid 2006), and there are now a number of country-derived interpretations that reflect local conditions and stages in the reform cycle. Strengthening of the political executive occurred early in Australia but more recently in New Zealand (Gregory 2006). British observers have sought to unpack a complex case by distinguishing levels and coexisting models (Dunleavy et al. 2005; Richards and Smith 2006). In Australia and New Zealand the resulting synthesis of elements suggests that 'integrated governance' has become the prevailing approach at the national level (Boston and Eichbaum 2007; Halligan 2006). The Australia and New Zealand experience has parallels in Britain, where coordination and integration dimensions have been apparent under Blair for a decade. A complex system of unitary government came to be dominated by an elaborate performance management apparatus for steering public management, integrating central government and controlling priorities and performance of regional and local government. Under integrated governance, elements of NPM persist and may be central. This is especially the case with performance management, which continues to provide a cornerstone of the public management framework of these countries. Under the broader agenda of integrated governance some aspects, such as contracts and markets, are less prominent while others, such as outcomes, have come more into focus. Moreover, there is a broadening of the coverage of performance management under integrated governance (Halligan 2007b).

The general pattern is the coexistence of several features derived from different models. The reconfirmation of the organizational components of the traditional system (e.g. the central agency and the department) and the revival of features associated with traditional bureaucracy – such as risk aversion in some fields – suggests the emergence of neo-Weberianism. However,

there are significantly different features from the earlier hierarchical model of integration. The public service operates under a political executive with more instruments for securing and sustaining control and direction should it seek to make use of them. The brace of instruments at several levels includes departments with greater responsibilities than traditional arrangements and operating under performance conditions.

Implications and conclusion

A number of elements of the administrative tradition prevail despite the challenges to its tenets under long-term reform. There has been consistency with the tradition through the new and more extensive engagement with society, the use of a more active instrumental approach and the redefinition of political and public servant roles that still pay more than lip service to Westminster principles. The instrumental conception of public servants and public organizations permeates the tradition, allowing major reform to be initiated and implemented and facilitating transference from one model to another. Pragmatism allows experimentation and constant modifications in the search of a way forward and the ready embrace of a continuous change model. Reforms can be discarded (or superseded) as the need arises. Following extensive experience with reform over more than two decades, Anglophone countries have now hedged their bets by incorporating elements of several models. This provided a range of options for the provision of services and the organization of central government.

Within the governance framework there has been considerable movement. Relations between the political executive and public servants seem to have irrevocably changed, with the redistribution of power in favor of the former and with the dividing line between them less clear. The augmentation of executive power can be accommodated within the tradition because it counters the ascendance of the bureaucracy during the twentieth century, and can be rationalized in terms of the complexities and demands of government of the twenty-first century. There has also been a restatement of external relationships, in particular with modes of using the private sector inside the governance process for management and other processes, as well as through contracted delivery outside.

The country reform styles range from the sometimes tentative Canadian approach to the UK's constant reformulations of its reform agenda. In between are the now cautious revisionism of New Zealand and the somewhat more adamant Australian approach. It is clear that localist responses to internal and external pressures mediate the use of reform ideas, and that change must normally occur within existing institutions, lending support to arguments for path-dependency (e.g. Richards 2003). The Anglophone administrative tradition also continues to provide an evolving and pluralist vehicle that can accommodate further layers and complexity of country

systems. It has been fairly resilient in general respects and adaptive in specifics. The administrative tradition changes in its details, in the process posing interesting questions for mainstream public administration, while it is durable in terms of its essential elements.

Note

1. In Chapter 2, we discussed the 'Anglophone' group in conjunction with the USA as comprising together a single 'Anglo-American' group. In this chapter, the unifying feature of the 'Westminster' parliamentary system is highlighted. Chapter 9 discussed 'American exceptionalism'.

Part III

Legacy Effects: Administrative Reform and Administrative Tradition

Do administrative traditions fatally constrict the options for successful administrative reform? This is a particularly interesting question in the age of global reform trends and the increasing openness of national systems of public administration to the influence of worldwide 'best practice' ideas and to the pressures exerted by transnational networks and institutions. Several authors in the chapters in Part II addressed 'reform capacity' and reform trends as a way of exploring the content and significance of particular features of an administrative tradition. The extent to which particular administrative traditions shape reform in particular directions is the key question for the authors in Part III of this book. Chapter 11 engages in a discussion of the conceptual and methodological issues involved in addressing the question of the impacts of administrative tradition on reform, while the remaining chapters present country cases or discuss reform impacts within particular family groupings.

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The Future of Administrative Tradition: Tradition as Ideas and Structure

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During the past three decades, legislators and political executives of a large number of developed and developing countries have initiated a series of administrative reforms. Many developed and developing countries have followed the example of reformers in Anglo-Saxon countries but not all of them have followed similar pathways. Across a large number of countries, administrative reforms of different types have been attempted, initiated and implemented at various political and administrative levels at different times. For students of comparative administration this reform variety prompts questions. When and under what conditions do national policymakers implement public sector reforms? Why do some countries' national policymakers implement certain reforms earlier than others? Why do certain countries never implement a specific reform at all? If a similar reform is implemented in a range of countries, why does the outcome of the implementation vary across these countries? Finally, from a comparative perspective, the interesting question is not *when* an administrative system but *how much later* another administrative system undergoes reform.

In most answers to these questions, one variable takes a prominent place: administrative tradition. Administrative tradition – also referred to as 'historical legacies', 'administrative culture', 'cultural-institutional context' – is found to be an inhibiting or persistence-breeding force in politics of administrative reforms. Tradition is claimed to either filter and adapt new reforms to the local context or enable administrative systems to resist new reforms. However, this variable is one of the more complex and least well conceptualized of all the variables that have been employed to explain administrative development. In addition, administrative tradition is just one of the several partial determinants of reform. Other explanatory variables, such as political, economic, demographic and situational variables, also exert effects on the processes and outcomes of reform. In order to better appreciate the weight of administrative tradition in explaining change

we need to understand how administrative tradition is connected to these other variables as well.

The goal of this chapter is to assess the weight of the impact of administrative tradition on administrative development as well as assessing the causal mechanisms through which its effect can be understood. To what extent, for example, does administrative tradition affect the timing of reform? To what extent does the variation in administrative traditions across countries account for the variation in reform outcomes across these countries? To what extent does the prevailing tradition of a country cause that country to be a 'leader' or 'laggard'? And how are the many partial determinants of administrative reform connected to each other, and, particularly, how do they affect the weight of administrative tradition in this way?

In the following section I briefly review findings on the impact of administrative tradition on administrative change. In the next section I discuss the problematic conceptualization of the concept of administrative tradition and suggest a new conceptualization. Having suggested that administrative tradition can be conceptualized as ideas and structures, I go on to discuss the kind of causal mechanisms through which administrative traditions may exert an impact on administrative reform.

Administrative tradition in models of administrative reform

The effect of administrative traditions is often singled out as one of many causal factors in the process of administrative reform (Bekke and van der Meer 2001; Brunsson and Olsen 1993; Christensen and Lægreid 2001; March and Olsen 1989; Olsen and Peters 1996).¹ Among these studies, Pollitt and Bouckaert (2000) present perhaps the most comprehensive assessment of the causes and consequences of administrative reform. Their metaphor of 'many houses' situates public management reforms within different settings characterized by different types of politico-administrative regimes. Moreover, they assert that 'a conceptually identical, or at least very similar, reform develops differently in one national (or sectoral or local) context as compared with another' (Pollitt and Bouckaert 2000: 39). The causes for this diversity lie in the variation in political-administrative regimes to which generic ideas are imported by national policymakers (Sahlin-Anderson 2001). So, reforms will enter and evolve differently within the context of a federal state than in that of a unitary state; a similar reasoning applies also to variations in governmental regimes (i.e. two-party and multiparty systems), systems with career civil servants versus those with politically appointed officials, and countries with a *Rechtsstaat* versus a 'public interest' culture. However much these differences may cut across nations, they can in the end be traced back to specific historical paths of state development: the historical development of the state shapes the present institutional context within which reforms are introduced (Dyson 1980; Tilly 1975).

Claims for history's impact on administrative design also abound in the literature on the Europeanization of national administrative systems (Goetz 2000; Harmsen 1999, 2000; Knill 2001; Olsen 2003).² A decade or more ago, students of Europeanization expected that national administrative systems would change as a consequence of European integration. The main hypothesis was that European integration would lead to administrative convergence, that is, that national administrative arrangements across EU member states would develop towards a similar model. A decade later, we find this hypothesis abandoned, as successive studies have found only scarce evidence for convergence. Some evidence is found by administrative lawyers; for example, case law by the European Court of Justice has given way to the harmonization of European administrative law. By contrast, no empirical evidence is delivered for convergence in the structure and organization of national administrative systems (Olsen 2003). Today 'a general consensus can be discerned...that there is no straightforward connection between adaptive pressures and adaptive reactions' to cause national administrative systems to converge to a unified model of European administration (Goetz 2000: 214–215). Instead, empirical evidence points in the direction of a persistent divergence between national administrative systems and administrative development according to national historical patterns. Several explanations are given for this observation. One important explanation is offered by Harmsen (2000: 64):

The existence of embedded national senses of appropriate political forms may be seen as mediating the socialization pressures which national actors face in European arenas. Equally, the concept of path dependence, whereby current choices are shown to be shaped by previous paths of historical development, explains the lack of a systematic search for optimal solutions to the problems posed by integration.

An extension of this reasoning is reflected by the 'family-of-nations' metaphor (Bezes and Lodge 2006; Castles and Mitchell 1993; see also Chapters 1 and 2 in this volume). Several scholars explain the divergence between groups of countries by reference to the existence of a common logic of appropriateness among countries with historical, geographical or cultural ties. Legal culture is one of the main dimensions along which families are distinguished. Formulating this as a distinction between *Rechtsstaat* and 'public interest' (Pierre 1995; Pollitt and Bouckaert 2000), scholars assert that the nations belonging to administrative families characterized by a *Rechtsstaat* culture 'would be "stickier" and slower to reform than public interest regimes...because management change would always require changes in the law, and culturally, because "senior civil servants who are highly trained in administrative law may find it more difficult to shift to a 'managerial' or 'performance-oriented' perspective" (Pollitt and Bouckaert 2000: 53–54).

Another related mechanism is 'conceptual filtering'. Olsen and Peters, for example, assert that 'organizational memories' transmit 'some sort of governmental DNA...to the individuals who take up roles within [organizations]', and that 'the existence of a common historical legacy also provides a sense of integration in the public service as an institution.' They further assert that in 'a more integrated administrative system there is a tendency to have learned common lessons from the past, to interpret those lessons in a similar manner, and to use those data to make decisions in the present' (Olsen and Peters 1996: 28–29). Bevir and Weller (2003) and Christensen and Lægrend (2001) build on similar mechanisms when they point at the filtering or adaptation function of 'national political-administrative history, culture, traditions and styles of governance' (Christensen and Lægrend 2001: 24; Knill 2001).

In conclusion, from studies on administrative change in the fields of comparative public administration and Europeanization one can infer two observations, namely that administrative traditions matter and that administrative traditions strengthen administrative systems' capacity to persist in the face of external shocks to change. However, these studies employ different concepts – 'legacies', 'culture', 'tradition' – which convey subtle differences, impeding the drawing of generalizable observations about the causal effects of administrative tradition on administrative development. The concept of administrative tradition and its operationalization are fuzzy and hinder broad inferences about its effects.

Conceptualizing administrative traditions

Studying the effects of administrative tradition is something positivists would shy away from. Despite the delimiting adjective 'administrative' the concept is confusing, vague and slippery. For administrative tradition to have an observable effect on administrative reform, tradition should be defined as an empirical concept. In this section, I will try to identify the core attributes of the concept of tradition that can be employed for empirical research on administrative development. This can be done, I will argue, by conceptualizing administrative tradition as, on the one hand, ideas and beliefs about the nature of government in a specific national context and, on the other, institutions and structures of government that are created in the past and encoded in a present institutional constellation. But first, I will discuss four sources of confusion that underlie the fuzziness of the concept of administrative tradition.

One source of confusion is the seemingly interchangeable use of the concepts of 'state tradition' and 'administrative tradition' (Bever and Weller 2003; Christensen 2003; Knill 1998; Knill and Lenschow 2001). 'State tradition,' Dyson states (1980: 271), '...is concerned with the framework of values within which public life should be conducted and with the effective exercise of

public authority in the pursuit of those values.' Administrative tradition is then part of a broader state tradition and a derivative thereof. According to Knill (2001: xx, *italics added*), '[N]ational administrative traditions reflect general patterns of administrative styles and structures which are strongly *embedded in the macro-institutional context of state tradition*, the legal system, and the politico-administrative systems (including characteristics of the civil service as well as the state structure and organization).' I suggest, therefore, that we should analytically separate state from administrative tradition and not conflate both terms (Laborde 2000; Schroeter 2006). Henceforward I will refer to state tradition as the totality of all governing institutions in a political system, including the institutions and beliefs that found the court systems and administrative traditions as the beliefs and structures of a part of the state tradition, namely those parts that make up its public administration, the state apparatus.

A second source of confusion is that administrative tradition can refer to ideas and beliefs about public administration as well as to the structure of administration (Bevir and Weller 2003; Dyson 1980). The institutions of government are the observable appearances of some of the ideas of state. For example, the current political system in the Netherlands is one appearance of a parliamentary system, just as Germany is another, despite the substantial differences in institutional design. The relationship between ideas and institution is a loosely coupled one, although prevailing institutions do not, of course, need to reflect prevailing ideas. As Dyson argues, it is a 'central feature of the nineteenth- and twentieth-century theories of the state of how to give institutional expression to the general ideas that were contained within the "modern" impersonal and abstract state' (Dyson 1980: 138).

A third source of confusion is the issue of whether there exists just one administrative tradition or many different administrative traditions alongside each other. Can several traditions exist at the same time in history? Or do traditions emerge and fade away sequentially? Does one tradition stick and define patterns of administration for eternity? This theme has been taken up in a number of places in this book, for example, by Martin Lodge in Chapter 8 on the UK and Guy Peters in Chapter 9 on the US. Also writing on the UK, Rhodes argues that the British 'governance narrative' has been shaped and influenced by the competing Whig, Tory, Liberal and Socialist traditions. These four 'British political traditions', Rhodes (2005: 2) argues, 'have informed the diverse policies and practices by which elite actors have sought to remake the state'. Contrast this, however, with a more common view: '...politicians and civil servants all draw from the same tradition, the Westminster model...[w]hich can be understood as the building block from which both ministers and civil servants develop narratives that shape and condition their actions' (Richards and Smith 2004: 778).

Even if there may not be multiple *political-ideological* traditions of governance, there may be a variety of *sectoral-professional* traditions. In

Western Europe, for example, institutions in policy areas such as education, housing, social welfare and employment are historically rooted in (religious) charities, guilds, and other forms of private initiatives (De Swaan 1988). In these domains, norms, values and practices had already evolved long before these institutions were absorbed by and hived into the twentieth-century social welfare state. The hiving-in of these areas has been accompanied by an accommodation of the preexisting structures and ideas in these policy areas with state ideologies prevailing at that time. For example, various governance narratives in the Netherlands can all be traced back to a single tradition of consensual corporatism (Kickert 2003). Whereas in academic parlance the Dutch system in general is labeled as a consensual–corporatist parliamentary system, we find at the level of policy sectors a variety of sectoral governance traditions within which the ideas, beliefs and values of the presocial welfare state era traditions are reflected. The governance traditions in the Dutch housing sector, for example, with its independent private but publicly funded housing corporations, widely differs from that in the education sector, where the governance tradition is founded upon a dual system of special private (e.g. confessional) schools and public state schools (Engelen et al. 2006).

A fourth and final possible source of confusion arises from the fact that public administrations have many different aspects. While administrative reforms may concern each of these aspects individually, in most studies a *thick* concept of public administration is used. However, it can be demonstrated that each aspect of public administration, such as the structure and organization of public administration, civil service systems, and financial management arrangements (Bezes and Lodge 2006), is cross-nationally characterized by different traditions. In this respect, Pollitt and Bouckaert (2004) clearly show that different aspects can follow different trajectories. Financial management regimes, personnel systems, and the structure and organization of government are relatively independent realms. Civil service systems are an example (Bekke and van der Meer 2001). Countries also vary with regard to financial management and budgeting systems; consider, for example, the fact that in some countries ministries of finance exist apart from treasuries or that in some countries civil service administration is part of a ministry of finance while in other countries these functions are separated (Wanna et al. 2003).

In conclusion, the literature does not offer a clear definition of the concept of administrative tradition, but many different ones. This has consequences not only for the evaluation of the causal effects of tradition in the above-discussed studies but also for any operationalization of administrative tradition in future studies. Based on this discussion, I will suggest distinguishing between two dimensions of administrative tradition as analytically independent attributes: traditions as embodied by structures and tradition as embodied by ideas.

First, administrative tradition has a structural dimension contained within established and taken-for-granted institutions, organizations, formal rules and procedures at a specific point in time. Administrative tradition can then be conceptualized in terms of governance structures that have come into being in the past and that still are present. The impact of tradition on the present is contained in the institutional constellation at any present time t . Any institutional regime, or set of individual institutional arrangements at time t , contains elements that are created or have emerged in earlier times. Structures created or emerged earlier are hence the containers of the codes and rules of the past. Administrative structures in the presence have the 'genetic DNA code' of institutions in the past (Olsen and Peters 1996). Tradition is then 'encoded' in the structure of the present (Abbott 2001: 20). Stinchcombe uses the term 'survivals', that is, 'deposits of past history in the social structure of the present' (Stinchcombe 1968: 104). Examples may be the Whitehall system and the specific structures of ministerial departments; or the Dutch education system with its private law based publicly funded confessionnal schools; or the Swedish agency system that dates back to the 18th century. Thus, at any given time in the present we will find structures that are shaped or have emerged in the past and have come to be seen as representing 'traditional' patterns of governance in the present.

Tradition as ideas or beliefs is the second way of conceptualizing administrative tradition. When they select and decide which reforms to initiate and to advocate, policymakers involved in administrative development act intentionally and according to their perceptions of which reforms are desirable and feasible (Pollitt and Bouckaert 2000). These ideas are often the products of different 'schools of thought' that are dominant in certain times and places (Dyson 1980). Administrative traditions are embedded in the perceptions and hence preferences of political and administrative reformers. These preferences are not fixed, in a rational choice manner, but are shaped through the cognitive filters of reformers. 'Governmental tradition', then is a 'set of inherited beliefs about the institutions and history of government', with the beliefs about government as coming from 'a set of understandings someone receives during socialization' (Bevir et al. 2003: 6). Hence, conceiving of administrative traditions as a beliefs and ideas stresses the role of agency in administrative reform (Bevir et al. 2003; Goodin 2000; Katznelson 2003; Scharpf, 1997).

The causal mechanisms of administrative traditions

Having proposed to define administrative traditions as a variable that can be conceptualized as ideas about the nature of government and as institutions of government, in this section I will discuss how administrative tradition as ideas and as institutions may have a causal impact on administrative development.

Administrative tradition as ideas and beliefs

How do administrative traditions embodied in a framework of ideas affect administrative developments within a country or policy sector at a given moment in time? One answer is that policymakers hold beliefs about administrative tradition that inform their orientations. Actor orientations are the units of reference, cognitive orientations and the preferences of policymakers (Scharpf 1997). Policymakers are intentional and purposive, that is, they are goal-oriented, but their motivations to act are determined by the values and beliefs of the larger group they are part of (the civil service), their ideologies and subjective theories about the state of the world, and their subjectively (in)formed preferences. Administrative traditions are shaped by the larger social and political culture within which they live (Peters 2001); these traditions shape their beliefs of what constitutes appropriate government; and tradition informs them what to prefer, for example performance measurements or not, privatization or agencification. These individual orientations can be strong and durable, as they can be confirmed by or embedded within 'whirlpools' (Griffith 1939), 'advocacy coalitions' (Sabatier and Jenkins-Smith 1993) and 'epistemic communities' (Haas 1992).

Brändström et al. (2004), whose work is actually centered not on administrative development but primarily on policymakers' responses during crisis situations, offer an ideational framework with various mechanisms through which the past may affect individual policymakers' cognitive orientations. In general, they assert that the past can affect policymakers in different ways. Three factors seem to be important. First, the past's effects depend on how policymakers remember the past and organize memory. The second one is the specific use of the past by policymakers and their reasons to use it. And, finally, the past's effects depend to a large extent on how the past affects policymakers' cognitive repertoires. They suggest a number of mechanisms of how 'historical analogies' affect policymakers' decisions. The past may 'filter', 'teach', 'imprison', 'blind' or 'traumatize' policymakers. The past may also be used as a 'weapon' (Brändström et al. 2004: 207).

Administrative traditions may also inform policymakers how to respond to 'dilemmas'. This is a central tenet of the work of Bevir and Rhodes (2003) and Bevir and Weller (2003) on the effects of governmental traditions on public sector reform (but see also Rhodes 1999). A 'dilemma' refers to a situation that arises 'when a new idea stands in opposition to existing beliefs or practices and so forces a reconsideration of these existing beliefs and associated tradition' (Bevir and Rhodes 2003: 10).³ Policymakers hold certain ideas and beliefs about the nature of their government; in other words, they adhere to a governmental tradition, a set of inherited beliefs about the institutions and history of government. Traditions link various themes that are developed and passed over time (e.g. the notion of 'subsidiarity' in the Dutch Catholic political

philosophy (Kickert 2003)). Traditions persist because they are founded upon concepts that have a minimum level of consistency. When confronted with new ideas that have far-reaching consequences for the nature of government (e.g. New Public Management), policymakers will fall back upon their traditions and confront the new ideas with these.

Rhodes (1999) has applied this framework for comparing and explaining public sector reform outcomes in the United Kingdom and Denmark. He examined how the governmental traditions of both countries – a pluralist tradition in the UK versus a Scandinavian *Rechtsstaat* tradition in Denmark – affected these countries' privatization, marketization, regulation, corporate management, and decentralization reforms. The UK tradition, among other things, draws more distinct boundaries between state and civil society, while civil servants have no constitutional position. Danish tradition is 'organistic' and it has a participatory ethic, embodied by close and diffuse linkages between the state and civil society. These differences account for the observation that public sector reform in Britain was distinctively 'political' and that in Denmark reforms were more concerned with 'democracy and accountability'. Whereas the key dilemmas of British reformers were clustered around the issue of how to steer and control networked policy sectors and independent agencies, in Denmark reformers conceived of the liberal reforms as a challenge to the principle of the 'institutionalized participation' of societal interests in public policymaking.

In conclusion, we have seen that traditional beliefs with regard to the institutions and history of government may cause dilemmas for policymakers, and may also 'teach', 'blind' or even 'imprison' policymakers. As a result, traditions embodied in the actor orientations of policymakers form an explanatory variable for the differences in public sector reform outcomes in these countries.

Administrative tradition as structures

How does administrative tradition affect administrative development if we accept the view that administrative tradition can also be conceptualized as the formal structures of government? The answer is through 'structural encoding'. Policymakers interact with their institutional environment. The institutions of a political system 'contain' its administrative tradition, as past institutions and structures of government are 'encoded' in or have 'survived' the passing of time and are reflected in the institutions and structures of the present (Abbott 2001). The impact of the past on the present is hence encoded in the formal institutional structure at a present time *t*. As Abbot phrases this:

All its [the past's] influence on the present comes through its structuring of the immediate past. Social structure is continuously enacted by actors

doing things with others....All that exists in the social process, however, is the momentary totality at any moment of these actions and the interlocked patterns they create by connecting and disconnecting multitudes of actors in myriads of relations, of hundreds of types. (Abbott 2001 [1997]: 255)

How, then, does encoding take effect? It does so through shaping the 'institutional game' that is played by policymakers (Alt and Shepsle 1998; Goodin 2000):

[I]nstitutions – thought of as structural elements of and processes for collective choice – direct the flow and timing of the things over which goal-seeking individuals exercise their rationality. According to this view an institution, in effect, is a *game form*, a context for strategic interaction. (Alt and Shepsle 1998: 737)

In democratic polities, administrative change is almost without any exception eventually the result of legislative decision-making. When enacting new laws that entrust the implementation of some public program to governmental bodies, politicians must decide upon the organizational design, the funding, the status of the personnel, the performance standards and other rules that will be imposed upon the executive agency. This decision-making process is determined by the specific formal and informal institutional rules and procedures of legislative decision-making. As Alt and Shepsle explain, these rules and procedures define the players, their resources and strategies. Moreover, the specific institutional rules and procedures to some extent also determine the range of feasible outcomes.

For example, in New Zealand, with its majoritarian Westminster system, radical reforms took place under what some have termed an 'elective dictatorship' (Aberbach and Christensen 2001; Boston et al. 1996; Yesilkagit and de Vries 2004). After 1992, when the majority election system was replaced by a proportional electoral system, not only new radical reforms but also reversal of the earlier reforms had become impossible (Nagel 1998). The legislative game structure inhibited the option of acting unilaterally (i.e. as an elective dictator), enforced coalitional strategies and empowered multiple veto players in the legislative process. The change of electoral system changed the game structure by changing strategies, players and their resources.

However, changes in the macro-political rules and procedures such as in New Zealand are a rare instance. New Zealand had been governed under Westminster parliamentary institutions for a very long period. The Westminster system, or a consensual or federalist parliamentary system for that matter, is the result of a long-term institutionalization process. The United States, to take another example, has been literally designed

by the Founding Fathers, but its Constitution has contained traditional values and beliefs of the first colonists. In conclusion, the institutional setting within which administrative decisions are taken is shaped by legislative rules and procedures that themselves contain the ideas, beliefs and values of 'good governance' of the time period in which they came into existence. Since these institutions – although not necessarily their underlying ideas – have survived, they encode the past rules and procedures of decision-making. And, since institutions are game constellations, they affect the outcomes of administrative reform.

Another example that illustrates this point is a study of administrative reforms between 1945 and 1997 in Denmark (Christensen 1997). The focus of this study is on the role of civil servants, as they hold a special but precarious position within the politics of reorganization. They are their ministers' advisers on reform, the implementers of reform, but above all also actors whose status and income are at stake. Their interests are to a large extent dependent on the distribution and allocation of resources that emanate from the specific organizational forms of their ministry. With reorganizations their positions are at stake – at least, reorganizations create an amount of uncertainty about their positions in future organizational settings. How, then, will civil servants act during processes of reform? Given the institutional setting of Danish central government and the principles and norms that govern government–society relationships, the outcomes of administrative reforms in the Danish public sector are the results of:

...strategic bargaining between actors, each striving to promote their own interests. Actors' individual strategies are institutionally constrained. However, they are also constrained by an institutional legacy from the past. This legacy makes its imprint on the present-day political and administrative institutions as well as on the repertoire of organizational and institutional models accepted as potential solutions to modern problems of governance. (Christensen 1997: 145)

The interests of bureaucrats, the prime actors within the politics of administrative change, are shaped by the institutional structure of their formal organizations, which distributes roles, status and material resources (e.g. individual pay, command over organizational or unitary budget) as well as prescribing the 'rules of the game' of how the various actors are to act and to behave.

Conclusion

Administrative tradition has become one of the central explanatory variables in comparative public administration research on administrative development. Various studies ascribe magical powers to this variable: due

to strongly embedded traditions, even the strongest of international forces, namely New Public Management and Europeanization, are halted at the gates of nation states. Administrative tradition is claimed to be an inhibiting factor: it halts or stalls (radical) reforms. But, when reforms do take place, those reforms occur through the prism of local administrative traditions. Although these and related claims are strongly vested in public administration research, the theoretical foundations of the concept of administrative tradition are weak. Upon closer inspection of these studies it turns out that the way the concept has been defined and applied hitherto actually does not allow for the sweeping inferences we find in this literature. The goal of this chapter, therefore, has been the reconceptualization of administrative tradition in order to reinforce the empirical application of this variable in studies of administrative development. This can be done, I have argued, by conceptualizing administrative tradition on the one hand as ideas and beliefs about the nature of government in a specific national context and, on the other hand, as institutions and structures of government that are created in the past and encoded in present constellations.

However, due to efforts to tame the concept of administrative development, we may perhaps have forgotten that administrative traditions only partially explain the outcomes of administrative development; that it is just one explanatory variable among a larger number of partial explanatory variables that may affect the outcomes of administrative development. There exist multiple levels of governance, each with possibly its own governance traditions. Apart from the central state apparatus, the institutional context of policy areas is partially affected by their own historically evolved governance traditions. Whenever generic administrative reforms, such as the introduction of performance measurements, are initiated by national policymakers within specific policy sector contexts (e.g. education, policing or health care) these sectoral traditions will most likely interact with national state and administrative traditions. In addition, at each level of reform (international, national, regional, local) other variables are also present, and each has the potential of partially explaining the processes and outcomes of reform. In other words, reform studies thus far (NPM studies, Europeanization) strongly suggest that administrative tradition is an important explanatory variable. At the same time, however, it is not the only variable; various administrative traditions prevail at different levels of governance, and each of these may exert different causal effects. The effects of traditions must therefore be assessed in interaction with a multitude of other causal factors that may affect administrative development.

Notes

1. I have limited myself in this review to recently published, oft-cited comparative studies of administrative reform. Other relevant and often single-country case

studies of the effects of the past on administrative design are Capano (2003), Christiansen (1998), Christensen (1997), Cheung (2005), Clark (2000), Gains et al. (2005), Greenaway (1995), Schroeter (2006), Knill (1998), van Thiel (2006), Christensen and Yesilkagit (2006), Moynihan (2006) and Elster et al. (1998).

2. Here, again, the number of studies on the EU effect on national administrative systems exceeds the limits of what can be properly handled within the confines of this study. Other relevant works that have a primary focus on the EU-effect on public administration are Siedentopf and Ziller (1988), Metcalfe (1994), Toonen (1992), Page and Wouters (1995), Bulmer and Burch (1998), Jordan (2003), Rometsch and Wessels (1996), Spanou (1998), Kassim et al. (2000), Goetz and Wollmann (2001) and Yesilkagit and Blom-Hansen (2007).
3. Such dilemmas did, for example, arise when the growth of the public sector in many Western industrialized democracies (that is, when these public sectors came *de facto* to be based on functionalist or instrumentalist notions of public law) challenged the classic liberal idea of the caretaker state, where the state was considered the source of public law that embodied the 'common will' of the political body. The state has become an enabling state instead of a norm-setting state; that is, enabling the self-regulative capacities of society by an appropriate retreat of the state (Witteveen 2007).

12

Path-Dependent and Path-Breaking Changes in the French Administrative System: The Weight of Legacy Explanations

Philippe Bezes

The French bureaucracy has often been viewed as one of the most in need of reforms among Western countries but also as one of the most ‘frozen’ or ‘immovable’. Michel Crozier’s theory of France as a ‘stalled society’ with a ‘stalled state’ (Crozier 1964, 1970) has provided a widely accepted framework. In many comparative studies, France has been portrayed as a special case (Page 1995), a laggard (Pollitt and Bouckaert 2004; de Montricher 1996; Rouban 1995) and only weakly influenced by NPM ideas (Rouban 2006). If it is really the case that administrative reforms have been more limited in France, a first research question should be to understand why the French administrative system is more resistant to change. But a further formulation could consider the possibility that the French system has changed differently, following a specific trajectory due to the constraints and the impacts of its institutional arrangements. Other than convulsive ruptures, institutional changes can take various forms (Bezes 2007a; Bezes and Lodge 2007; Hall 1993; Streeck and Thelen 2005): low-profile, ideational, incremental, gradual, each of them potentially transformative.

Against standard views on the French case, a major change has been recently introduced through the reform of the French budget procedure, incorporating new goals (considerably reinforced accountability of administration towards Parliament, systematic cost-consciousness and performance regulation) and a full set of NPM tools dedicated to transforming the inner management and the external modes of control of the administration. The Institutional Act on Budget Legislation (*Loi organique relative aux lois de finances*, called ‘LOLF’) adopted on August 1, 2001 and implemented since January 2006 has introduced many internationally dominant instruments of performance management and has reinforced the role of the French Parliament in the budgetary process. This reform can be said to be ‘path-breaking’ in the sense that its development and contents mean

a real shift in the path of French administrative policy. To use Peter Hall's terminology, the 'LOLF' is a 'third order change' (Hall 1993), meaning a change in the goals, in the managerial tools and in the scope of reform.

The aim of this chapter is to explore the puzzle of how, on the one hand, a system can in many respects show such strong continuity and solidity; and, on the other, how such a transformation could be conceived and adopted. Viewing the picture in terms of reform periods, we are exploring two seemingly contradictory reform episodes: long-lasting, path-dependent dynamics of change in the 1980s and 1990s with slow-moving outcomes on the one hand; and, on the other, path-breaking reform in a short time horizon in the early 2000s, with rapid disruptive effects. In analyzing this diversity of patterns, the starting point is institutionalist: major institutional arrangements of an administrative system (legal entrenchment, pervasiveness, political-administrative nexus, career, budget formats and so on) develop through time and shape the way administrative reforms are designed (Bezes and Lodge 2007). Institutional arrangements have many constraining, filtering and resource-distributing effects (Pierson 2004; Weir 2006). Once established, they become an essential part of the functioning of an administrative system and produce legacies. Institutional arrangements can reproduce the status quo when actors want to prevent changes that they anticipate will endanger their positions, diminish their resources or disturb a favorable distribution of power. Yet they can also favor and turn changes into specific directions or through certain ways. As pointed out in Chapter 1, recent institutional analysis (Palier 2005) has suggested that gradual and endogenous patterns of change can occur within robust institutions and that institutions are not made 'in one piece' but juxtapose different logics and orders, each with its own temporal underpinnings (Bezes and Lodge 2007; Orren and Skowronek 1994).

I will consider first how some central institutional arrangements of the French bureaucracy have created 'path-dependence' mechanisms that have severely constrained some aspects of administrative reform design and limited the scope of changes. Second, I will explore the conditions which made the 'path-breaking' managerial budget reform possible in the more recent period by considering three elements: the role of 'externally driven' actors and forces; the importance of preexisting, slow-moving changes and low-profile strategies that favored the reform; and the resilience of other institutional arrangements that could affect the implementation and results of the reform.

Path-dependency mechanisms in the French administration: The weight of institutional legacies

It is well known that the French administrative system has not been as strongly and immediately influenced by NPM ideas and instruments as were

Anglo-Saxon and Antipodean countries. However, none of the structuring arrangements of the French bureaucracy have prevented problems attributed to bureaucracy from emerging, or prevented the introduction of reform ideas and discussion about the merits of NPM tools. What they did is to constrain and shape both the way these ideas have been produced, translated and received in the French context and also the extent to which NPM instruments could be deployed. Two examples will illustrate this argument: first, the circulation of NPM ideas; and second, the politics of structural and managerial devolution.

How NPM ideas have circulated in the entrenched world of the French top bureaucracy

The influence of institutions on the production, diffusion and legitimacy of ideas in public policy has been well documented (Hall 1989). By making some ideas more available, resourceful, feasible or legitimate for actors in institutions, institutional arrangements deeply constrain the way public policies are framed. In our case, three features of the French administration have conditioned the influence of NPM ideas and shaped their legitimacy as solutions: the weight of the legal entrenchment; the low permeability of the higher civil service to external expertise; and the central position of the Budget Ministry.

The French system is characterized by complex legal entrenchment, including a strong legal administrative system of law ruling bureaucratic life as well as a statute that organizes the professional life of all civil servants (*statut general des fonctionnaires* created in 1946 and updated in 1969 and 1983). Many actors have professional and strategic interests in maintaining and developing the coherence and the rationality of this 'rigid [legal] backbone' (Knill 1999: 115). The framework is a resource for 'sticky' institutions such as the Council of State (*Conseil d'Etat*) or the Civil Service Ministry, who are the guardian institutions of the underlying doctrine and the defenders of the hierarchy of the judicial institutions. The doctrine has also met with the support of many groups with potential veto power (trade unions, and both left-wing and Gaullist parties) who defend the 'public service' orientation of the French administrative system. For example, civil service trade unions have historically gained rights to organize, to strike and to participate through joint consultative commissions both in career management and also in decisions regarding the organization of services. These institutionalized rights have shaped their central position as veto players defending the ideology of the '*service public*' (Chevallier 1996a).

Turning to the second factor – the low permeability of the bureaucratic elite to external experts – the French case exemplifies Peter Hall's (1989) argument on the diffusion of Keynesian ideas, namely that, where policy advice is monopolized by a permanent set of civil servants who concentrate power over central management, the adoption of new ideas will be

slower than where competing advice can come from outside experts. The 'organizational orientation' (Silberman 1993: 10) of the French administrative system specifies entry into the civil service organizational career prior to appointment in office and results in a high value being placed on early commitment of the individual. This concern is reflected in the establishment of severe restrictions on eligibility (competition for entry in the senior civil service, i.e. *les concours*) and in the setting of specific training schools designed to train upper-level civil servants. This principle of organized and specialized 'training colleges' – *Ecole Nationale d'Administration* (ENA), *Ecole Nationale de la Santé Publique*, *Ecole Nationale des Impôts*, *Ecole Nationale de l'Administration Pénitentiaire*, *Instituts Régionaux d'Administration* and so on – came to structure all the senior management positions. The monopoly of ENA, which selects all top-level bureaucrats on a competitive basis, trains them (Eymeri 2001) and provides them with direct access to the administrative 'grand corps', is the epitome of this pattern. This has a major impact on the way in which reformist ideas can be diffused. Within the ENA for instance, training programs are kept under the strict control of the school and have been subject for a long time to, at most, incremental revisions.

The third influential institutional arrangement refers to the degree to which the central regulation and management of the administrative system is concentrated. In the French context, administrative reform has been historically embedded in power struggles inside the state because at least two central ministries with asymmetrical powers lay claim to regulating the administrative system (Bezes 2007b, 2009). On the one hand, due to the French budget-shaping procedure adopted in 1959, the Ministry of Finance (and specifically the Budget Directorate) has occupied a hegemonic and highly centralized position (Siné 2006). Whereas the British procedure rests on global and collective bargaining between ministries, the French process lacks any arbitrator at the administrative level to solve conflicts between higher civil servants from ministries and the Budget Directorate. The Directorate has been virtually the sole guardian in the budgetary process against all the so-called 'budget-maximizing' ministries: this hierarchical process of bargaining has not favored cost-consciousness within ministries and has made the Directorate exclusively defensive in negotiations. This explains why the French public budgeting system has always been underdeveloped in operational management and hostile to devolution instruments that could weaken the Directorate's besieged position. Actors in more devolved budgeting systems could be expected to show greater receptiveness to new forms of allocation and control aimed at shifting arbitrage from the center of government to the level of spending departments, by encouraging them to initiate trade-offs among their own programs within prescribed budget constraints (a theme of NPM budgeting).

On the other hand, alongside the Budget Directorate, the Civil Service Ministry is in charge of the Civil Service Act and Regulations, career

structures and pay matters. As a quasi-legal expert, it is also the privileged interlocutor of the trade unions, notably in the context of wage bargaining structures established in the early 1970s. Since the early 1980s, the Civil Service Ministry has only cautiously developed interests and commitments to administrative reform ideas, constrained by limited powers and by its role of guardian of the rules of the French Civil Service.

In the 1980s (when in the UK, Sweden and elsewhere NPM was taking hold), although the French administrative system was considered to be in crisis, the three institutional arrangements influenced the way ideas of reform were received and adopted. The way the 'bureaucracy issue' was tackled in the first initiatives reflected specifically the strength of existing arrangements and their political significance for the leftist coalition in government. Mayors of big cities (well represented at the Home Office Ministry) claimed for and obtained an important decentralization policy, from 1982 to 1985, considerably enhancing the status and powers of local authorities. The Civil Service minister Anicet Le Pors, from the French Communist Party, passed a reform that extended the civil service laws (*statut général des fonctionnaires*) to local government civil servants and public health service civil servants and completely systematized the legal *statut*.¹ This 'orthodox' program in defense of the '*service public*' was widely supported by civil service trade unions and was a politically viable ideological and strategic electoral theme for the Socialist and French Communist parties. Even in 1982–1983, when the Economy and Finance Minister with Social-Democrat orientations, Jacques Delors, broke with the initial Keynesian strategy of the Socialist government, the inherited pattern of the French administration remained untouched. Despite the so-called 'competitive disinflation' policy, no disruptive economically driven public policy on civil servants was feasible for the Socialist Government. Risk of political conflict (with the French Communist Party and the electorate constituency), risk of incoherence in the governmental policy-mix and strong entrenchment of the initial political 'Socialist' narrative all strongly limited the publicity attached to a policy aimed at reducing public expenditures.

Such political factors limited budgetary-driven reform of the French administration (Bezes 2007a) and favored the grip of institutions. The ENA strongly resisted reform proposals introducing NPM ideas in the training process (Bezes 2009). The legalist and statist culture, taught within the school by top bureaucrats from the *Conseil d'Etat* and the *Cour des Comptes* (Court of State Auditors), remained the ruling frame that socialized bureaucrats. Faced with strong budget crises, the Budget Directorate stayed a reluctant and skeptical NPM reformer until the mid-1990s (Bezes 2007a, 2007b). Between 1982 and 1988 it favored the introduction of NPM instruments only at a technical level, to control increasing expenses due to public servants' wages and pensions by de-indexing wages from the inflation rate, freezing any increase in their salaries and using low-profile savings

measures through the manipulation of indicators calculating the annual wage increase (Bezes 2007a).

Tensions and contradictions between the political need to reaffirm the value of legal entrenchment, the budgetary constraints and the structural destabilization of the administrative system due to decentralization favored the building of an ad hoc narrative labeled 'modernization program'. This first version of 'managerial reform' was 'invented' between 1984 and 1986 under Prime Minister Fabius, continued in another form by the Chirac government (1986–1988) and perfected in 1989 with the policy entitled 'Public Service Renewal' (PSR), initiated by the Prime Minister Michel Rocard (1988–1991). The modernization program was close to the 'Public Service Orientation' model of NPM reforms identified by Ferlie et al. (1996) or the egalitarian one proposed by Christopher Hood (1998). It valued service quality, user concerns, some managerial techniques and a continuing set of distinctive public service orientations with strong participation of public servants and control through mutuality. Experiments and learning processes were favored as the dominant style of reform.

In a context of major social unrest within the public sector in 1988–1989, the 'Renewal' program (*Le renouveau du service public* of February 1989) offered an acceptable trade-off by enhancing civil service unions, human resources management and the social dialogue and by introducing managerial principles and techniques such as a policy evaluation program. It also experimented with forms of contracts between ministries, the Civil Service Ministry and the Budget Ministry. The Budget Directorate preferred cut-back-management to any new managerial tools. While the Civil Service Ministry endorsed administrative reform and was entrusted with the mission to monitor the 'Renewal' and subsequent reform policies, its predispositions meant that it favored the renewal of workplace relations, more dynamic staff management, the development of social dialogue in administration and the reaffirmation of the French administrative tradition.

Things began to change in the 1990s, however. Peter Hall suggests that the same structural features that inhibit initial adoption can affect the degree to which new ideas subsequently become established: 'it was many years before the British Treasury finally accepted Keynesian ideas, for instance, but once they were accepted, its hierarchical administrative structure rendered them an entrenched component of the policy process for over thirty years' (Hall 1989: 379). A similar dynamic seems to have been at work in France, where we can observe a slow but steady ideological conversion of many top civil servants to NPM ideas and signs that this might be coming to constitute a new orthodoxy, at least for some administrative reform issues. This started through the work of four major state reform task forces setup from 1992 to 1995, which were monopolized by senior civil servants from the *grands corps*. These reform committees

accelerated the diffusion and the legitimation of new ideas and became clear loci for the formation of real – if small – networks of senior civil servants who were being socialized towards NPM ideas (Bezes 2007b). From 1995, the administrative reform committees were institutionalized as a ‘State Reform Unit’ with objectives to run a three-year program of planning. Initially designed as an autonomous body, this unit was transformed several times after 1998: it became the Inter-ministerial Delegation on State Reform (DIRE) within the Civil Service Ministry (1998–2002) and was then reshaped (2002–2005) into three agencies attached to the Prime Minister, in charge of quality concerns and users; e-government; and organizational and managerial change, respectively. In 2005, these agencies were transformed again into a ‘General Directorate for Modernizing the State’ (*Direction générale de la modernisation de l’Etat*) with a staff of about 140 people under the supervision of the Budget Ministry. The unit combined senior civil servants with experts under contract and is continuously supported by consultancy firms.

A systematic ‘new’ organizational form was progressively elaborated within these task forces and widely diffused among the public and within the French higher civil service (Bezes 2007b). The various documents reveal a homogeneous model of organization that advocates certain dominant traits of NPM and of the reforms conducted abroad: stronger and differentiated state capacities for steering, forecasting, coordination and monitoring; reform of the state’s higher supervisory staffing by strengthening the hierarchical role of directors in central government administration, making them ‘real bosses’ responsible for their ministry’s specific public policies and results; and contractualization of relations between central administrations and devolved services, with contracts defining the objectives to be pursued by the services, the resources granted and the methods for measurement and systematic evaluation of results.

This process was greatly facilitated by a variety of networks of senior civil servants and members of nonnational organizations – European institutions, bodies such as the PUMA/OECD, or consultancies – through which prototypical solutions (frequently called ‘best practices’ and not belonging *a priori* to any particular state) were developed and disseminated. Over the same period, an expanding number of higher civil servants from the *grands corps* were involved in shaping state reforms (Bezes and Le Lidec 2007). After 1998, for instance, the *Inspection générale des Finances* was committed to promoting ‘benchmarking studies’ in key areas identified as ripe for reform (tax system, budgetary processes and performance management system; see Guillaume et al. 2000). Members of the *Cour des Comptes* and, more recently, significant bureaucrats of the *Conseil d’Etat* have also contributed to reform plans using NPM ideas (see *Conseil d’Etat* 2003). Top civil servants involved in the administrative reorganizations of the 1990s and belonging to the Civil Service Ministry or the Budget Ministry have

converted these NPM ideas into innovative managerial tools over state field services in order to set up new modes of regulation for the civil service and also to maintain their coordination and control capacities in multitiered games of the French system (Bezes 2007b). For several clusters of senior bureaucrats, this 'steering model' has seemed to provide new opportunities to reconfigure their roles, to enrich them with new tasks and to reconstruct their legitimacy. This explains the ideological conversion of French top bureaucrats.

The difficult art of separation: Experimenting structural and managerial devolution in the French context

At the same time, another set of institutional features has demonstrated strong path-dependence effects on key issues of NPM-oriented administrative reforms: devolution processes. Two types of devolution reform can be distinguished (Christensen and Lægveid 2001a, 2007). Managerial devolution is aimed at strengthening the discretionary powers and autonomy of state managers at subordinate levels within the administrative system on issues such as budgeting or human resources management. Structural devolution searches for a change in the organizational form by specializing administrative functions, designing them under a more autonomous format (UK agencification for instance) and reinforcing the separation between political and administrative functions. These reforms in the French context have been clearly embedded in the multitiered system of the French territorial state, shaping them in distinctive ways.

This system is a complex nexus of interlinked and strongly institutionalized relationships at the territorial level between central administrations; state local units within ministries; prefects; and local authorities with access and power in the national decision-making process. The French administrative system has historically been built on an integrated central administration with a large hierarchical network of state field units in local authorities. These field units (employing about 90 percent of French state public servants) are under direct hierarchical command of their ministries and are locally in charge of their tasks. They are also supervised by the prefects, the territorial representatives of the state, and have close relationships with local authorities. This means that the French administrative system is characterized by a dense network of field units and a strong network of interdependences connecting central administrations, state local units, prefects and local authorities.

A complementary dimension is that local elected representatives have played a major role in national policies and politics because they benefit from institutional positions at the center (political tenures in Parliament or in executives). This is due to the possibility of multiple office-holding (*cumul des mandats*) by which MPs or ministers also hold local positions (mayor of a big city, president of a departmental or regional council). In turn, this

makes local governments influential at the center. This articulation of local interests is also reinforced by the local representative functions of the second legislative chamber, the Senate (Le Lidec, 2007).

The effects of this nexus on administrative reform designs are important. The first impact is the ongoing importance of decentralization policy, driven under local government control (Le Lidec 2003, 2007). Decentralization seems to be a never-ending story in the French context, with significant decentralization reforms passed in 1982–1984 and 2003–2004, fuelled by political competition between levels of government (cities, departments and regions). These policies have reinforced the capacities of French local authorities by transferring powers and competences and have given them more resources and more autonomy. At the same time, national governments have always had difficulties in shaping subnational territorial levels of local governance (regions, departments, cities) because of local authorities as veto players.

If decentralization can be seen as the favored route in changing the modes of governing, the French configuration has always strongly limited the possibility of structural and managerial devolution from central administrations to local units of the state. From 1992,² the Interior Ministry took the lead in planning a reorganization of state field services and prefects' activities. It also claimed to be pursuing devolution by affirming that 'central administration should fulfil, at the national level, roles of design, pace-setting, orientation, evaluation and monitoring' while implementation tasks should be done by devolved state services. From 1992 to 2004, several strategic plans to reorganize both ministries (on a vertical line) and state local units and prefects' activities (on a horizontal line) were set up.³ They all expressed the desire to implement structural devolution with clearly assigned rationalized and specialized responsibilities. The first attempt ordered the prefects to schedule mergers and regrouping of state units belonging to the same minister and to reinforce the coordination between local units from distinct ministries. The second wave suggested a more pragmatic procedure by searching for the setup of 'focal areas' without mergers. In 2004, an outline plan for reorganizing territorial administration was adopted, creating eight focal subject-areas in the regions. The constitutional revision of March 28, 2003 also legally reinforced the powers of prefects by putting state field services under regional prefects' authority with the objective of implementing a 'nationwide territorial administrative framework with more tools for coordination and steering of local services'.⁴ The process reveals a highly complex and multitiered policy design that reflects the tight networks of interdependences of the French territorial state. Reform negotiations involved many actors, including representatives of central ministries and state field services, prefects, local authorities and the political executive, each defending distinct interests and strategies and each having the potential of being a veto

player. This resulted in incrementalism and lowest-common-denominator reforms, with weak implementation and uncertain impact (Cour des Comptes 2003).

In short, the French administrative system combines two different and contradictory organizational structures at the territorial level, which makes devolution a complex and costly bargaining process: there are both (purpose-based) sector ministerial units and also geographically arranged 'prefect' institutions in charge of coordination and control at the local level. This means that local ministerial units are constantly embedded in a double bind relation in which they are subordinated both to their ministries and to the prefects. These games have major impacts on the way devolution policies have been thought, negotiated and incrementally implemented.

Budgetary reform: Path-breaking change in the French context

Within the French institutional configuration reform of the French budget procedure in 2001, with the adoption of many internationally dominant instruments of performance management and a significant attempt to reinforce the role of the French Parliament in the procedure of budgeting, signals a major change for the French administrative system, involving adoption of NPM methods and tools. By setting up new forms of management control based on objectives, performance measurements within the entire administrative system, a 'real cost' approach to policies and a new accountability chain towards the Parliament, the new rules have challenged many embedded relationships inside the French administrative system and between MPs, ministers, top bureaucrats in central administrations and public servants in state local units.

A managerial path-breaking change

The *Loi organique relative aux lois de finances* (LOLF), which is at the heart of these reforms, involves new administrative policy instruments with reference to new administrative policy goals. The first step has been a major change in the format and contents of the budget, moving away from line item-budgeting towards public policy and performance-sensitive frames. The reform draws up a program budget based on 34 *missions* corresponding (supposedly) to the French State's major public policies broken down into a set of programs (132) to which appropriations are allocated. This change in formats modifies the way Parliament used to vote the budget. Rather than approving or rejecting ministerial budgets, deputies are now invited to vote by groupings of programs. The intention is to foster more awareness in the examination of budgets to issues, priority objectives and the results achieved by the spending ministries. This change of budget format has been accompanied by a performance management structure.

Every year, program managers and ministers have to make commitments to meet specific objectives and targets and achieve specific results through an Annual Performance Plan (APP) appended to the Budget Act. This plan contains the main goals relating to the policy with performance indicators, expected results and related tax expenditure. This shapes a new form of accountability for spending departments towards Parliament. When the budget has been executed, spending ministries have to give MPs an Annual Performance Report (APR) with explanations for the levels of performance they achieve according to the resources they have been allocated.

The new budget formats serve to restore the balance of power between Government and Parliament, which has strongly favored the former since 1958. More control over budgetary process has been given to MPs in the constitutional bylaw on the Budget Act, entailing greater access to information, greater investigative and hearing powers (for the Finance Committees of both assemblies) and extended powers of amendment. With the global objective of restraining the growth of public expenditure, a clear target of the reform has been to strengthen the role of the legislature in the budget process and in the control of the bureaucracy. At the same time, the new budget formats are used to implement a managerial devolution program. Programs and subprograms (called Operational Budget Programmes (OBPs)) have allowed the use of 'frame-budgeting': managers in spending ministries (at the level of OBPs) will receive their appropriations through a broad globalized heading (instead of a large number of separate budgets) and are given delegated responsibility and (supposedly) more latitude within this frame. However, the trade-off for more flexibility for spending departments is greater accountability to Parliament, accompanied by performance tools and a new 'managerial chain' of command connecting Budget Directorate, central administration, program managers and subprogram managers. This new chain of command and accountability is specifically shaped to serve the savings objective, in particular the reduction of personnel expenditure. Personnel expenditure is the only exception to the 'globalization principle': within a global heading, personnel expenditure is the one appropriation that cannot be topped up with other appropriations. Furthermore, payrolls (amounts and numbers of personnel) will be capped. How can we explain this systematic and sudden introduction of NPM tools?

Cumulative dynamics of institutional change

Recent neo-institutionalist scholars have paid more attention to the multiple dynamics of changes, through 'critical junctures', endogenous processes and gradual patterns of change that all may induce big transformation. Here, we consider the Budget Act as a big change from the perspective of two distinct but complementary hypotheses (Bezes 2008). Our explanation emphasizes an external stimulus of reform combined with 'displacement'

and 'layering' processes, where the external trigger gave opportunity to the development of preexisting incremental moves.

The Budget Act resulted from the disruptive power of 'external' actors outside the administrative system. A cross-party National Assembly working group in 1998 started the process of redesigning the budgetary process in order to increase the financial power of the Parliament over public expenditure. From 1998 to 2000, many influential actors from the Parliament were involved in the negotiations. Cross-party working groups resulted in two reports (Migaud 1999; Lambert 2000) and a reform proposal from the National Assembly in July 2000 suggesting a complete rewriting of the traditional budgetary procedure. The proposals drew explicitly on PUMA/OECD documents. The National Assembly (with a left-wing majority) specifically pledged for extended powers of amendment, while the French Senate (with a right-wing majority) demanded a new accounting system, incorporating both the existing cash-based methods and also the accrual accounting model as practiced by business and local authorities.

In this process, politics had a huge influence. From March 2000, Laurent Fabius (formerly active in promoting the proposals as President of the National Assembly) became Minister of Finance and Budget. The reform benefited from the commitments of cross-party political entrepreneurs in a cohabitation political context, where right-wing President Chirac's power was severely limited with a Prime Minister (Lionel Jospin) from the Socialist Party and a left-leaning National Assembly. These actors played a crucial role in crafting new solutions, persuading right-wing MPs to work together with the Left. At the end of 1999, a scandal gave added momentum when the Minister of Finance, Christian Sauter, was forced to admit the existence of a 'kitty' in the French budget in which unanticipated spare resources were deposited, while the Budget Directorate dissimulated over its existence.

However, this pressure from the legislature would not have been sufficient without support from inside the Executive. First, several members of Prime Minister's and Budget Minister's *cabinets* and a few top bureaucrats within the Ministry of Finance played a major role. Prime Minister Jospin's state reform adviser had just arrived in January 2000 from the PUMA/OECD (having previously worked with the World Bank). In Budget Minister Florence Parly's *cabinet*, one adviser came from the International Monetary Fund (IMF) while the other was the previous chief of a small bureau within the Budget Directorate, created in 1986 with responsibility for developing NPM tools. Furthermore, in January 2000, the former Budget Minister's *cabinet* director, Sophie Mahieux, became responsible for the Budget Directorate with clear intentions of using the parliamentary bill as a reform opportunity. In March 2000, three members of the *Inspection générale des Finances* delivered a 'benchmarking study' on performance management systems pointing to the backwardness of the French Budget procedure and

of administrative reform policies (Guillaume et al. 2000). As a consequence of these convergent strategies, the Budget Ministry entered into negotiations with MPs from September 2000 to August 2001.

The other complementary view to explain the reform emphasizes the importance of more incremental and low-profile dynamics linked to the strategy of the Budget Directorate and to the institutional constraints that still weighed on actors' strategies. The LOLF did not come as a complete surprise. It was made possible by several incremental moves of the Budget Directorate during the 1990s due to the ideological conversion of some of its top bureaucrats and to its adaptation to the deteriorated budgetary situation (Bezes 2007b, 2009). Low-profile NPM measures had been experimentally set up in the mid-1990s (such as a contracting approach inside the state) so that, in the early 2000s, a coalition of reformers within the Ministry of Finance and the Budget Directorate was ready to modify its traditional strategy for regulating appropriations and budgetary management practices with a new rationale. Faced with the ongoing financial crisis, the imperative of control over the spending ministries was said to require subtler, more homogeneous information about the costs of public policies conducted by the ministries and about their operating and staffing expenditures. This meant more reliable information systems, based, among other things, on control of management, and a greater reliance than before on the sectoral ministries (in so far as they alone are able to produce the required information on their activities). This also meant a strategy to delegate to managers in ministries the unpopular business of making painful choices between competing priorities and of cutting staff and budgets. The need for a standardized format to fight the fragmentation of the French ministries was acknowledged and paved the way for an unusual alliance of the Parliament and the Ministry of Finance in 2001. However, whereas the 'external' dimension of the Budget Act reinforcing the powers of Parliament was publicly endorsed, the 'internal' one, creating a new framework for inner managerial steering of the bureaucracy and reinforcing the Budget control over spending ministries, was more a low-profile change.

The full analysis of the reform process reveals a complex design. Strictly speaking, the performance management structure aimed at steering the administration did not result from the 2001 Budget Act. The legislation planned a change in budget formats with managerial and performance tools that first aimed at reinforcing the controlling powers of Parliament. However, it did not schedule any 'internal' use of these formats (programs, frame-budgeting) as a global structuring framework for steering and coordinating ministries and for more direction over public organizations and public agents. From 2001 to 2006, the Budget Directorate and the Budget Reform Directorate (created in 2003) worked hard at the implementation stage to transform a law aimed at increasing Parliament's

powers into a set of managerial tools that would allow a new mode of managerial regulation inside the French administration. This has been mostly done through 'soft laws' – budgetary decrees and circulars that allow the Ministry of Finances to monitor the performance of ministerial departments against their objectives and targets. To put it differently, the measures aimed at changing the administrative system have been introduced at the periphery of the Budget Act. This is specifically the case of the Operational Budget Programme, which was not included in the Budget Act but has been entirely 'invented' *ex post* by the experts of the Budget Reform Directorate as an instrument aimed at installing a managerial hierarchy.

In many ways, the Budget Act combines two modes of institutional change that reinforce each other and produce a path-breaking transformation. The first part of the Budget Act aims at empowering the Parliament at the expense of the administration. The use of the Parliament is supposed to help the government and the Ministry of Finances to control the budget. The legitimization of cost-containment and savings measures will now result from decisions of the legislature and from a new chain of accountability. The second dimension of the Budget Act is a clear illustration of what Kathleen Thelen has called 'layering' and 'displacement'. Displacement effects (Streeck and Thelen 2005: 19–22) point to a pattern where institutional features that possibly emerged at different points in time, and that were previously latent, but hardly prominent, emerge as dominant features. In this case, the initial managerial framework was not explicitly aimed at being used as a steering instrument within the bureaucracy and by the Ministry of Finances. Layering describes a process of 'adding on' that in itself then leads to disequilibrating processes over time. Institutional layering emerges as part of a process where 'new coalitions may design novel institutional arrangements, but lack support, or perhaps the inclination, to replace pre-existing institutions established to pursue other ends' (Schickler 2001, cited in Thelen 2003: 226). In this case, the low-profile set up of an 'inner administration' managerial chain illustrates the French pattern of institutional change that combines lock-in and innovation. The low-profile introduction of managerial tools through the Budget Act allowed for the acceptance of the major veto-players of the administrative system (spending ministries, trade unions), either because they did not feel concerned by the framework, because they did not realize the potential internal use of the new instruments by the Ministry of Finance or because they did not anticipate its side effects. Indeed, as in other cases of layering, the new managerial framework helps policymakers to work around opposition by adding a new managerial institution without dismantling others and without any fundamental organizational change such as agencification.

Conclusion

The tracing of these various reform processes helps in understanding the trajectory of recent managerial changes in the French administration and how far they are embedded in the French institutional pattern. We have shown that collective and individual actors' resources and attitudes towards change are patterned by the historical structuring of institutional arrangements that cannot be reversed without high costs. The legal entrenchment, the 'organizational' orientation of the civil service, the weight of top bureaucrats in public policies and the interlinking of levels in the administrative system have generated vested interests and lock-in effects that have framed and limited reform efforts. However, not all the constraints that have produced strong historical legacies preclude changes. They *shape* government choices by framing and constraining the decisions, but they have not prevented change. Innovators from the Parliament and the Ministry of Finances have been able to accommodate and adapt to the institutional veto points and constraints of the administrative system, working around those elements (statute, legal framework, corps, training schools for civil servants) they could not transform by direct reform. The layering of an alternative mode of administrative governance has been possible through a Budget Act initially aimed at changing the political power configuration between the executive and the legislature. It is significant that this 'third order change' has resulted from a mix of 'externally driven' process and incrementally transformative initiatives. It shows how legacies can offer explanations for impeding reforms, maintaining the status quo and favoring certain patterns of change.

The issue now at stake in the French context is the tension between the full legal and compulsory new budget format, the ongoing instability of public accounts and the still resilient institutional arrangements of the French administration. Since May 2007, the Sarkozy presidency has favored a significant reinforcement of the budgetary and managerial trends of reforms by giving more central powers to the Ministry of Finance. It has also initiated a large wave of mergers of state local units at the regional and *departemental* levels within a reform plan called 'General Review of Public Policies'. The new political configuration also seems to offer more opportunities for exercising political leadership, politicization and disruptive claims against historical arrangements (corps system, career-based civil service, territorial organization of the French state, etc.). Whether the managerial dynamic goes on fully transforming the administrative system or is shaped and limited by the still resilient institutions will provide the key for understanding the future administrative reform trajectory and its significance.

Notes

1. Other examples were important recruitments in the public administration (nearly 100,000) as a deliberate policy to fight against unemployment.
2. The Law of February 6, 1992 on Territorial Administration of the Republic.
3. 'Reorganization plans for ministries' in 1995 and 2003; 'state plans for the *départements*' (called for by the Interministerial Committee on State Reform on July 13, 1999) and 'state plans for the regions' (Decree of April 24, 2001).
4. Decree n° 2004-1053 of October 5, 2004. This reinforcement of the prefect over the state field services also mainly resulted from the strong pressures of local politicians, who traditionally exert more influence on prefects than on state field unit directors.

13

The Napoleonic Administrative Tradition and Public Management Reform in France, Greece, Italy, Portugal and Spain

Edoardo Ongaro

This chapter investigates contemporary features of the inherited Napoleonic tradition in five countries – France, Greece, Italy, Portugal and Spain – and analyses its influence on the dynamics of public management reforms. The first part of the chapter outlines in more detail than was attempted in Chapter 2 the main features of this administrative tradition, while also giving an account of the extent to which there is variation among the countries within the family. One question posed is whether these five contemporary states are showing any signs of ‘drift’ or departure from this tradition in recent times. The analysis section follows the fourfold clustering of variables set out in the introductory chapter as a means of identifying the main features of an administrative tradition, namely: the relationship of state to society; the relationship of the public bureaucracy to other state institutions; the relative importance attached to law and management; and the extent to which accountability depends on law as the primary mechanism for controlling bureaucracy. Later sections review recent reforms and ask questions about the impact of tradition on these reforms.

Relationship of state and society

An organic conception of the State is common to the state traditions of all five countries. France is one of the purest embodiments of the conception, and in the other countries the state is endowed with inherent powers and entitled to exercise those powers in the name of the public, albeit with weaker legitimacy. All five countries used to have a very centralized state structure, although the role of municipalities, especially in some countries (Italy, Portugal and France), and the sense of belonging to the local community should not be underestimated. In Italy, in particular, the sense of

belonging to the local community may be much stronger than the sense of belonging to the nation state.

What, if anything, has changed with respect to the organic conception of the state? The French state has traditionally enjoyed high legitimacy, sustained by high citizen trust in its system of public administration (at least compared with other OECD countries). However, there was a steady decline in the level of trust in administration over the period 1981–1999 (according to the *European Value Surveys*, cited in Bouckaert 2003: 46), and the 2007 presidential campaign struck many observers with its systematic reference to foreign models (of welfare, of political economy, and especially of the organization of the public sector). In Italy and Spain significant devolution processes have modified the strongly unitary organization of the state, and in Spain it has been argued (Parrado-Diez 2008) that the radical devolution process and the negotiation of the regional constitutions (statutes) have made the system more contractarian, thus eroding the organic conception of the state as a centralizing force of society. Also in Greece the establishment of a second-tier local government, replacing the traditional figure of the appointed prefect, provided a major reform at the political level, although less significant in terms of the administrative functions actually yielded (Spanou 2008). Somewhat in contrast, Portugal has remained highly centralized, at least from an institutional point of view, with a referendum in 1998 showing a strong majority (63.5 percent) opposed to establishing an intermediary level of government.

Another major process affecting the relationship of state and society has been privatization, especially in France, Italy and Greece. Greece, Portugal and Spain re-joined the club of the democratic states later and also had a belated expansion of the welfare state and, more broadly, of public sector intervention in the economy. It is for this reason that privatizations in Spain were less significant, while Greece significantly expanded the public sector and then partly withdrew from public ownership of industry (mainly under pressure of the Maastricht criteria about public debt and deficit so as to join the European single currency). It is important to clarify that privatization *per se*, even when very extensively conducted, does not alter any basic feature of the Napoleonic model. The influence is more subtle (Rouban 2008; Spanou 2008) and includes the establishment of independent administrative authorities for regulating the privatized sectors and the diffusion of independent public bodies (in Italy nine independent administrative authorities were established *ex novo*, or their tasks and powers were significantly revised, from 1990 to 2006).¹ These developments have distributed public powers among numerous institutions and contributed to breaking the monolithic structure of the state, and thus may have contributed to attenuating the previously dominant, strongly organic conception of the state.

Connection of the state to social actors

This dimension concerns the role that societal actors can legitimately play in making and implementing public policies. In the Napoleonic administrative tradition, interest groups represent an almost illegitimate intervention into the governing role of the state. However, the picture is more complex. For example, in Italy political parties used to incorporate such interests in an almost organic way, in so-called *collateralismo*.² This feature has been transformed into a more classic corporatist system (for example in the renouncing of *collateralismo* in 1992 by Coldiretti, a big association of agricultural businesses organically linked to the Christian Democracy party, so as to transform itself into a major independent actor in corporatist agriculture policy). In all five countries, clientelistic relationships are well rooted in the system. For example, local notables are in many respects still part of the landscape in Greece and Italy, notwithstanding attempts at taming this patronage (such as the constitutional reform of 2001 in Greece forbidding transformation of short-term contracts into long-term contracts) or modifications in the party system and the electoral laws in Italy that all went in the direction of centralizing power within political parties at the national level (Bardi et al. 2007), hence reducing the grasp of local notables.

Turning to evidence of changes regarding this feature, in Italy, besides the example of Coldiretti, some important associations have renounced *collateralismo*, and accepted a wider role typical of private interests in public decision-making processes, both at the policy formulation and at the policy implementation level. At the same time, we cannot ignore the conflict of interests embodied in the entry into the political arena of a political party directly connected to a major industrial group; in a sense, this phenomenon is a weakening of a major feature of the Weberian paradigm and its Napoleonic variant: the distinction between the public and the private spheres. This case is qualitatively different from *collateralismo*, because of the coincidence of the economic interest and the political party. In other countries also the relationship of state to social actors has undergone major modifications. In Spain the creation of several power centers, including the regional and European Union arena, facilitated the influence of territorial elites and a pluralistic dimension to different policy fields, such as farming, fishing and agriculture. This represents a major change, since a pluralistic form of interest group politics, in a pure Napoleonic conception emphasizing the power of state over society, would be barely tolerated as something of a necessity. All five countries have traditionally been corporatist, with only selected interests having direct access to public decision-making at the behest of the state. In Spain, as well as to a smaller or lesser extent in the other countries, the shift to a more pluralistic decision-making process has been accompanied by another major change: the systematic inclusion of private providers of public services, replacing a quasi-monopoly of the state in delivering services during most of the twentieth century (Parrado-Diez 2008).

Relationship of the public bureaucracy to other institutions of the state

The first variable in this cluster is the degree of political involvement in the bureaucracy. The predominance of a career civil service is a basic feature of the model, as it is for most OECD countries. To better characterize this feature in the Napoleonic states, we should differentiate the civil service in Napoleonic countries from other clusters of state actors – the role of the ministerial *cabinets*. The cohort of trustees of a minister is larger than in other Western countries (Page 1997). It is also worth bearing in mind that *cabinets* wield some formal administrative powers. In this respect, a form of spoils system has always been in place. Another characteristic feature has been the easy interchange from administrative to political positions, which is not felt to affect the neutrality of public officials because of the reliance on the efficacy of other administrative and judicial control mechanisms.

What evidence is there of change regarding this feature? Overall, there is considerable continuity. In Greece, personnel reforms concerned with the merit system in recruitment and promotion have been the most difficult reform issues (Spanou 2008). However, in Italy, especially since the civil service reform in 1993, there has been a shift from political micromanagement to distinguishing the two spheres – political and managerial – with the consequence that the administrative powers of cabinets have been reduced (Ongaro and Valotti 2008). Another modification concerns the reliance on judicial-cum-administrative controls over the exercise of power by public officials as a means of ensuring neutrality, an ambiguous development given a weakened level of trust as a result of some widely publicized real or alleged abuses of judicial power. In Southern European countries, the tradition of using lower-level public sector jobs as political rewards for party supporters seems to have continued, though probably to a lower degree due to increased constraints on public employment, driven by strong budgetary pressures.

The second variable in this cluster is the extent to which public servants are expected to be independent of political pressures, administering the law *sine ira et studio*, or conversely the extent to which they, and especially civil servants at the top of the hierarchy, are expected to be politically sensitive, if not politically active, in making and executing law. There is also a question of the extent to which administrative and political careers are separate – the Napoleonic tradition tends to have fewer barriers between the political and the administrative than most other traditions (Peters 2008). The picture becomes more complex if public competition (the *concours*) as a mechanism of recruitment or promotion of personnel in these countries is considered. This method can *not* be assumed as a synonym for merit, with ample evidence about political criteria dominating the recruitment/promotion

procedures even with formal public competition. Finally, politicization of top posts is virtually inherent for whichever country, but there are marked differences in the extent to which civil servants are politicized and in their vulnerability to dismissal or forced retirement if there is a change in government. This has always been present in the Napoleonic countries, and (in France) moving from political to administrative positions, and vice versa, is quite common practice.

What has changed regarding this feature? In France, the new budgetary law (named LOLF – *loi organique sur les lois de finances* – see Chapter 12) has introduced performance management, and a new frontier has been drawn between the politicized circles, who decide policy, and the management ranks, which enjoy more autonomy, albeit with more precise tasks. In other words, the aim of NPM to separate steering and evaluation from implementation is partially attained in France through politicization (Rouban 2008). In Italy, there has been a shift from party politicization of tenured, career officials to a spoils system, though the picture is more faceted (Ongaro, 2009, chapter 3). Since enactment of legislative decree 29 in 1993, major changes have included partial formalization of the civil service, with the civil service being deprived of elements of performance-based rewards introduced. At the same time the latitude of individual public sector organizations has significantly increased. The distinction between the national labour contract and the so-called *contratto di lavoro integrativo*, or labour contract of the individual public sector organization, moved the most fundamental decisions concerning personnel management from the public system as a whole (that is, from central regulators) to individual public sector organizations (Borgonovi and Ongaro, forthcoming; Ongaro, 2009).

The third variable is the extent to which the bureaucracy becomes a general-purpose elite for the State. In the Napoleonic administrative tradition there seem to be relatively more intense interconnections of political and administrative careers. The phenomenon is more accentuated in France than, for example, in Italy. In Spain, the guaranteed return to public administration after a political appointment supports civil servants who enter the political arena: the share of civil servants in the Spanish parliament has been traditionally high, and it has even conditioned the pay policy for members of parliament (Parrado-Diez 2006).

There has been no significant change in this feature, except for Italy, where the political crisis starting in 1991–1992 produced the formation of two technocratic governments (1993, 1995) with a significant number of ministers coming from the bureaucracy (and from academia also on the basis of their technical rather than political background). At the time of writing, however, parties seem to have taken back the executive function.

The final variable in this cluster is the nature of the civil service career. One feature characterizing the Napoleonic tradition is the distinctiveness of the civil service career from both political and private sector careers,

although some differences between the French system and the systems in the other four countries should be emphasized. The *corps* system is present to different extents in the other countries, but their internal cohesion and the barriers between them are usually less significant than in France. Moreover, the role played by ENA (*Ecole Nationale d'Administration*) in both recruiting and training civil servants has no equivalent in other systems, where national schools of public administration hold some formal powers over admission to managerial roles (Italy) but do not have the same influence over the civil service. Also, phenomena such as the French *pantouflage* (the movement of civil servants to the private sector with almost no return to the public administration) are not particularly relevant in the other countries. The differences between the French system and the other systems do not alter the distinctiveness of the civil service career but qualify the phenomenon, given that more powerful *corps* may make the public sector relatively more impermeable to private sector transfers.

It appears that in these countries there has been a trend towards an increased porosity between civil service, political and private careers. The *corps* are still extremely influential in France (Rouban 2008), but observers have argued that their influence, at least on personnel matters, has diminished in other countries (Parrado-Diez 2008). It is interesting that forces of reaction to 'normalization' (meaning adopting the rules and routines of the private sector) emerge not just as resistance to change but because of more profound (and very sensible) reasons. In Greece (Spanou 2008) there has been a contradiction between, on the one hand, normalization under NPM pressures and, on the other hand, an opposite thrust to centralized recruitment, with the distinction between the public and the private employment being kept as perhaps the only means of limiting the misuse of public employment to create political consensus.

The importance of law as distinct from management

Law as an instrument for intervening in society rather than just as a means of conflict resolution between different societal actors (Knill 2003), in the context of a unified set of administrative arrangements that impose uniformity, constitutes a central feature of the Napoleonic tradition. However, to some extent in all countries the alternative view of the public administrator as a manager has gained ground, partly due to NPM, partly because national academic disciplines in public management have expanded their influence. In Italy, administrative law has been argued to have become a 'cultural paradigm', hollowing out the substantive contents of NPM-inspired reforms (Capano 2003), though analyses highlight the conditions under which alternative dynamics of public sector reform may occur (Ongaro 2006).

Uniformity of treatment of the citizens, another feature associated with the Napoleonic tradition, has been a strategy for state-building in these

countries and seems to remain an administrative value. Important changes have, however, strained this feature. Regionalization in Spain and Italy and to some extent in France and Greece (Spanou 2008) represents an evident challenge to this feature of Napoleonic states, and jurisdictional issues surrounding central–local relations are a recurring theme. The assumption that such a basic feature as uniformity of treatment would not be contradicted by regionalization has not stood the test of experience, and issues of equality of treatment have entered the public debate.³

Accountability: The role of law as the primary mechanism for controlling bureaucracy

Law has retained a crucial role in accountability: the principal elements of control are through legal instruments implemented by special administrative courts (such as a council of state, court of accounts and various committees of control). *Ex ante* controls aimed at ensuring strict legalism of action tend to prevail, making effective administration more difficult.

There has been some change, at least in some countries. In Italy, managerial techniques such as accountability for results have spread, embodied in innovations such as the *bilancio sociale*, or social balance sheet (Marcuccio and Steccolini 2005). More, accountability is a topic of growing importance in management reform in Italy (Caperchione and Pezzani 2000; Pezzani 2003, 2005). Also, political change has challenged the predominance of law: at the local level, through direct election of mayors and their dominance in local and regional politics at the expense of political party machines, and at the national level, in a more personalized way in a system heavily based on individualistic parties (see Bardi et al. 2007).

Thus, there is a mixed picture of persistence and of some ‘drift’ towards new departures from the Napoleonic tradition across each of the four clusters of variables, with differing emphases and (perhaps) different impacts on different countries. The next section summarizes the current features of the Napoleonic systems as they currently sit, in the light of these continuities and changes.

Current features of the Napoleonic administrative tradition

The main modifications are summarized in Table 13.1. The Table emphasizes common elements as a starting point (see column 1) but, as already noted, national variations are important (Spanou 2008). Of the modifications occurring in some or all of the countries (column 2), at least three appear to be especially significant. First is the partial erosion of the organic conception of the state in favour of more contractarian elements, mainly due to devolution, which has multiplied the centers of power, making the system more polyarchic. This has produced continuous negotiation on the

Table 13.1 Evolving features of the Napoleonic administrative tradition in France, Greece, Italy, Portugal and Spain

| | 2) Evolution in individual countries | | | | | 3) Tradition (current, composite) |
|---|---|---|---|---|---|---|
| | 1) Tradition defined theoretically in contrast with other traditions (dichotomous) | France | Greece | Italy | Portugal | Spain |
| Conception of the State | 1a. Organic conception 1b. Limited role of societal actors in public policymaking (but corporatism and <i>collateralismo</i>) | 1a. Mainly organic 1b. Still limited (corporatism) | 1a. Mainly organic 1b. Still limited (corporatism) | 1a. Organic but partial erosion (contractarian); regionalization 1b. Still limited (corporatism replaced <i>collateralismo</i> ; regionalization, increased no. of centers of power) | 1a. Mainly organic 1b. Still limited (corporatism) | 1a. Organic but partial erosion (contractarian) especially regionalization 1b. Still limited (regionalization increased no. of centers of power) |
| Relations of the bureaucracy to other institutions of the State | 2a/2b. Career civil service; large ministerial cabinets; interchange from administrative to political positions; concours and political appointment | 2a/2b. Continuity; significant interchange from administrative to political positions | 2a/2b. Continuity | 2a/2b. Continuity; significant interchange from administrative to political positions | 2a/2b. Continuity | 2a/2b. Career civil service; large ministerial cabinets; interchange from administrative to political positions; concours and political appointment |

Continued

Table 13.1 Continued

| | 2) Evolution in individual countries | | | | | 3) Tradition (current, composite) |
|--------------------|--|--|--|--|---|---|
| | 1) Tradition defined theoretically in contrast with other traditions (dichotomous) | France | Greece | Italy | Portugal | Spain |
| Law vs. Management | 2c. Bureaucracy as general-purpose elite for the state 2d. Distinctiveness of the civil service | 2c. Bureaucracy as general-purpose elite for the state to a significant extent 2d. Distinctiveness of the civil service. Central role of corps and the ENA. Pantouflage | 2c. Bureaucracy as general-purpose elite for the state to a lesser extent 2d. Distinctiveness of the civil service; tendency to normalization | 2c. Bureaucracy as general-purpose elite for the state to a lesser extent (apart from 1993–1995) 2d. Reduced distinctiveness of the civil service | 2c. Bureaucracy as general-purpose elite for the state to a lesser extent 2d. Distinctiveness of the civil service; some tendency to normalization | 2c. Bureaucracy as general-purpose elite for the state (to varied degrees) 2d Distinctiveness of the civil service, but with tendency to normalization |
| | 3a. Predominance of law | 3a. Alternative view of public official as manager gained ground, especially in middle management | 3a. Alternative view of public official as manager gained ground | 3a. Alternative view of public official as manager gained ground (strongly emphasized by reforms) | 3a. Alternative view of public official as manager gained ground | 3a. A mixed conception of the public official as both guarantor of procedures and norms and manager |

| | | | | | | |
|--|--|---|---|---|---|--|
| 3b. Uniformity of treatment of citizens as a basic value | 3b. Uniformity of treatment of citizens as a basic value partly challenged | 3b. Uniformity of treatment of citizens as a basic value partly challenged | 3b. Uniformity of treatment of citizens as a basic value partly challenged | 3b. Uniformity of treatment of citizens as a basic value partly challenged | 3b. Uniformity of treatment of citizens as a basic value partly challenged | 3b. Uniformity of treatment of citizens as a basic value partly challenged |
| Accountability | Law retains the crucial role in accountability | Law still retaining the crucial role, but increased relevance of accountability on results (charters, etc.) | Law still retaining the crucial role, but increased relevance of accountability on results (charters, etc.) | Law still retaining the crucial role, but increased relevance of accountability on results (charters, etc.) | Law still retaining the crucial role, but increased relevance of accountability on results (charters, etc.) | Law still retaining the crucial role, but increased relevance of accountability on results |

powers of each level of government, which was almost unknown in the past, especially in Italy and Spain. A second modification, the alternative view of the public official as manager, has gained ground over the traditional legalistic view. Third, accountability for results is increasingly relevant, although law remains crucial.

The second and the third transformations under pressure from global NPM change prompt some theoretical questioning: what are the relationships between NPM doctrines and basic features of Napoleonic administration? Four options are possible:

1. incompatibility or impermeability: NPM doctrines simply cannot permeate such systems;
2. inherent contradictions, and a likelihood of unexpected consequences;
3. juxtaposition and coexistence: the public sectors of these countries will develop NPM recipes while maintaining their basic features (see earlier discussions in Chapters 7 and 8 on the phenomenon of continuing 'irritations' between seemingly contradictory elements, such as a transplanted set of ideas and institutions, and the analysis in Chapter 12 on France of 'layering');
4. the combination of the two into new, hybrid forms.

Which option or combination of options best explains what happens in the Napoleonic administrative tradition when exposed to global NPM pressures? Some answers are reported in the next sections, although the question needs further research to be thoroughly addressed. In general, however, the basic result seems to be continuity: public administration in these countries retains many of the basic characteristics that could be found 30 or 40, or many more, years ago. It is to the aspect of the 'commonalities' in such basic characteristics that we briefly turn, before discussing the issue of the compatibility of NPM with the Napoleonic tradition.

Do contemporary administrative systems in the five countries reflect a clearly identifiable common underlying tradition?

The question is very complex, both substantively and methodologically. Several methodological issues arise. First, assigning countries to traditions can be based either on a dichotomous criterion according to some key common features among all countries, or on a relational, geometric criterion – a lower relative distance among the countries within the cluster relative to countries outside the cluster, a perspective in which the boundaries are a matter of degree (see Bouckaert, 2007). A second methodological issue is how to consider the individual country cases. An approach could be to consider the five countries in a composite way, as in Barzelay (2001), where Australia, New Zealand and the United Kingdom are considered as a single, composite benchmark case of public management change. An attempt at this method is reported in

Table 13.1, column 3. A third methodological issue is even more radical and questions whether traditions can be analysed and treated inductively from country-level instances. Such questions require further theorization on the notion of administrative traditions. In this work we tentatively produce, by treating the five countries examined as a composite case, an outline of a set of features that, if considered in comparison to other traditions, seem to identify the permanence of a relatively distinct administrative tradition.

Implications for public management reform

This section develops some arguments about the influence of features of the Napoleonic administrative tradition on public sector reforms. The argument considers both NPM-driven reforms and, where relevant, an alternative pattern of change emphasizing the empowerment of citizens and participation of clients and lower echelons in the administrative process.⁴

As a general proposition, we might argue that the Napoleonic tradition creates an unfavourable implementation environment both for NPM-inspired reforms and for public governance models of governing approaches. The main reasons for this include the dominance of law over management; the uniform treatment of citizens as a basic value; the organic conception of the state; and the limited role for societal actors in public policymaking. Managerial elements and traditional Napoleonic elements do coexist, however, in the public sectors of the countries considered. For example, the replacement of *ex ante* controls with forms of results-oriented controls, an indicator employed in literature for measuring the level of NPM orientation (see Verhoest et al. 2004), can be observed in Italy too (Ongaro and Valotti 2008).

The pace of change in these countries is undoubtedly incremental, at least if compared with the NPM benchmark, but probably also compared with Nordic countries (Pollitt and Bouckaert 2004, chapter 4). However, the cumulated effect of incremental changes may reshape the public sector significantly (Kickert, forthcoming; Ongaro, forthcoming; Rouban 2008). A further qualification is that there are national variants of the Napoleonic model. NPM, as well as public governance reforms, may produce differentiated unexpected consequences in such circumstances. For example, the inherent tension between decentralization and the limits of such a prescription in an environment in which local notables exercise significant influence over recruitment procedures is elaborated by Spanou for Greece, and could probably be applied to other countries in the cluster, especially southern Italy.

There would seem to be some contradictory findings and interpretations of the impact of public management ideas and reforms in Napoleonic systems, with ample evidence of a contrasting picture, where some public sector organizations are performance-oriented, work by results, practice merit pay

and run their services in a managerial fashion, while others are entrenched in the old bureaucratic culture and are far less prone to change. One way of comprehending this is to propose a distinction between two levels of analysis: first, macro-level public sector reforms, where the influence of Napoleonic features on the implementation process is more direct (there is ample evidence of failures in implementing reforms at the level of the public sector as a whole); and, second, the level of the individual public sector organization (the level at which most innovation occurs (Ongaro 2006; Ongaro and Valotti 2008; Parrado-Diez 2008). Explanations for this contrasting picture are to be sought in different factors operating at the macro- and the micro-level.

It is useful in considering the impacts of these different factors at the different levels to analyse the influence of the Napoleonic administrative tradition in terms of its effects on, first, the shaping of the reform agenda (agenda-setting); second, the receptivity to reform ideas (specification of options); third, the capacity to implement (NPM-inspired and other) public management reforms; and, finally, the outcomes of the reforms, in particular the unexpected consequences. These are examined in turn.

As a general, preliminary observation, public sector reforms only seldom reached in a sustained way the top of the governmental agenda. Among the five countries, a complete analysis in this respect has been carried out only for Spain (Gallego 2003), with some analysis with respect also to Italy (Mele 2007). But what is the influence, if any, of the Napoleonic tradition on the agenda-setting process? We are not in a position confidently to draw any firm conclusions. From a historical perspective, it should be considered that, except for France, all these countries have undergone major political transformations (the transition to democracy in Greece, Portugal and Spain; a major crisis of the political system in Italy). These countries had to respond to global pressures (such as reducing the fiscal burden, or restoring citizens' trust in public institutions), as well as facing specific challenges (transition to democracy, reshaping of the party political system) which drew the attention of politicians and civil servants alike and dominated reform agendas. An implication of this is that it is difficult for researchers to control for intervening variables, thus, it is difficult to reach any firm conclusion about whether the Napoleonic system may provide higher impediments for an issue policy like public management reform to reach in a sustained way the top of the governmental agenda than other administrative traditions.

In terms of specification and selection of reform options or solutions, it may be observed that reform designs intervening on issues more central to the Napoleonic system (e.g. devolution reforms) acquire more relevance in the public debate and seem to be harder to implement than reforms focused on aspects less central in the inherited institutional system. A further set of considerations regards the relationship between the administrative tradition and receptivity to reform ideas: what managerial reforms and solutions are considered feasible and appropriate in countries shaped by the Napoleonic administrative tradition?

A first argument in this respect is proposed by Rouban (2003), comparing France with Britain. In the British case, Rouban (2003: 155) argues that NPM recipes may have reactivated or strengthened traditional practices: for example, flexible and business-oriented recruitment procedures based on interviews and psychological tests, quite different from public competition based on exams testing the technical skills of applicants, which are at the heart of the *concours à la française*. In the French system common traditional practices are more likely to be at least at some odds with NPM recipes. Rouban's argument also introduces the notion of institutional order as a normative structure that defines the broader frame within which individual and institutional actors operate. Institutional orders are defined mainly by the way conflicts are arbitrated and by modes of legitimating public intervention. This conception resembles in some respects the concept of politico-administrative context (Pollitt and Bouckaert 2004), although with a narrower focus (the author reports on the influence that voting intentions have on the legitimization of the public intervention, clearly a more contingent and volatile factor than a relatively stable feature like the governance culture or structure). For the purposes of this chapter, what matters is not so much the way the politico-administrative context is defined and analysed, but whether it determines a relatively stable cognitive frame over time and influences the way a proposed organizational doctrine (especially if coming from abroad) is perceived and defined, hence its acceptability, and so finally the receptivity of reform ideas. The argument is not about whether a public sector is, in absolute terms, isolated as opposed to receptive, but about the relative perceived distance between a specific set of doctrines, such as NPM doctrines, and the characteristics of the institutional order of the country under consideration. This would determine the potential receptivity to reform ideas. A similar line of argumentation applies to the receptivity of 'new public governance' paradigms (Osborne 2006), emphasizing the involvement of stakeholders in decision-making processes. In this respect it is interesting to consider Spanou's argument (2003) that governance approaches underestimate the issue of the legitimacy of democratic decisions.

To complete the picture concerning the receptivity to reform ideas (and to address the issue of why, then, some NPM reforms did find their way into the public sector of these countries), another factor which is worth considering is the role of national schools of thought/academic disciplines in public management. It is difficult to state whether it is an element of the tradition, or something outside it, depending on the assumptions about whether and how academic disciplines and groupings, to the extent that they become institutionalized in a given country, become part of the historically based set of values, structures and relationships with other institutions that defines the nature of an administrative tradition. To take one example, the Italian research tradition or programme of the *economia delle*

aziende pubbliche (the Italian public management discipline) investigates the economic dimension of the individual institutions of the public sector and their economic relations (Borgonovi 1984: 21–22; Masini 1979: 10–13, 18). In this perspective, the economic or managerial dimension of public sector organizations has always been a key component of their functioning, but it has simply been neglected due to the predominance of the juridical perspective of analysis, or for mainly ideological reasons that prevented the implications of the *economia delle aziende pubbliche* from being discussed in the public debate. Arguably, NPM did not bring entirely novel ideas to Italy; rather, it acted as a trigger, eliciting the (re)discovery in the realm of the political and reform policy debate of a body of existing knowledge attuned to NPM doctrines.⁵ This indigenous body of knowledge gained more room and public relevance when NPM global pressures started to exert their influence on the Italian public debate on administrative reforms. At the same time, the direct penetration of new organizational doctrines coming from abroad has been relevant and cannot be ruled out of the broad picture.

A third set of considerations regards the capacity to implement NPM-inspired reforms, and the implications in terms of implementation strategies.⁶ How easy is it to implement government-wide and radical public management reforms in an intense and uniform way? This point seems to be fraught with implications in terms of modes of implementation of reforms and implementation strategy. The argument could be formulated as follows: overall capacity to implement NPM-inspired reforms is, *ceteris paribus*, relatively low in countries in the Napoleonic administrative tradition; however, a finer-grained analysis reveals specific dynamics that allow reformers to contrive and elaborate suitable implementation strategies enhancing the likelihood of reforms to be implemented. Authors investigating the reform dynamics in these countries have proposed a number of arguments, though usually drawing mainly or exclusively on the observation of just one country. Rouban (2008) argues that the role of professional *corps* is crucial in the implementation of successful management reforms. They are eager to channel professional changes and to resist external pressures. Implementation strategies of reformers in the case of Greece included bypassing existing administrative structures (often deemed to be unreformable) and focusing reform interventions on new structures. Such an implementation strategy might be unacceptable for practitioners in Anglo-American countries but probably sounds sensible to the ears of many would-be reformers from countries in the Napoleonic tradition.

The fourth set of considerations is about the potential influence of the Napoleonic administrative tradition on the outcomes of management reform. Spanou (2008) argues that practices such as patronage and clientelism might be strengthened by NPM recipes such as decentralization of recruitment practices. In Italy, Capano (2003) has argued that cultural reinterpretation through the administrative law paradigm has resulted

in unintended outcomes, while Panozzo (2000) has referred in a similar vein to 'proceduralizing', a process that has been noted, albeit with different dynamics at the meso or micro-level of the policy subsystem, without completely hollowing out the substantive contents of NPM-inspired reforms (Mele 2007; Ongaro, 2006 and forthcoming; for Spain, see Parrado-Diez 2008). In summary, a tentative conclusion could be formulated as follows: NPM (and public governance) reforms are likely to produce unexpected consequences in countries in the Napoleonic administrative tradition, although this must not be interpreted as meaning that all public management reforms are doomed in these nations.

Conclusion

This chapter has examined the evolution of the Napoleonic administrative tradition in five countries central to this tradition, namely France, Greece, Italy, Portugal and Spain. Both continuity and transformations are evident. Some tentative propositions have been elaborated, which require further research work for validation. There are numerous limitations on the results presented. The chapter is based on a reconceptualization of the literature on countries in the Napoleonic administrative tradition and uses limited empirical evidence. Apart from France, the other countries have undergone major political transformations (the transition to democracy in Greece, Portugal and Spain; a major political crisis in Italy). An implication is that it is even more difficult for researchers to control for intervening variables, both on the side of pressures for change and on the side of the politico-administrative context (which has been in motion, at least for significant periods). Future developments of the research require, first of all, that some key methodological issues are dealt with: how to measure the basic parameters of a given tradition and, specifically, how to measure it on the basis of country instances and how to interpret differences about features characterizing a tradition in countries within the same tradition. Ultimately, further empirical research is required.

Notes

1. The two processes are conceptually different but often interconnected in practice.
2. The word has no direct translation into English; it means that between a body representative of a given economic or social interest and a political party there is an almost organic relationship.
3. It might be questioned whether administrative uniformity had ever ensured equality of treatment of citizens, considering the wide differences in performances among public sector organizations. For example, in Italy there has always been a gap in public sector performance along the north-south line, determined, *inter alia*, by differences in the stock of social capital. More recently, differences

in performance in public sector entities in the same territorial areas are evident, with public management reforms being implemented in a patchy way (Ongaro and Valotti 2008).

4. See, *inter alia*, Bovaird and Löffler (2002), Kickert (1997), Osborne (2006).
5. There are important differences, however. The micro-level analysis of the *azienda pubblica* is the core of the *economia delle aziende pubbliche*, while in NPM there are doctrines concerning both the micro-level perspective and also the macro-level design of the public sector (Boston et al. 1991; Pollitt and Bouckaert 2004).
6. Broadly, reform capacity concerns how easy is it to *both formulate and implement* government-wide, radical public management reforms.

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Administrative Reform in Sweden: The Resilience of Administrative Tradition?

Jon Pierre

This chapter examines administrative reform in Sweden through the conceptual lens of administrative traditions occurring in the face of globalization.¹ There is today an immense literature on the extent to which globalization manifests itself in pressures for uniform administrative reform, hence leading to a convergence among different national contexts in terms of reform strategy and outcomes (see, for instance, Nye and Donahue 2000; Pollitt 2001a, 2002; Pollitt and Bouckaert 2004). Pollitt (2002: 484) is skeptical about the convergence thesis, suggesting that, even when there are distinct global pressures for reform, 'different states occupy markedly different niches in the global economy and this, apart from anything else, would be likely to encourage differences of response'. In addition to differences in economic development, countries also differ in terms of the legal nature of the public administration and its degree of centralization and social embeddedness. These and several other factors are essential variables in understanding the complex linkage between globalization and domestic administrative reform.

In order to offer a contribution to this debate, this chapter looks at what Pollitt and Bouckaert (2004) call 'the trajectory of reform' in Sweden. What have been the objectives of that reform? To what extent have market-based reform models been introduced? To what extent does reform show patterns of dramatic and turbulent change, which we would expect given the high degree of institutionalization of public administration (Baumgartner and Jones 1993; Krasner 1984; Steinmo et al. 1992), or to what extent do we see more incremental changes? Swedish administrative reform from the 1980s has consisted mainly of a large number of minor changes. These changes have been typically path-dependent, routine adjustments of the public administration system to respond to external or internal developments. In addition to those minor reforms, however, we should also – given the massive pressure for change in the Swedish public sector over the past 20–25

years – expect to see some strategy for addressing the larger, overarching issues of the role of the public administration and its capacity to play that role in a changing world.

Three arguments structure the analysis. First, the extent to which global pressures can challenge administrative traditions depends, *inter alia*, on the relationship between the normative base and practices of the domestic administration on the one hand and the objectives of transnational pressures on the other. Transforming a traditional Weberian administration into a market-based model of administration is a project which is far more likely to encounter roadblocks than accomplishing the same objective on a less rule-driven administration. At first glance, Sweden would be expected to present a fairly strong degree of resilience towards the global public management revolution, given the legal base and *modus operandi* of its public administration. While that is the case overall, it is also true that market-based reform has made its entry, as we shall see in this chapter, but the normative foundation of the public administration has not been altered. Instead, there have been pockets of reform, contained within that normative framework.

Second, administrative reform in Sweden has been piecemeal, incremental and, on the whole, path-dependent. Some reforms that are typically related to NPM, such as performance measurement and management, evolved in the Swedish public administration not so much as a result of an adoption of global ideas in vogue but rather as a logical consequence of problems of managing and monitoring a large public sector.

Finally, the history of administrative reform in Sweden is replete with bold and ambitious plans, which, at best, resulted in quite marginal change. The institutional arrangement of the Swedish system of government, with its comparatively autonomous agencies and local authorities, prevents any more profound reform being initiated by the political center. Thus, somewhat paradoxically, the inertia of the Swedish public administration has helped serve as a protection against international pressures to introduce market-based reform.

The Swedish case in global perspective

It is easy to note the chronological overlap between market-based administrative reform and globalization; they are both, on the whole, creatures of the 1990s. While we certainly can find the odd example of market-like concepts finding their way into the public sector of different countries before 1990 (Peters 2001), and while it is also easy to demonstrate that global contingencies were a feature of many countries well before 1990 (see, for instance, Katzenstein 1985), we need to ask ourselves whether the chronological overlap also represents some causal mechanism. However, even if a causal link between globalization and the diffusion of

market-based administrative reform can be established, that only tells us a minor part of the story. Global pressures on the nation state are mediated by domestic institutions. Globalization as a normative, value-driven process impacts differently on different countries due to differences in domestic value structures.

In the context of administrative reform, globalization in many Western European states tended to translate into pressures on national civil service systems exercised by the OECD's Public Management Group (PUMA). In addition to PUMA's propagation of NPM-style reform, there was an overall tendency during the 1980s and 1990s to look at countries such as the United States and the UK for guidance on how to curb public expenditure. Market-based reform has proven easier to introduce in some countries – particularly the Anglo-American democracies and the Antipodes (Peters 2001; Pollitt and Bouckaert 2004) – than in others, a fact which substantiates the role of domestic institutions in adapting global concepts of reform to national normative and structural preconditions, while also serving as a reminder that administrative traditions differ significantly between different (types of) countries. NPM is not so much a problem-driven as an idea-driven project (Suleiman 2003) and thus it challenges some of the basic normative structures of the public administration in most *Rechtsstaat*-based systems of public administration. The key empirical research question we pose is how such market-based reform blends with the Swedish administrative tradition emphasizing *Rechtsstaat* values such as equality, legality and transparency.

The trajectory of administrative reform in Sweden

Throughout the postwar period, and peaking around 1990, Sweden developed a comparatively huge public sector and corresponding tax pressure, which puts it in – or close to – the lead position in the world in terms of percentage of GDP that flows through the public sector. It makes sense to expect that the public administration in Sweden would be susceptible to reform that could help sustain its core welfare-state programs in an era of cutting back public expenditure and lowering taxes. Furthermore, Sweden is a country that has a long history of adjusting to international contingencies. It is a country embedded in global markets and international organizations and hence constantly exposed to policy concepts and ideas emanating from other national contexts.

However, the institutional arrangements are not conducive to rapid and profound reform. Sweden displays a significant degree of institutional autonomy both at the level of central government and at the subnational level. This autonomy has helped protect agencies and municipalities from rapid and sweeping reform from outside. Instead, agencies and subnational authorities have to a significant degree been able to direct and control reform

in their respective jurisdictions themselves. Everything else being equal, decentralized systems will experience greater problems in reforming than will systems where the center is more undisputedly in control. Let us now look more closely at the development of administrative reforms in Sweden.

The 1980s: The renewal program

The trajectory of modern administrative reform has its roots as far back as in the 1970s, when the Social Democrats were put in opposition for the first time in 44 years. The election outcome was to some degree caused by the public's growing dissatisfaction with centralized government, red tape and bureaucratic self-sufficiency.² When they returned to power in 1982, it appeared as if the Social Democrats had learned their lesson. Launched in 1985, a high-profile political project of the government became the so-called 'renewal of the public sector' (see Gustafsson and Svensson 1999; Pierre 1993). The renewal program, coordinated by a specifically created Department of Home Affairs, sought to make the public sector institutions more accessible to the individual client. A program of across-the-board decentralization was introduced, culminating in the transfer of control of primary education from the state to local governments in 1989. It was also believed that public services were too uniform and poorly attuned to individual preferences. Most importantly, perhaps, there was a strong effort to strengthen the position of the individual client vis-à-vis the bureaucracy. The Public Administration Act was thoroughly revised, emphasizing service and client rights. If the problem had been seen to be one of failing legitimacy and support among the public for the public sector, it was easy to see how the various components of the renewal program were designed to address precisely that issue.

The program did not represent a break with the administrative tradition; if anything, its objectives meant a rearticulation of some of its core values, such as legal security, equality, transparency and a public sector designed first and foremost to provide collective services to the citizens. The reforms aimed at removing all barriers between client and bureaucracy, thereby dispelling the myth of public servants as an elitist social class catering only to its own interests.

It would probably not have been possible to launch the renewal campaign had it not been for the electoral defeat in 1976. Thus, here is an almost classical case of an external crisis that triggers internal debate on issues that have been 'locked in' for an extended period of time.

The 1990s: Back to basics?

In 1991–1992, a series of developments catalyzed a rapid deterioration in the Swedish economy. Unemployment soared in less than two years from a modest 3–4 percent to an almost historic 11–12 percent. At the same time, the state's economy was basically free-falling, with a galloping budget deficit. To

top it off, in late 1992, an aggressive international and domestic speculation forced the Bank of Sweden to float the *Krona*, leaving the economy in severe imbalance and with a number of major cutback programs to be implemented. Cutting back in public expenditures rose quickly to the top of the agenda. At the same time a 'management by objectives' model of steering agencies was introduced, and remained in effect throughout the 1990s. Efficiency and cost-cutting became the *Leitmotif* of the public sector.

The severe financial crisis in the early 1990s provided reform advocates with the necessary ammunition to launch an attack on elements of the public sector that hitherto had been considered politically untouchable. A key objective of administrative reform during the 1990s became to review all functions of central government and to 'hive off' those that were not part of, or did not sustain, the key roles of government. This was the essence of the 'purification' (*renodling*) philosophy of administrative reform in Sweden during the 1990s (Premfors 1999). 'Purification' led to the conversion of postal services, railroad services and telecom from state agencies to listed enterprises where the minority of the stocks were sold to private interests with the state controlling the majority. 'Purification' also explains privatization and a rapidly increasing tendency to contract out public services at all levels of government. It was a process which in some ways reversed the policy style that had evolved in the heyday of big government in Sweden, when the state assumed responsibility for almost all societal problems. The 'purification' process represented an attempt to redefine the very core functions of government and to hand over all other functions to the market or civil society.

'Purification' was initiated by the Social Democrats but also pursued by the nonsocialist coalition government of 1991. For the latter it served to pursue the general objective that goods and services that existed in the market should not exist in the public sector. Furthermore, the purification occurred alongside massive cutbacks in all public expenditure, but with special emphasis on the welfare-state social insurance programs. Reforms aiming at enhancing the efficiency and cutting the costs of public service production have become somewhat of a trademark of the West European welfare states (Pierson 1994). The massive, across-the-board cutbacks constituted a major political challenge in terms of dealing with aggravated constituencies and voters. This challenge, interestingly, provided powerful impetus for administrative reform. The financial crisis propelled a new wave of management by objectives reforms through which Parliament and departments would steer and control agencies. Furthermore, the architects of the cutback campaign looked with great interest at the emerging NPM, which promised to deliver improved service and customer satisfaction while at the same time cutting costs. Thus, the 1990s saw some steps towards NPM-style organizational management, such as the creation of internal markets, purchaser-provider models and customer choice in selected service sectors (Premfors 1999).

Overall, however, Sweden has been significantly slower and more tentative in embracing NPM than most other countries. Johan P. Olsen's description of Norway as a 'reluctant reformer' (Olsen 1996) would fit Sweden quite well, too. Both countries have a tradition of a strong state and a collectivist political culture, and the notion of customer choice introduces a disaggregation of the polity, which seemingly does not fit the Scandinavian philosophy of emphasizing citizenship as the basis for state-individual exchanges. Perhaps the best proof of the significance of these traditions in the context of administrative reform is that they have tended to delay the introduction of NPM also in Sweden, a country that lacks the financial strength that Norway enjoys. All of that having been said, however, we can today see customer-choice models of service delivery slowly becoming increasingly common in both countries.

'Purification' as a philosophy lives on and continues to play a role in administrative reform. All agencies have an instruction from the government – regardless of ideological orientation – to present an annual assessment of the extent to which they can claim to be part of the core societal roles of government. In workshops, seminars and conferences throughout the 1990s, the typical theme was the redefinition of the core role of government and what that should mean with regard to the institutional arrangements of the state. During the 2000s the debate clearly faded, although it regained some momentum after the 2006 Conservative election victory.

From medicine to surgery

In the early 2000s, signs of a new strategy of reform emerged. It appeared to be based on the theory that, given the entrenched and autonomous institutions of the Swedish public administrative system, administrative reform is not likely to succeed unless central government develops new and more powerful levers. Previous administrative reform, such as the introduction of management by objectives, proved inefficient largely because of a lack of institutional mechanisms allowing departments to correct the course of errant agencies. Thus, this time the objectives were more far-reaching and the reform strategy was clearly firmer and more decisive. To use a metaphor from the medical care sector, since medicine had proven unsuccessful in curing the disease it was now time to try surgery.

In early 2003, government appointed a Royal Commission to address a number of core institutional problems, against the backdrop of the demographic time bomb and the financial problems in the public sector. The Commission gained substantive attention in the media and in the political debate after the then Prime Minister Göran Persson stated that, alongside ethnic integration, the issues being investigated were his government's top political priorities. The model of administrative reform envisaged by the directives given to the Commission was almost unique to Sweden as

it represented a strategy by central government to dismantle, or at least significantly reduce, the institutional autonomy enjoyed by local authorities and agencies. The reform was deliberated against the background of two major challenges to welfare-state service provision in Sweden. One is related to automatic increases in wages and costs on the one hand, and on the other hand a tax pressure which over time seems to have reached a ceiling in terms of how much tax the Swedish electorate is willing to pay. With costs increasing incrementally while tax revenues seem to have reached an effective maximum, cutbacks have gradually evolved as inevitable measures. The crisis has not been acute and it has not developed overnight. However, since it manifested, it has posed a major challenge. Sweden's joining the EU has limited the range of macroeconomic policy choice, as the country is committed to meeting the criteria defined in the stabilization pact.

Demographic developments represent the other challenge. This issue has exacerbated the problem of financing welfare-state programs, as a declining number (relatively speaking) of younger people are to sustain the welfare of a growing number of senior citizens. Again, this problem has been seen on the horizon for quite some time but it has not been until recently that there has been a debate on how to respond, and a debate on what a sustainable solution might look like.

The Commission, named 'The Responsibility Commission' (*ansvarskommittén*), presented a first report in December 2003 (SOU 2003: 13), while the final report was submitted to the government in February 2007 (SOU 2007: 10). The overarching aim of the Commission was to propose institutional and other reform which would help the public sector at all institutional levels resolve problems derived from these financial and demographic challenges. Thus, the reforms discussed by the Commission included reassessing the agencies' autonomy; devising incentives for local authorities to merge into bigger authorities with better financial and administrative capabilities; and to discontinue the 'experiments' with stronger and more autonomous regions.

One common denominator among these three areas of reform was that the core government lacked the ability to control key institutions in its external environment. With respect to the agencies this problem is hardly new. However, the cutback years during the 1990s exacerbated the institutional friction between departments and agencies; we have seen several examples of agencies taking a rather high political profile as government has embarked on a less obtrusive and intervening policy style, instead emphasizing government's key role in economic development as one of removing obstacles to growth rather than making an active and positive contribution to that end.

More than anything else, however, the agency problem is a steering problem. Agencies, critics argue, are increasingly difficult to mobilize in periods of policy change. Instead, agencies tend to have firm views about

what represents 'good policy' in their respective policy sector, something which the Commission identified as a significant governability problem. Thus, the reforms currently underway seek to recreate a strong center, partly in order to ensure more compliance with government policies among agencies and partly in order to create the levers and command channels necessary for future reform. In these respects, Sweden's reform strategy is consistent with that of several other Scandinavian and West European countries (Peters 2004a).

Given the political attention and top-level commitment that the Commission received, the outcome of its work can best be described as bleak. Issues related to the agencies were passed on to new Commissions. The Commission did present a clear standpoint on the regional issue, but after only a few months its suggestions were shot down in flames by the now nonsocialist coalition government. With regard to local authorities, the Commission did not present a clear policy proposal.

Before we assess administrative reform during the 2000s so far, we should mention that another area of current reform is centered on democratization. There seems to be a deeply rooted belief among the political elite in Sweden that democratic government, once achieved, is not a given but is rather something which has to be continuously reproduced and developed. Thus, a number of Royal Commissions over the past several years have addressed a wide range of problems in the Swedish system of democratic government. The overall tenure of the Commission's reports is a growing interest in more participatory forms of democracy; for instance, different forms of institutionalized influence for users of public services have been discussed frequently (see Jarl 2004). Another problem is the low degree of political involvement among immigrant groups, something which is seen as deeply disconcerting. So far, however, there has been rather little substantive reform to address these problems, apart from a rapidly growing interest in bringing users into the public service producers' decision-making process. Sweden may be a declining welfare-state, but welfare-state politics still dictate much of the politics and policies in the country.

The nonsocialist government that took office after the 2006 elections has emphasized that there must be no duplication between what is available in the market and what is produced in the public sector, the general idea being that goods and services provided by the market should not be offered by the public service. In that respect, 'purification' is very much back on the administrative reform agenda, only now there appears to be more determination in the government's views on these issues. One example is the government's policy to sell state-owned shares in a number of previously state-controlled areas of public service, such as import and retail distribution of alcoholic beverages, a hydroelectricity company and a real estate credit institute.

Conclusions: The resilience of administrative traditions in Sweden

We now need to assess to what extent these periods and patterns of administrative reform are consistent with the Swedish administrative tradition. It appears as if an assessment of administrative reform in this context should depart from the extent to which the reforms that have been implemented have a normative 'charge', and, if so, to what extent that 'charge' is consistent with the values and norms that constitute the administrative tradition. The 'renewal' program, which was implemented during the latter part of the 1980s, had a distinct normative component; it sought to redefine and modernize the relationship between the individual client and the public-sector institution in a fashion which empowered the client vis-à-vis the institution. Given such components in the Swedish administrative tradition as transparency and a democratically (but not politically) governed public administration, this cluster of reforms was in line with the administrative tradition. It should also be noted that the documents that outlined the 'Renewal' program do not mention other countries as role models in the formulation of the program.

The administrative reforms of the 1990s were designed and implemented against the backdrop of severe if not unprecedented cutbacks in public expenditures. The relaxation of control of the agencies was a path-dependent reform, as Sweden has had autonomous agencies for centuries. However, the 1990s also saw the introduction of elements of NPM-like reform concepts. Some of these reforms, such as the creation of internal markets or a stronger focus on performance measurement, were internal to the public sector and were not immediately noticeable by the public. Similarly, the first steps in the 'purification' process probably also went by more or less unnoticed by the average citizen. Later during the 1990s, however, the ramifications of 'purification' became clearly noticeable; previously public services in sectors such as postal services, telecom services, railroad and civil aviation began to change as a result of the marketization of those sectors. Later, the rather extensive process of contracting out services and management has stirred an extensive debate about the role of the state in safeguarding quality and accessibility.

Thus, the main difference between the administrative reforms of the 1980s and the 1990s is that in the latter period reform was idea-driven more than problem-driven. NPM as a model of public service delivery is part and parcel of a state pursuing an agenda of 'purification'; the state should only do what another structure in society cannot do better and there is no value, symbolic or otherwise, in having services delivered under the auspices of the state. In NPM, service production and organizational leadership are generic concepts, as Guy Peters (2001) points out; a philosophy which has problems gaining any major support in a society as state-centric as Sweden.

This probably helps to explain the rather limited range of NPM-style reform concepts that have been implemented, although we do see a growing number of market-like models of customer choice emerging even today. Conversely, there are specific elements of reform which we today think of as parts of the NPM portfolio, such as performance measurement, which emerged in Sweden long ago. Given the size of the public sector and the amount of public resources that went into public services, government, Parliament and auditing agencies had to develop a system that would report back how the money was spent and what specific activities and programs they funded.³

The reform model of the early 2000s, finally, appears to some extent to be an attempt to actively punctuate the institutional equilibrium in the Swedish institutional system in order to facilitate reforms aimed at strengthening the political center. One of the core values in the Swedish administrative tradition is the separation between politics and policymaking on the one hand and administration on the other. While it appears as if all key actors still subscribe to this idea, it has become increasingly clear that agencies have used their autonomy to define and elaborate policy ideas which they seek to insert into the political process (cf. Rothstein 1998). This pattern became increasingly evident during the 1990s as public policy emphasized cutbacks and 'purification', reform objectives that do not go down very well among the agencies. Thus, the historical division of functions between departments and agencies is becoming blurred and confused. This development is not the outcome of deliberate reform but rather is a case of institutional 'drift'. It now appears to be the determined will of the political elite to bring this drift to a halt. That, in turn, would enable further reform aimed at developing sustainable welfare-state services in an era of leaner government. There is currently a debate between 'constitutionalists', who emphasize that government should reclaim its authority over the agencies simply by using the levers which exist in the Constitution, on the one hand, and 'realists' on the other hand, who argue that if all parties are happy with the current arrangement there is little reason to change it.

Coming back to the three arguments set up in the introduction to this chapter, what does all this tell us about the resilience of administrative traditions? It seems clear, first of all, that such traditions are abstract more than empirical phenomena; they explicate norms and values which are given different concrete manifestations at different points in time depending on a large number of factors, such as the role of the state in society; the orientation of the social reform agenda; the division between state and market in society; and the role of civil society in governance and service delivery, to name just a few. The fact that some NPM-style reform has been implemented without any explicit reference to the compatibility with the legal nature of the public administration is proof that part of the resilience of administrative traditions is attributable to their elasticity when it comes to accommodating concrete reform.

Second, we need to be aware of the distinction between the developments or rearticulations of an administrative tradition on the one hand, and reform that represents a distinct break with the tradition on the other. The same administrative tradition gives birth to somewhat different systems of public administration at different points in time periods. The public today have different expectations of the public sector than they had 50 years ago; hence the public bureaucracy looks and behaves differently today compared to then, although it can still be said to follow the administrative tradition of the country. Administrative reform in Sweden has, for the most part, been piecemeal and incremental, and most of it can be said to have aimed at modernizing and rearticulating the basic normative model of public administration in different political, economic and social contexts.

Moreover, administrative traditions are national or regional creatures; the Scandinavian administrative tradition is different from the Continental European (Napoleonic) tradition, which, in turn, is different from the Anglo-American tradition. The project of transforming the Scandinavian bureaucracy according to a model derived from the American or British public administration is likely to encounter significant problems. The recent development in several Latin American countries where the public – sometimes even as distinctly as in referendums – reject marketization, although it may mean loss of financial support from transnational institutions, is proof of the resilience of those embedded administrative traditions. Those traditions change, but they do so more frequently in path-dependent ways than through critical junctures.

Finally, the brief analysis of the path of administrative reform in Sweden offers an additional source of resilience for administrative traditions, what could be called 'resilience by default', caused by a high degree of inertia. Organization theory and public administration theory sometimes argue that some degree of organizational inertia is a good thing because it produces patterns of change, which are planned and carefully assessed, and avoids adhering to fads and fashions, which disrupts the organization. The Swedish case of administrative reform tells a story of significant inertia in reform, explained in part by the institutional arrangement of the state and in part by what appears to be some political hesitance to shaking up the system. Whatever the explanation is, the inertia appears to have cushioned the public administration against rapid organizational changes and extensive NPM-style reform.

Notes

1. The arguments in this paper were inspired by discussions at the 2007 Jorgen Westerstaal seminar at the University of Gothenburg, where Shirin Ahlbäck-Öberg, Peter Ehn, Sten Heckscher and Bengt Jacobsson discussed administrative reform in Sweden.

2. An additional explanation of the electoral defeat was the Social Democrats' commitment to introduce so-called wage earners' funds, a proposition which the nonsocialist parties described as an all-out attack on private ownership of the industry.
3. This observation came up during a seminar at the Swedish National Financial Management Authority in October 2007.

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In Search of the Shadow of the Past: Legacy Explanations and Administrative Reform in Post-Communist East Central Europe

Jan-Hinrik Meyer-Sahling

Legacy explanations have been prominent in studies of democracy and democratization in post-communist East Central Europe (Ekiert and Hanson 2003; Linz and Stepan 1996).¹ They claim that ‘resource endowments and institutions that precede the choice of democratic institutions have a distinct impact on the observable political process under the new democratic regime’ (Kitschelt et al. 1999: 12–13). The legacy of the past has also played a prominent role in discussions of public administration reform in East Central Europe. In particular, the legacy of the ‘real-existing socialist administration’ (König 1992) has often been identified as an obstacle to successful reforms in the post-communist context.

In the communist system, the organization and functioning of public administration were largely determined by the status of the communist ruling party as the leading force in state and society. There was basically no distinction between state and society and between state and market (Bunce 1999). The leading role of the party implied the subordination of the rule of law to the ideological goals of the party (Pakulski 1986). There was no proper distinction between party and state and thus between politics and administration. The ‘over-politicized’ nomenclature system was the main principle of personnel organization (Goetz and Wollmann 2001; Scherpereel 2004). In the nomenclature system, career progression took place on the basis of political and ideological reliability, and it was the party that selected and/or approved the appointment of officials to the state administration (Csanádi 1997).

Against this background, it is not surprising that in both academic and nonacademic discourses communism was ‘the legacy that had to be overcome’ after the transition to democracy. It largely determined the first generation of reforms that the new democratic governments had to implement (Hesse 1993). Privatization and liberalization policies redefined

the relations between state and market and changed the structure and organization of public administration as well as the tasks of state officials. The establishment of constitutional democracy meant that the relation between politics and public administration had to be redefined, that public administration had to be brought under the rule of law, that a sphere of autonomous local self-government had to be carved out and that a professional, depoliticized civil service had to be built on the ruins of the communist nomenclature system.

The legacy of communism is also commonly associated with delays and defects in the process of administrative reform (Nunberg 1999; Verheijen 1999, 2001). The first generation of research assumed that East Central European administrations would undergo a process of gradual Westernization (Hesse 1998), but the actual reform progress turned out to be much slower than expected. For example, Hungary stood out in adopting civil service legislation between 1990 and 1992, but most other countries only adopted their first laws 10 years later. Where laws were adopted, they were not necessarily implemented. The Czech Republic, for instance, adopted a first civil service law in 2002 but has not yet fully implemented the Act. And, even where laws have been both adopted and implemented, politicization and party influence over personnel management have often remained widespread (Dimitrov et al. 2006; Goetz and Wollmann 2001; Meyer-Sahling 2006a).

Civil service politicization, discretionary personnel management and a discrepancy between formal rules and actual behavior suggest that, at least in the area of civil service governance, the communist tradition of public administration has not been broken. Yet, we have to be careful to infer a causal effect of the legacy of the past by simply identifying broad similarities between the past and the present. In fact, the logic of legacy explanations suggests that we have to consider at least three steps. First, it is important to specify which legacy of the past matters in the post-communist context, that is, what are the features as well as the temporal boundaries of the historical periods under scrutiny. Second, it is necessary to investigate how the legacy of the past connects to the administrative reform outcomes in present-day East Central Europe: what are the causal mechanisms? And, third, legacy explanations require attention to the interaction of the legacy of the past with other factors that are temporally more proximate to current administrative reform developments. For East Central Europe, this means in particular the impact of the post-communist politics and the role of European integration.

First, discussions of legacy effects in East Central Europe tend to refer to the impact of some kind of 'ideal' communist legacy that comes closest to the period of Stalinist rule in the 1950s. This perspective ignores, however, that the legacy of the past in East Central Europe is a very multifaceted beast. It is thus more appropriate to speak about many legacies of the past.

First, communist rule itself was not static but changed considerably over time. Forty years of communist rule in East Central Europe can easily be distinguished into three, four and more intervals, such as the establishment of communist regimes, the heyday of Stalinist rule in the 1950s, and the long period of de-Stalinization that included phases of reform and subsequent decay until the breakdown of the regimes (Schöpflin 1994).

Second, the legacy of the past can refer to intervals before and after communist rule in East Central Europe, including the interwar period and the period before the end of World War I when most of the East Central European countries were part of the Habsburg, Russian, German or Ottoman Empire at one end and the period of transition at the other end. In fact, Chapter 16 by Verheijen in this volume suggests that the period leading to EU accession has the potential to become yet another legacy that will help to explain post-accession developments (see also Sedelmeier 2006).

This short summary of legacy candidates quickly suggests that the administrative history of East Central Europe differs from most Western settings in that it is characterized by discontinuities and major ruptures, making the study of legacy effects a good deal more complex. First-glance hypotheses can easily produce contradictory expectations. For instance, Hungary is usually identified as the country that most actively pursued policies to modernize public administration since the 1970s. Emphasis on the late-communist legacy would therefore lead to the expectation that Hungary would have been in a good position to professionalize its administration after the change of regime. This contradicts the expectations that the days of heavy-handed Stalinism would have undermined the prospects of administrative professionalization after transition.

The interwar and the imperial legacies also suggest first-glance expectations for East Central Europe that do not fit well the cross-national patterning of post-communist civil service developments (see also Verheijen in the next chapter). The administrative tradition of the Habsburg Empire, for instance, suggests a strong role for a professional, autonomous and legally entrenched civil service for countries such as Hungary, the Czech Republic, Slovakia and Slovenia. By contrast, the Russian and the Ottoman administrative traditions resonate more with a patrimonial type of bureaucracy. This would suggest a strong role for patronage relationships and less emphasis on the legal entrenchment of the civil service in the Baltic States and a country such as Bulgaria. Yet, the ranking of countries presented by Verheijen (see Figures 16.2–7, Chapter 16) suggests that only Bulgaria fits this expectation. By contrast, the Baltic States have gone furthest down the road of professionalizing their civil services, while the Czech Republic is among the main laggards in the region.

Before dismissing legacy arguments about administrative development, however, we need to take the second step in the logic of legacy explanations, that is, to specify the causal mechanisms. Kitschelt (2003: 62) distinguishes

between two general types of mechanisms: first, cognitive processes assume that individuals can preserve and pass on their knowledge, skills and experience from one generation to another, which in turn shape political outcomes in the post-communist period; and, second, 'political practices and institutional arrangements' (see also Yesilkagit conceptual distinction in Chapter 11 between ideas and institutions as elements of an administrative tradition). Especially, these latter 'interaction-based' (Ekiert and Hanson 2003) mechanisms are well known from historical institutionalist research on path-dependent developments (Pierson 2004). Distinguishing between these different mechanisms of 'legacification' makes it possible to compare the effect of different kinds of legacies on post-communist administrative reform developments.

In the third step, legacy explanations of administrative reform in East Central Europe need to address the potential relevance of other determinants that are temporally closer than the legacy of the past. In fact, the diversity among civil service systems in East Central Europe suggests that the legacy of the past is unlikely to be the only driver of post-communist reform developments. Moreover, research that has so far sought to account for *variation* in administrative reform trajectories across East Central Europe has focused on factors such as the European Union (Dimitrova 2005) and the structure of party political competition (Grzymala-Busse 2003; Meyer-Sahling 2006b). It is therefore important to investigate alternative explanations and, in particular, to examine potential interaction effects between different determinants (such as the legacy of the past, European integration and domestic political competition) when seeking to explain public administration developments in East Central Europe.

The remainder of this paper explores these general arguments with respect to the case of civil service governance in Hungary. The paper examines first the institutional reforms of the civil service and the reform outcomes with respect to the patterns of politicization that have emerged at the level of central government ministries since the first democratic elections in 1990. In the second part, the paper discusses in more detail the impact of different legacies of the past on the first civil service reform of 1990/2. Subsequently, the paper turns to a broader discussion of reforms that were passed between 1997 and 2006 in order to examine the extent to which (and how) legacies of the past have retained long-term relevance for civil service governance and how the legacies have interacted with other causal factors.

Civil service governance in post-communist Hungary

Since the first democratic elections in 1990, Hungary has actively and continuously pursued the reform of its public administration. This is especially true for the reform of the civil service system. During the 1990s, Hungary stood out among East Central European countries as the region's front-runner

in the area of civil service reform. After 1990, at least five major reforms of the civil service can be identified. Each of the reforms was developed in the context of a more or less comprehensive public administration reform program and each led to a change in the formal-legal basis governing the civil service and the subsequent implementation of legislation.

Hungary passed and implemented the first civil service reform in 1990/2. Already in 1990, shortly after the investiture of the first democratic government, the Act on State Secretaries redefined the structure of the most senior positions and sought to establish a formal separation between politics and administration. The 1992 Civil Service Act established a boundary between civil servants, who were employed at the central, regional and local state administration, private sector employees, who continued to be governed by the (reformed) Labour Code, and other public servants such as uniformed personnel and public employees in the education and health sectors.

The Act established a personnel management system that looked much like a decentralized, closed career system. Administrative reformers sought to set up an institutional infrastructure with predictable careers, merit standards and procedures for the recruitment of civil servants, promotions by seniority, a transparent and uniform remuneration system, and restrictions on involvement in politics and business. These measures aimed at reducing the potential for political interference with personnel management, while seeking to ensure the professional ethos, political impartiality and neutrality of civil servants (György 1999). At the institutional level, the first reform therefore sought to establish a fundamental break with the communist-type administration. Yet, as we will see below, the aims of the first reform were only partially reached.

The subsequent reforms in 1997, 2001, 2003 and 2006 introduced numerous changes, but they did not fundamentally transform the building blocks of the civil service system established in 1992.² The second reform of 1997 and the third reform of 2001 both further differentiated the structure of the civil service, for instance, by introducing the possibility of establishing ministerial cabinets and by establishing a senior executive service under the leadership of the Prime Minister. Both reforms introduced performance-based elements such as performance-related pay. Moreover, the reform of 2001, which arguably produced the greatest overhaul, further sought to rationalize the recruitment procedure, to strengthen the professional requirements for entry into the civil service and to alter the career structure by providing more incentives for young graduates to start a civil service career.

The most recent reform, which was prepared in the run-up to the 2006 parliamentary elections, differs from previous reforms in that it concentrates on measures to enhance the efficiency of the civil service and, in particular, to reduce the numbers of civil servants by introducing personnel cuts of up to 30 percent in central government ministries. Reform talk shifted from an emphasis on Weberian principles towards a new public management

agenda. The first measures in this set of reforms were implemented in the autumn of 2006. At the senior level, for instance, reforms cut the positions of Political State Secretary (part of the political leadership of the ministries) and Administrative and Deputy State Secretaries (nominally, the top two levels of the permanent civil service) down to two new positions of Senior State Secretary and State Secretary below the level of Minister. The number of state secretaries has been further restricted by law, but both state secretarial posts have also been made political appointments whose tenure is tied to that of the government. The formal structure of the ministerial top looks more similar to the late-communist period than at any time since the investiture of the first democratic government in 1990.

Indeed, politicization of the civil service has been one of the main features of civil service governance in Hungary, suggesting that the communist practice of personnel management has been stickier than the institutional foundations. Both the Act on State Secretaries and their successor Acts, as well as the Civil Service Act, sought to establish a separation between politics and administration, but the laws incorporated a number of discretionary instruments, which ministers could use to politicize civil service policy (Meyer-Sahling 2006a; Vass 2001). As a consequence, four changes of government in 1990, 1994, 1998 and 2002 between center-right and center-left coalitions produced in most instances almost a complete substitution of Administrative and Deputy State Secretaries, who were nominally part of the permanent civil service. Moreover, governing parties showed an increasing appetite to replace Heads of Departments at the next level of the ministerial hierarchy.

To be sure, the replacement of top civil servants is not unusual in Western executives such as Germany and France. However, the Hungarian pattern differs, in that it classifies as a 'mode of partisan politicization' (Meyer-Sahling 2008) because a large proportion of outsiders is usually appointed to the senior ranks of the ministerial bureaucracy. Many come from the private sector or academia or have worked for a political party. Moreover, the three government changes of 1994, 1998 and 2002 attracted many outsiders who had worked in the state administration at an earlier stage of their career. These officials left the ministries when 'their' party was voted out of office, bridged the out-of-office period somewhere in the private sector or academia, directly at their party or in the wider periphery of their party, and returned to office when their party was voted back into government.

It is worth recalling here that the interweaving of careers in the ministerial bureaucracy, the Communist party and other sectors of the economy and society was one of the hallmarks of the communist nomenclature system (Kornai 1992). The confirmation of the Socialist-Liberal government at the 2006 election somewhat surprisingly had the result that a considerable proportion of officials (even if smaller than in previous election years) were changed, bringing in younger 'new blood' from the private sector. Advocates of this

recruitment policy emphasize the benefits of infusing a younger generation into the ministerial bureaucracy as well as the transfer of business methods from in order to enhance efficiency. Yet, this 'management talk' effectively disguises the continuing politicization of the civil service in Hungary.

While the politicization of the civil service has been a major issue of debate in Hungary ever since the transition to democracy, it has to be emphasized that not all areas of the central government ministries are subject to the same patterns of politicization. In particular, ministries and units that have been involved in the preparation and negotiations of EU accession and that have since accession been at the center of the process of EU policy coordination tend to be more stable, more professional and generally less politicized (Ágh 2002).

In sum, while Hungary has been the front-runner in the area of civil service reform after the transition to democracy, the practice of politicization has persisted in many areas of the central government apparatus. But we have to be careful not to jump to premature conclusions based on the identification of some similarities between a general communist past and a broad post-communist present. Taking the case of politicization, the next section will trace and explore the extent to which the legacy can contribute to an explanation of Hungary's status as a reform front-runner in the region, the content of the institutional reforms and the reform outcomes.

'Goulash Communism' and the first civil service reform in post-communist Hungary

Even if the first civil service reform led to the establishment of considerable institutional change, the reform provides evidence for the influence of various legacies of the past as well as for different mechanisms that connect the legacy of the past and the reform outcome. First, the reform discourse at the time commonly identified the communist legacy as the legacy that had to be overcome. Administrative policymakers, as well as the first generation of post-communist politicians, had firsthand experience of the communist days and rejected the over-politicized communist administration as the 'antimodel' of administration.

At the same time, there were regular references to Hungary's interwar period as a positive inspiration for reform, even if there seems to be an element of myth-making in the characterization of the interwar administration as a professional, depoliticized bureaucracy. The first Prime Minister, Antall, often associated the notion of a strong civil service with a professional ethos and respect for the rule of law. He was born in 1932 and had little firsthand experience of the interwar years, but he could rely on the experience passed on to him by his father, who was himself a senior-ranking official.

Second, the dynamics of path-dependency reaching back into the communist period are important for the explanation of Hungary's status as a regional front-runner in the area of civil service reform (Meyer-Sahling

2001). From a narrow perspective, the first reform can be traced back to the administrative reform efforts of the early to mid-1980s. From a broad perspective, the reform reaches back further to the economic reforms of the late 1960s. The introduction of market elements into the socialist economy drew increasing attention to the need for managerial, technical and professional skills (Balázs 1993). In this context, the government set up the National School of Public Administration in 1977.

In the 1980s, two attempts were made to modernize the personnel management system. Even the introduction of civil service legislation that would separate state administrative personnel from other employees was discussed. But it took until the last Socialist government, led by Prime Minister Németh between 1988 and 1990, for the civil service reform efforts to gain momentum. Németh appointed a number of reform-minded officials to the top ranks of the ministerial bureaucracies, including academics from the National School of Public Administration, to prepare the administrative reforms that would become necessary in the context of the transition to democracy and a market economy. When the Round Table Talks between the ruling socialist party and the representatives of the democratic opposition parties were convened in 1989, these reform proposals were discussed. After the first democratic elections in the spring of 1990, the Antall government 'invited' many of the former top officials to serve as Administrative and Deputy State Secretary in the new government, even though they had been appointed during the late-communist regime. In particular, the first Administrative State Secretary in the Ministry of Interior, Imre Verebélyi, must be credited with the initiative to push forward the reform of the civil service as well as other administrative reforms such as local and regional government reforms. Verebélyi and colleagues had a background at the National School of Public Administration, they had also benefited from the relative openness of the communist regime in Hungary, which provided them with access to Western debates and exchange, and they could therefore rely on a stock of administrative reform expertise that was unusual for East Central Europe at that time.

A civil service reform shortly after the change of regime would not have been possible without the institutional context of a 'pacted transition' in Hungary that brought together moderate forces of the communist regime and the democratic opposition (Meyer-Sahling 2004). The Round Table Talks provided an institutional setting for the emergence of mutual trust between, on the one side, officials who had already served the communist regime but had experience as managers in public administration and, on the other, the new political elite. The pacted transition made possible continuity in personnel in several policy fields and thus the fast-tracking of reforms in areas such as public administration reform.

The communist legacy more generally contributed to many of the flaws in the design of the first civil service reform and the subsequent politicization

of the senior ranks of the ministerial bureaucracy. While Prime Minister Antall represented the moderate wing among the parties of the governing center-right parties, there were other factions, especially within the then senior governing party Hungarian Democratic Forum (MDF), that opposed Antall's 'friendly takeover' of the ministerial bureaucracy. These factions carried radical anticommunist ideas and demanded a thorough cleansing of the ministerial bureaucracy. They were able to push for the incorporation of discretionary instruments for the appointment and dismissal of officials into the 1992 Civil Service Act, and in this way they succeeded in increasingly alienating the senior officials of the Antall government who had already been in office before 1990.

The first reform of 1990/2 is, therefore, to a degree the child of the events and dynamics that surrounded the transition to democracy and the attempts to modernize the communist administration in the 1970s and 1980s. Both interaction-based and cognitive 'mechanisms of legacification' were at work. In addition, the impact of the late-communist legacy can hardly be classified as an 'obstacle' or as a 'negative' impact. The more reformist and open communist regime in Hungary contributed to the development of administrative reform expertise; the Round Table Talks and the subsequent appointment of these administrative reform experts to senior positions in the Ministry of Interior provided the institutional preconditions for the preparation and passage of the first civil service reform; and the legacies of communism and precommunism shaped the preferences and identities of key political actors in the civil service reform process.

Civil service governance and the indirect effect of the communist legacy

It is not too surprising to find that the late-communist legacy mattered a great deal, because the first civil service reform was temporally very close to this period. However, Kitschelt (2003) would label the dynamics surrounding the transition period as a 'shallow cause'. Important questions are, therefore, first, the extent to which other, non-legacy-related, factors were relevant for the first reform of the civil service and, second, to what extent the legacy of the late-communist past remained an important driver of subsequent reforms and especially outcomes such as the politicization of the civil service.

Other factors did play their part in the first reform of the civil service. In particular, there was some international influence, in that administrative reformers in Hungary examined Western administrative systems in order to gain inspiration. Many of them had already done so during the 70s and 80s. In 1990, Verebélyi, for instance, travelled as Administrative State Secretary to the UK to learn more about the British civil service as the ideal to emulate and to Portugal as a country that could provide insights for the specifics of a

transition-to-democracy context.³ Dynamics of policy transfer and diffusion were also relevant for later reforms. For instance, the reorganization of the Prime Minister's Office in 1998 was inspired by the German Chancellery. Moreover, the active participation of Hungarian administrative policymakers in the activities offered by OECD-PUMA and the European Institute of Public Administration provided settings for policy learning and diffusion, such as performance-related pay methods.

Second, international influence has also been relevant in the form of pressures to prepare and coordinate the process of European Union accession. In fact, in comparison with other East Central European countries, Hungary has been perhaps least exposed to EU pressures for adaptation in the area of administrative capacity-building, which included the requirement to establish professional and depoliticized civil services. In particular, countries that had no civil service law were subject to the logic of conditionality that kicked in after the publication of Agenda 2000 in 1997 by the European Commission (Dimitrova 2005). At that time, Hungary already had a civil service law in place. But the need to invest in the training and professionalization of civil servants, and the emergence of new complex implementation and coordination problems, meant that European integration has become an increasingly important driver of civil service governance in Hungary (Johannsen and Norgaard 2004).

Third, the civil service reforms since 1997 have otherwise been heavily influenced by day-to-day problems of the transformation process. Among these problems were low pay; few incentives for young graduates to pursue a career in public administration; poor incentives for senior staff; politicization; high turnover and the resulting problems of motivation, expertise and experience; departmentalism; and strained public finances. All required measures that could not easily be solved by referring to the communist past or the interwar experience in Hungary. As a consequence, the precommunist and the communist legacy of the past became somewhat secondary in the search for solutions.

For example, the incorporation of some discretionary pay elements into the first civil service reform of 1992 was the result of senior officials in the economics ministries pushing for salary levels that could match the salary levels in the emerging private sector. However, the application of these discretionary pay instruments became widespread only after 1995 and, in particular, after 1998, when standard civil service salaries had fallen well behind those in the private sector. Ministers did, therefore, often use the discretionary pay instruments in order to prevent the departure of staff. In other words, what looks like the persistence of communist-style discretionary civil service governance was in fact related to much more immediate day-to-day problems of adapting to external labor market developments.

Fourth, much of the politicization of the senior ranks of the civil service has been driven by the constellation of political parties in the Hungarian

party system (Meyer-Sahling 2006b). Among the different political divides, the regime divide over how to deal with the communist past has dominated the structure of political competition since the early 1990s between two blocs of parties: the communist successor party, MSZP, with its liberal ally, SZDSZ, on the one side; and an anticommunist camp on the other side, with the Alliance of Young Democrats, FIDESZ, as the dominant force (Körösenyi 1999). The polarization of the two political blocs has generated a kind of 'friend and foe' thinking in Hungary that makes it very difficult to find meaningful cooperation between them.

The consequence of the low-trust constellations within and outside government has been continuous pressure to replace incumbent officials with trusted personnel after a change of government. As both blocs of parties have developed their organizational infrastructures and their networks, they have created a supply of trusted and skilled personnel from outside administration. As a result, both political camps have succeeded in building their own administrative elite, which they bring to government as they are voted into office. As a by-product of this constellation, parties of both political blocs also have little interest in the establishment of civil service institutions that tie their hands (Meyer-Sahling 2004). In other words, administrative policymakers have very little room for maneuver when trying to increase the professional skill levels of the civil service in the face of partisan pressures of politicization.

The civil service reforms and outcomes, in particular politicization of the civil service, can therefore be explained with reference to temporally more proximate factors such as the organizational developments of political parties and the patterns of party competition. But this does not mean that the legacy of the past did not matter for the developments that followed the first civil service reform, because the structure of political competition is itself to a large extent a product of the legacy of the past. First, the very nature of the 'regime divide' is based on the assumption that two political camps disagree over how to interpret the past, that is, the legacy of communism. The communist legacy has therefore shaped the interests and identities of the key political actors and has played an important cognitive role in shaping their views on civil service governance. This mattered already for the first reform, as outlined above, and has remained critical ever since.

Second, the electoral system, party strategies and so on all matter a great deal when trying to explain party and party system formation in Hungary (Bakke and Sitter 2005). Yet, features of the communist and even the precommunist past, such as the relatively more open, less repressive and more reformist character of the Hungarian communist regime (Kitschelt et al. 1999), and the 'usable pasts and skills' (Grzymala-Busse 2002) that communist politicians acquired in the last years before and during the period of transition, had important legacy effects. These factors contributed to the rapid regeneration of the MSZP and the subsequent emergence of a

bipolar structure of political competition between the ex-communist and anticommunist camps on the center-left and the center-right respectively. The resource endowment of key actors and the institutional conditions of the late-communist period have therefore helped to reproduce the politicization of civil service governance in post-communist Hungary and can therefore be considered as a 'deeper cause' (Kitschelt 2003) for the explanation of civil service governance in present-day Hungary.

Conclusion

This paper has explored the relevance of the legacy of the past for the explanation of administrative reform pathways and outcomes in post-communist East Central Europe. It has argued that East Central Europe has numerous different legacies that have the potential to matter for post-communist reforms, that any legacy explanation of administrative reform in East Central Europe is required to spell out the causal mechanisms that link the legacy of the past and the outcomes of the post-communist present, and (as Yesilkagit argues in Chapter 11) that the interaction effects between the legacy of the past and other important drivers of administrative reforms need to be considered.

In sum, the legacy of the past does indeed matter for administrative reforms in East Central Europe. First, formal institutions of civil service governance have been much less resilient to change than the practice of personnel policy, in particular, the politicization of the senior civil service. Second, the precommunist legacy, and also in particular the late-communist legacy, have played an important role in both the persisting politicization of senior personnel management and the institutional reforms in the early 1990s, in particular Hungary's status as the region's civil service reform front-runner. The relatively liberal character of the communist regime and the pacted transition provided conditions for the development of reform expertise. They effectively defined which political and administrative actors played an important role during the first reform, and shaped the identities and capabilities of the first generation of civil service reformers.

However, the main influence of the communist legacy on patterns of civil service governance in present-day Hungary is exercised through the impact of the late-communist legacy on the structure of party competition. The legacy of the past has contributed to the polarization between an ex-communist and an anticommunist political camp in Hungary and continues to shape the identities and orientations of key actors vis-à-vis civil service governance. The legacy of the past does, therefore, exercise an important, if indirect, influence on the reproduction of politicized patterns of civil service governance in present-day Hungary.

These conclusions are not without caveats, however. They are based on the cross-temporal study of one country and require further comparative

investigation. The mechanism of reproducing civil service politicization through the structure of party competition has developed in other countries (even if not in all). For instance, in Poland, which is also characterized by deep-seated politicization of the civil service, events suggest dynamics that are very similar to those in Hungary. Despite the political context of martial law, expertise for the reform of public administration had already developed during the 1980s; many of the administrative reform entrepreneurs gained access to government positions during and shortly after the pacted transition of 1989; and the conflict between ex-communist political forces and the anticommunist camp that came out of the Solidarity movement has been one of the defining features of political competition ever since the transition to democracy.

At the same time, there are, of course, many important differences between Poland and Hungary, which help to explain why Poland has had a central civil service office until recently while Hungary has never had one; and why Poland passed its first civil service act only in 1996, failed to implement it and adopted a revised act in 1998. One of these differences concerns a higher degree of government instability in Poland, which led to the failure to pass the first civil service reform by parliament in 1993. Looking elsewhere, countries such as Romania and Bulgaria had less of an opportunity to leverage the reform initiatives during the late-communist regime, which may well explain their status as civil service reform latecomers in the region. Yet, in these two countries as well, high levels of politically motivated turnover and tight political control of personnel management can be traced to the divide between former communists and anticommunist political forces that has dominated political competition.

By contrast, the competition between former communists and an anticommunist political camp has been much less relevant for the Baltic States. The key mechanism for the reproduction of communist-style civil service politicization that has been identified in this chapter has therefore been largely absent. In fact, Lithuania stands out among the three Baltic States in that the regime divide between ex-communists and anticommunists only faded during the late 1990s. This political change was soon followed by a significant shift towards the depoliticization of the civil service. The Baltic States, therefore, suggest that it is possible to break the communist legacy of civil service politicization when the mechanisms of reproduction disappear.

The last example also draws special attention to the transformative power of the EU. The exclusion of Latvia and Lithuania from the first round of countries to open negotiations for membership with the EU in 1999, for instance, is said to have created new impetus for administrative reforms in these countries (Reinholde 2004). But it is also conceivable that EU enlargement policy affected the patterns of political competition. It may have thus contributed to a breaking of the mechanisms for the reproduction of civil

service politicization and sent a country such as Lithuania down another path for the development of the civil service.

The relation between Europeanization and legacy explanations of public administration developments will, therefore, require further research efforts. In fact, it is worth recalling here that the importance of external influences on domestic developments can be identified as one of the constants in the history of East Central Europe (Janos 2000). One of the paradoxes of public administration developments in East Central Europe is, therefore, that the growing Europeanization of East Central European administrations could even be regarded as a good fit for a legacy explanation of public administration developments in post-communist East Central Europe.

Finally, the discussion of administrative traditions in this volume indicates that features such as the politicization of civil service governance are not reserved for East Central European countries. In fact, political influence on civil service management has been on the rise in many Western settings over the last two to three decades (see discussion by Peters in Chapter 9 and Peters and Pierre (2004)). Potentially an associated trend in some cases is the rise of the 'cartel party' in Western democracies (Katz and Mair 1995). Cartel parties anchor themselves in the state apparatus and deploy party patronage in the form of party political appointments (Kopecky and Mair 2006).

For the present context, the Western perspective implies that the presence of the communist legacy, as well as other types of legacies such as the Russian administrative tradition, cannot be classified as necessary conditions for civil service politicization, unless we assume that patterns of politicization in East Central Europe differ from their counterparts in Western democracies. The pattern of 'partisan politicization' discussed above for the Hungarian case suggests that East Central Europe may have indeed given birth to some new type of executive governance that differs from most Western traditions (Goetz and Wollmann 2001; Meyer-Sahling 2008). By contrast, the civil service record of other countries such as the Baltic States suggests an emerging overlap between the reform experience of Western countries and at least some East Central European countries. For further developments in the area of legacy explanations of administrative reform developments, it may therefore really be time to bridge the gap between the studies of Western democracies on the one side and the new democracies of East Central Europe on the other.

Notes

1. 'Post-communist East Central Europe' is here politically defined as the 10 countries that have recently joined the European Union.
2. The Civil Service Act was also amended in 2002 and in 2005. Both amendments largely belong to the context of the fourth reform, which was passed in 2003.
3. After returning, Verebelyi concluded that the Portuguese system and experience would not be applicable to Hungary.

16

The New Member States of the European Union: Constructed and Historical Traditions and Reform Trajectories

Tony Verheijen

The 10 new member states of the European Union from Central and Eastern Europe provide an interesting test case for the study of administrative values and transformation. In the initial phase of transition, administrative systems in the Central and Eastern Europe countries (CEECs) were often seen by outsiders as a *tabula rasa*, although in reality approaches to public management have been heavily influenced by the legacy of 45 years (or more) of totalitarian rule. The communist legacy, had, with few exceptions, all but eliminated many of the historically accepted notions of merit, professionalism and political impartiality (for additional discussion see Chapter 15).¹

The question of the kind of value system that would prevail in the newly established governance systems in Central and Eastern Europe has still not generated a clear answer. In the early years of the reform process, reform experiments based on NPM appeared to fall on fertile ground in systems where connotations of anything 'state' were negative. However, this was soon replaced by reform inertia and, for the period between 1992 and 1996–1997, a withering away of what remained of public administration structures (Verheijen, in Peters and Pierre 2003). The acceleration of the EU accession process following the issuance of the Commission Opinions on the membership applications of the 'ten' generated a turning point in the debate and perception of public administration. The accession process included the assessment of the quality of public administration systems, which for the first time became a condition for EU membership.

In parallel with the accessions process, the conceptualization of 'European values and principles of public administration' by Fournier (1998) and Cardona (1999) initiated a debate on what is 'European' in public administration values, as well as on what standards they embodied, a debate that has gone well beyond the initial emphasis of Fournier and Cardona's work on public law. This process culminated in the definition of the 'baseline assessment system'

and the Common Assessment Framework (CAF), as tools to stimulate and promote the improvement of the quality of public administration systems both internally and for EU candidate states. However, three years after the entry of the first group of eight CEECs (followed by Bulgaria and Romania in 2007), assessments and reviews conclude that convergence has been far less automatic and far-reaching than had been expected (Verheijen 2007). Not only have there been a large number of cases of reversal of earlier reforms, but also there has been a lack of consistency in direction, in particular between the Baltic States, on the one hand, and Central European states, on the other.

The processes that led to the definition of the two assessment systems could be defined as creating a 'constructed administrative tradition' based on a compilation of European administrative values. The notion of a 'constructed tradition' places emphasis on the role of ideas in the way traditions are transmitted in contemporary public administration. It draws particular attention to the way in which ideational components of an administrative tradition are filtered by contemporary actors – in this case, in a very deliberate and selective process of interpretation and distillation. In the cases under review, this constructed tradition became a model with quite specific prescriptions, as embodied in the baseline assessment system and the CAF. Importantly, the notion of a legacy remained at least implicit in the way the model was presented, for it was said to embody a set of values which were the distillation of a process of European administrative development.

At the same time as this constructed tradition was being evoked by its promoters, in each of the 10 states a set of inherited 'indigenous' legacies (both ideas and structures) was potentially shaping and limiting reform. As well (as was clearly demonstrated in the previous chapter), a host of political and contextual factors were also shaping the reform process. This chapter will review the emerging patterns of administrative development under the influences of the accession process in this set of states and focus on the following main questions:

1. Is a public administration model *sui generis* emerging, or is convergence towards a system based on the 'constructed European tradition' merely taking more time than expected?
2. Is there in fact a single model of 'administrative tradition' among CEECs, and, if not, what has been the determining factor in creating different patterns of administrative development? To what degree do previous traditions and values play a role?

European traditions and the benchmarking approach: Towards a constructed tradition?

Academic discussions on the emergence of a single European administrative tradition, or even a set of common values, are a relatively recent phenomenon.

The last decade has witnessed a new emphasis alongside the traditional approach in comparative European public administration, which emphasized the differences between Nordic, Continental and Anglo-Saxon traditions. We have witnessed a growing discussion on common values and principles, and their 'translation' to benchmarking and assessment systems as a reference point for states that want to accede to the EU and beyond.

The integration of 12 new member states² was expected to be a confirmation of the trend towards convergence and integration, to be steered through the definition and application of new membership standards, which were to measure administrative readiness to function effectively as part of the EU's political and administrative system. At first glance, the extended approach to the application of administrative capacity criteria would appear to prove this point. These criteria are applied to states that are considered potential candidate states (including all states in Southeastern Europe), and are now an integral part of association agreements as well as membership negotiations. In addition, the debate on the 'codification' of European administrative values has gone beyond the immediate accession process. Benchmarking systems have been applied in Russia (especially in Russian regions) and Ukraine. The Common Assessment Framework methodology, initially conceived as a way to move forward the administrative quality enhancement process in Europe, has proven to have 'export value' well beyond European boundaries. All this would point in a direction of increased consensus of what constitutes core European values in public management, anchored in common elements of the European administrative tradition. The contours of the 'constructed tradition' are therefore increasingly well defined.

Whereas there is increasing consensus on the substance of this constructed tradition, there is (as Yesilkagit pointed out in Chapter 11) much less consensus on the assumption of convergence towards a more uniform approach to public management across Europe. The convergence hypothesis continues to be challenged for a lack of empirical evidence. Sector-based comparative studies of administrative practice (e.g. Heritier 1999; Knill 2001) highlight convergence in administrative practice on specific aspects of public management, notably those directly affected by European-level regulation. However, critics such as Johan Olsen (2002) argue that sector studies are too specific to warrant drawing general conclusions on convergence. Similarly, critics of the approaches defined by Fournier (1998), Cardona (1999) and others argue that their work is too narrowly focused on legal principles, and does not focus sufficiently on actual administrative practice, thus drawing out a conceptual framework without providing the evidence for its applicability.

The process of EU enlargement necessitated a redefinition of EU accession criteria, as never before had the EU had to integrate states that came from an economic (and institutional) system that was not based on the principles of liberalism and capitalism. The latter process also led to rethinking what constitutes competitiveness in a broader European context. The quality of

administration, and its impact on the business and investment climate, are now considered key to European competitiveness. Therefore, strengthening the quality of public management across the board in the EU has become an increasingly important element of the competitiveness agenda, as outlined during the Lisbon Summit in 2000 (Staes and Thijs 2006). Like the administrative capacity element of the enlargement agenda, the administrative capacity elements of the competitiveness agenda also required a benchmarking system to track progress.

The two benchmarking systems share two common elements:

- An emphasis on what is common in European public management traditions, rather than what is different.
- A dynamic approach to public management systems, highlighting an evolutionary context.

At the same time, there are also important differences in the two systems. The baseline assessment system emphasizes legal and institutional frameworks, in addition to good practices in management processes, while the CAF focuses on processes, results and outcomes.

The baseline assessment system is anchored in the work of Fournier (1998) on the development of the notion of the 'European Administrative Space'. Even though this concept is based on observations of a convergence in approaches to the codification of administrative practice in public law, in its application it went beyond this. Fournier argues that enhanced cooperation in the EU requires a merit-based and professional civil service and a smooth operation of the politico-administrative interface (i.e. a stable and professional civil service, with a predictable and fair reward system), functioning systems of policy coordination and strategic management. This is in addition to process-related elements of public administration systems, such as the introduction of 'internal audit' (which previously used to be a largely Anglo-Saxon concept) across Europe, the identification of common approaches to external audit, and the acceptance of budget management processes based on medium-term planning frameworks.

Francesco Cardona (1999) starts from the same premise as Fournier (common elements in European administrative traditions, based on a review of legal systems, and an assumed convergence in systems and practices as a result of deepened cooperation inside common institutions) and also explores four key principles of good public management in European traditions: responsiveness, accountability, effectiveness and efficiency. The conceptual work by Fournier and Cardona provides the underlying logic of the baseline assessment system, which has been used by the EU since 1999 to review and assess the public management systems of EU candidate states and states that seek closer association with the EU. The system consists of approximately 50 baselines (or minimum standards) across six core

aspects of public management: policy management, civil service, budget management, public procurement, internal financial control and external financial control (Verheijen 2000). Whereas to a large degree the six main areas reflect core competencies that states need to perform on in the context of participation in the EU policy management system, some go beyond this, in particular by setting standards in areas of the organization of the decision-making process and the organization and management of the civil and public service.

In terms of civil service system management, standards include:

- a strong emphasis on political impartiality of the civil service;
- strict rules for the definition and management of political 'zones' in the civil service, where these exist;
- an emphasis on merit principles in career management;
- transparency, predictability and fairness when it comes to establishing civil service wage systems;
- the presence and effectiveness of horizontal management systems in the civil service.

Baselines on the policy management system include emphasis on inclusiveness and openness of the policy management system in addition to more conventional notions of effectiveness, as do the baselines on budget management, all of which are a reflection of Cardona's (1999) 'European principles'.

The assessment system is in some matters biased towards the continental European tradition. In particular, on regulating civil service systems, the system has a strong emphasis on legislation (while, for instance, the UK does not have a specific civil service law), something which has been played up significantly in the accession process of the new member states. However, apart from this, reviews have been mainly concerned with a) whether systems and practices in the state assessed are compatible with European traditions and values and b) whether they provide sufficient guarantees for the state to function effectively in the EU.

Thus, in terms of both substance and approach, the baseline assessment system represents an important attempt to capture what is common in European administrative tradition and to operationalize it through a qualitative assessment tool. The CAF is the second derivative of attempts to define common European values in public administration and management. Since the EU does not have direct powers in the area of public administration, any attempt to define a Europe-wide system of benchmarks for good practice in public administration would need to be based on voluntarism and consensus.³ The CAF resulted from a process of consensus-building between the ministries responsible for public

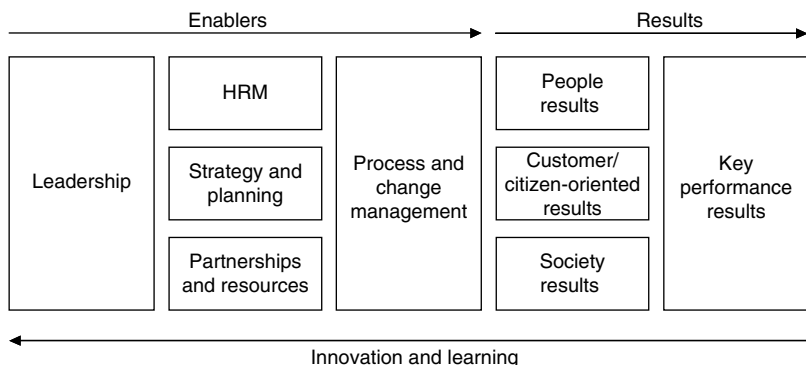


Figure 16.1 The CAF model

Source: European Institute of Public Administration www.eipa.nl/caf (accessed 20 July 2008).

administration in the EU member states, and was built on quality management approaches, notably those designed by the European Foundation for Quality Management, which were adapted to public sector needs by experts from the *Speyer Verwaltungshochschule* and the European Institute of Public Administration

The CAF draws more on management theory and is less explicitly linked to discussions on common European administrative traditions and values than the baseline assessment system. Nevertheless, it is an important reflection of what decision-makers consider the key values and requirements of a European public administration system. In addition, the 45 or so elements of the CAF system reflect the principles of transparency, inclusiveness, professionalism and merit prevalent in the baseline assessment system. The CAF process is meant to stimulate public sector organizations to enhance their performance, but is necessarily voluntary in uptake. A recent review of the first five years of the CAF process shows that there has been significant take-up of the approach (over 500 organizations in the first three years), and a streamlined and enhanced version of the CAF has been recently presented (Staes and Thijs 2006) with the aim of making the system easier to apply.

The benchmarking systems designed in the context of the European integration process over the last decade thus present an important attempt to identify what is 'European' in administrative traditions and values. Both approaches have gained broad acceptance and have been applied beyond their original scope and objective. As discussed above, the EU accession process, and in particular the enlargement to the east, provides an important test of whether these values have been internalized in a group of states that were isolated from them for a prolonged period of time. The next section of the paper will discuss the result of a recent review of these states in order to provide an answer to this question.

‘New Europeans’: Towards the European administrative tradition?

The new member states of the European Union provide an interesting test case of the notion of convergence towards a common approach to public administration in the European context, based on shared traditions and values. Reviews of the public administration systems in the years immediately before the accession of the ‘eight’, in the context of both academic publications (e.g. Dimitrova 2002; Goetz 2001) and the annual assessment conducted by OECD/SIGMA for the European Commission, showed a tendency for these states to move towards systems within the range of the ‘baselines’ discussed above. However, assessments also showed that a number of them were well removed from meeting European standards on core aspects of civil service, policy management and budget management practices. On core technical competences directly related to EU policy implementation (and the associated EU funds), such as procurement and internal and external audit, much more progress had been made.

It is important to note that in many cases (the Czech Republic, Slovenia and Estonia in particular) progress did not go beyond the adoption of legislation. Doubts were expressed even at the point of EU accession on the true commitment of the political elite to the creation of civil service systems reflecting European values and traditions such as merit, permanency, political impartiality/clear separation of career and political parts of the civil service, and professionalism. Following the convergence logic inherent in the concept of the European Administrative Space, participation in the EU policy management system would be likely to move country practices closer to European values. It is hard to imagine any member state that could be able to function effectively in the EU without having in place a civil service system with professional staff and a smoothly operating politico-administrative interface.⁴

An assessment conducted by the World Bank in 2006 looked into the extent to which the new member states were able to perform effectively in the EU during the first three years of membership and the extent to which their civil service and policy management systems had moved closer to the standards set under the baseline and CAF assessments (Verheijen 2007). Whereas the assessment did not address all aspects of these issues for all new member states (and did not include Bulgaria and Romania, which both joined in 2007), the conclusions were striking.

The analysis reveals that, while the new member states all perform well on some core aspects of participation in the EU, such as formal transposition of EU directives, they do not perform well on other issues, such as the absorption ratio of EU funds, and in particular on fiscal management. On the latter issue, states that formerly had performed well, such as the Czech Republic and Hungary, slipped well beyond Maastricht Convergence criteria

after joining the EU (Verheijen 2007). On investment climate and business environment, two important proxies for effective public administration systems, the new member states are divided into two groups, those that have managed to approximate to the standards of the 'old member states' and other OECD countries, and those that have remained far removed from these, and have shown a tendency to 'slide'. The latter group includes the Czech Republic, Poland, Hungary and Slovenia.⁵

Baselines on civil service

The subsequent review of civil service and policy management systems, based on CAF and baseline assessments (and the comparison of the latter to the situation before membership, during the last SIGMA assessment), brings out a bleak picture on some core elements of these systems (Figures 16.2–16.5) (Verheijen 2007).⁶

On the issue of civil service legislation (Figure 16.2), all the eight new member states would have rated at '4' at least at the time of accession, as legislation was in place in all states except the Czech Republic (which was about to adopt a law). Whereas there were reservations about the applicability of some of the laws (notably in Slovakia), it was expected that this would be addressed through amendments. Several states had legal systems in place that were well enshrined and compatible with European values and traditions, in particular Poland. Three years after, legislation has been revoked in Poland and Slovakia, with no legal framework for the civil service effectively in place, while legislation in the Czech Republic was never implemented. The Hungarian and Estonian systems are considered inadequate, and in need of significant reform. Only Latvia and Lithuania have legislation in place that can be considered an adequate basis for a professional, impartial and merit-based civil service.

Integrated human resource management systems (Figure 16.3) are considered a further crucial element of European civil service systems, ensuring

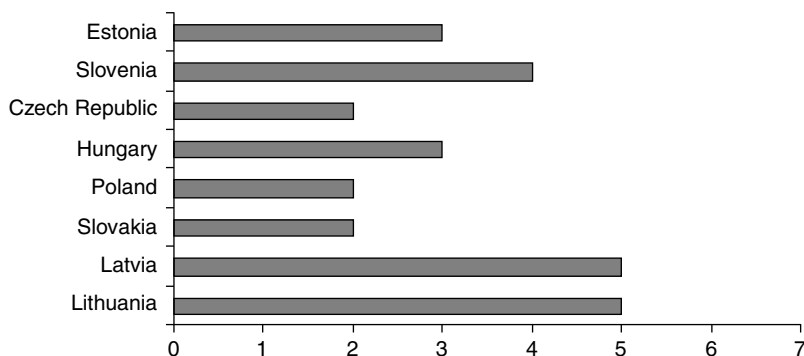


Figure 16.2 Civil service legislation

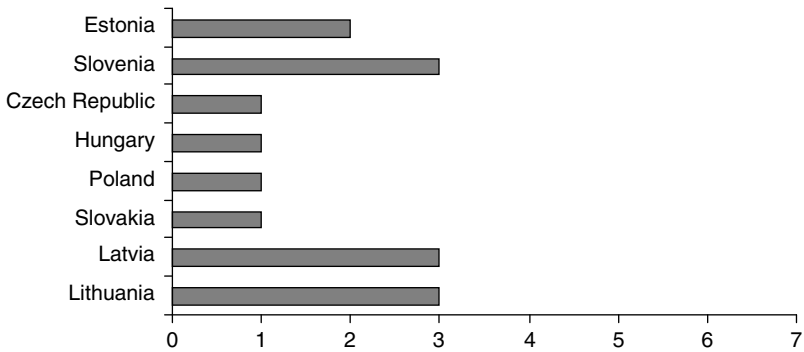


Figure 16.3 Human resource management systems

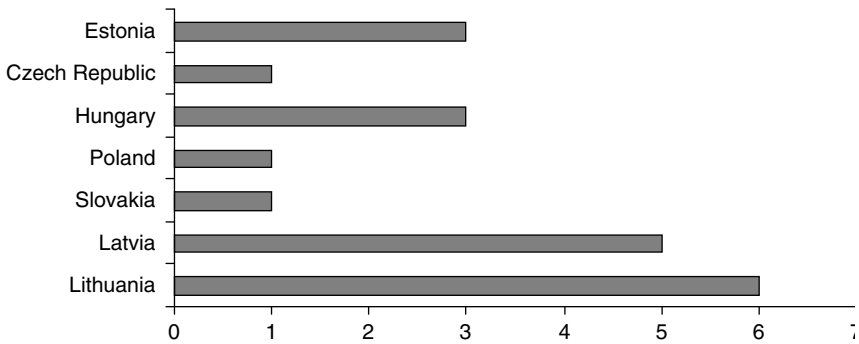


Figure 16.4 Politicization

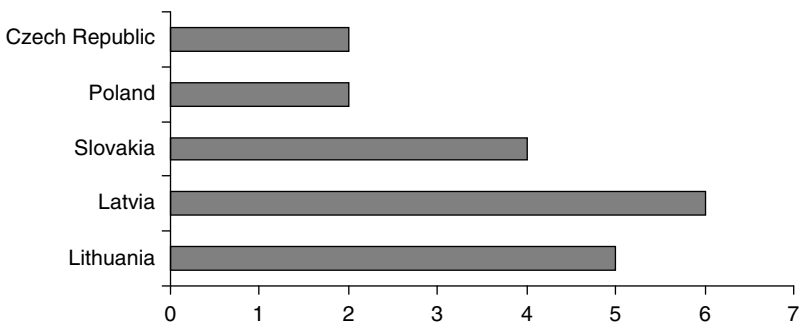


Figure 16.5 Incentive systems

the consistent application of merit principles and professional standards, as well as safeguard against the risk of politicization. On this particular element none of the eight new Member States would obtain an adequate rating, Civil Service agencies were abolished in Poland and Slovakia, and effectively marginalized in Latvia. Rudimentary structures remain too weak to have any real impact in Estonia and Slovenia, while in the Czech Republic and Hungary horizontal management systems were never properly established.

Figure 16.4 presents the situation with respect to politicization. A politically impartial administration, with safeguards against political interference in appointments, dismissals and career management, is a fundamental European value and tradition. Whereas some European models would ensure a degree of 'managed' political involvement in top-level appointments, all of these aim to create a clear boundary between the political and career administrative worlds, while ensuring adherence to the principle of a permanent, professional civil service. One of the clearest illustrations of the noncompatibility of deep politicization with European civil service tradition is the Greek case, where deep politicization was one of the factors in the extremely weak performance of Greece as an EU member state in the 1980s. Of seven states reviewed on this particular issue, only Latvia and Lithuania have adequate systems in place for managing politico-administrative relations, while in all other cases (except possibly Hungary) the dynamic of the last three years has been negative. Thus, also on this issue there has been a reversal in dynamic, away from convergence and increasingly towards a 'spoils system'.

Incentive systems (Figure 16.5) are picked here as a fourth element for discussion, as there are relatively clear European principles on this assessment criterion, which include transparency (the generally held principle that base pay should be at least 80% of take-home pay), a trade-off between wage levels and permanency (i.e. public sector wages are generally lower, but at a credible percentage of those in the private sector), gradual wage development and, increasingly, a link between performance and accelerated career advancement. Whereas on this issue the dynamic is much less negative than on the other three points (as at accession this was one of the areas where least progress had been made), the inability of Central and East European states to establish reward systems that allow them to attract and retain a sufficient number of talented staff has been a further factor that sets them apart from the European mainstream, where civil service positions have, in most traditions, always constituted an alternative to a private sector career.

CAF assessments: Strategic planning and performance management

On core aspects of the organization and management of the civil service, as well as on aspects of policy management (Verheijen 2007: 27–30), two of the

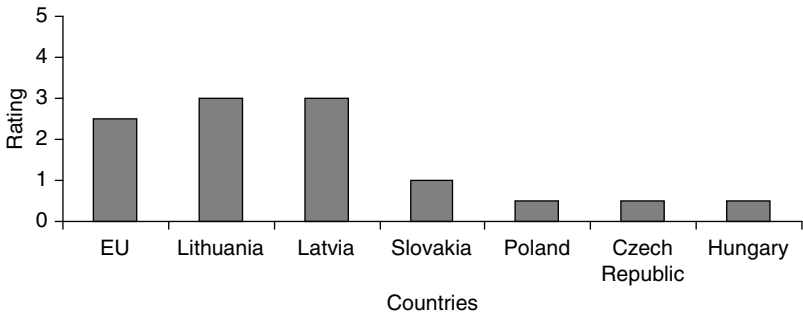


Figure 16.6 Performance management benchmarked against the EU average

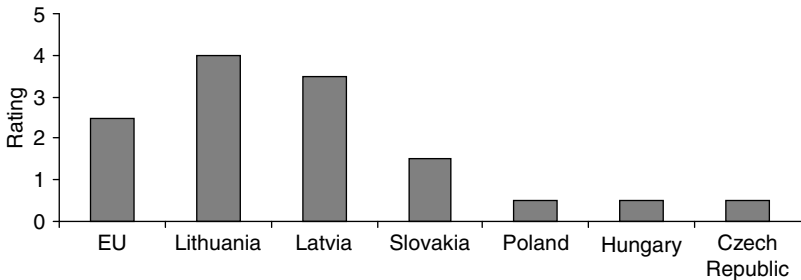


Figure 16.7 Strategic planning benchmarked against the EU average

Baltic states, Latvia and Lithuania, stand out positively in defying the general trend of ‘slippage’ on building administrative systems compatible with European values and traditions. This is equally the case on proxies for performance (investment climate, business environment, fiscal performance), as analyzed in the World Bank study (Verheijen 2007: 5–6), where the third Baltic State, Estonia, also performs strongly. A similar pattern emerges from the review of performance on two of the CAF areas, performance management and strategic planning (Figures 16.6 and 16.7; Verheijen 2007).

Thus, similarly to the results of the assessment on other elements of public administration and management systems, Latvia and Lithuania also outscore other new member states (as well as old member states) on these two elements of review, which are considered indicators of advanced capacity and practice in public management.

From the perspective of studying administrative traditions and values, and the notion of convergence towards a more common approach to public management in EU member states as part of the ‘socialization’ and

deepened nature of EU cooperation, two questions arise from the above review:

- (a) what are the underlying causes for the reversal of course by so many of the new member states on several core elements of public administration system development?
- (b) what explains the very different pattern noted for the few 'outliers', which show a very different trend on each of the indicators measured?

Possible causes and likely trajectories

In terms of administrative development the new member states show three sets of trends. Latvia and Lithuania have followed a relatively consistent strategy over much of the last decade of reforming public administration systems in line with performance management principles. With the implementation of modernized management systems, both states have also put in place civil service systems that have many elements of the 'core' European tradition (law-based systems, impartiality and limited political interference, transparent incentive systems) apart from a strong horizontal management system.

The Central European states, however, have shown a rather more erratic pattern of administrative development. Whereas administrative traditions in these four states are historically considered the strongest (especially in Hungary, the Czech Republic and Slovakia) and clearly anchored in the broader Austro-Hungarian tradition, administrative development following enlargement has shown little of that inheritance. After years of half-hearted adoption of administrative reforms, ostensibly to comply with EU requirements, all four states went into a pattern of reversal of the incomplete reform agenda, especially on the reform of the civil service.⁷ As a result, today all four countries continue to have heavily politicized civil service systems with unclear legal status and dysfunctional incentive systems. The situation in Poland and the Czech Republic is particularly dire, as government in both states has shown a clear and open rejection of the values and principles that underpin European civil service systems. Finally, on initial evidence, of the two 'new arrivals', Romania appears to be moving in the same direction as these four.

Of the three other states, Slovenia and Estonia do not really fit either pattern. Both have a largely unfinished civil service reform agenda, without, however, having shown the pattern of reversal that characterizes the other states discussed above. Estonia has introduced innovations in public management, especially in service delivery. However, unlike in the other Baltic States, this has not been accompanied by broader administrative and civil service reforms. Slovenia has gradually introduced mostly incremental reforms in its public administration system, without as yet moving near to fulfilling the baseline criteria on most counts. Bulgaria would also fit in this category, as

a state that has over the last 10 years made several attempts at introducing civil service and public administration reforms without achieving the desired results, mostly due to frequent turnovers in government and a lack of willingness among politicians to accept reforms initiated by others.

The pattern outlined above goes against the grain of expectations, especially when considering administrative traditions. Of the 10 new member states from Central and Eastern Europe, Hungary, the Czech Republic and Slovakia have the strongest roots in the continental European administrative tradition, built on the Austro-Hungarian model. Poland and Slovenia in their administrative history have also been strongly influenced by this model. At the same time, three of these countries have seen significant reversals in the establishment of civil service systems fitting the European model, with politicians openly questioning its relevance.

The Baltic States do not have a similar model to anchor their development on (except for a brief spell of independence in the interwar period), yet two out of three states have established public management systems that successfully blend performance management principles with elements of the continental European civil service tradition. There are several possible approaches to explaining and interpreting these patterns, which can help shed light on some of the questions posed in the introduction to this article: spheres of influence, political stability and stratification, the emergence and use of 'windows of opportunity', and perceptions of public service.

1. 'Spheres of influence'

A first possible explanation for the patterns outlined above is spheres of influence. Whereas the EU accession process has had a direct impact on patterns of administrative development in Central and Eastern Europe, it is often argued that this impact has by its nature been shallow. Administrative criteria for EU membership were developed late on in the accession process and were seen, at least initially, as an 'add-on' for which compliance was needed without internalizing some of the underlying values.

Therefore, if one looks somewhat deeper into patterns of administrative development, and in particular the provenance of assistance provided, this might help explain directions in administrative development. In this regard, the exposure of Latvia and Lithuania to performance management principles from the Nordic States (notably Sweden) and from Anglo-Saxon systems (including Canada and New Zealand) could explain the internalization of such principles in the relatively open environment of the Baltic States, which had limited traditions to fall back on. This would also help to explain why Central European states, which had more limited exposure to these innovations, did not absorb them in the same way. The exception is Slovakia, which in the period between 1998 and 2006 was strongly influenced by performance management ideas. However, their influence was limited to part of the government and administration. Whereas this might

to some extent explain patterns of development, it does not account for the Slovak case, nor for the Estonian case discussed above, where modern management methods of public service delivery did find acceptance, without leading to the broader reforms witnessed in Latvia and Lithuania.

2. Political polarization and politico-administrative relations

A second factor in explaining the unexpected patterns of administrative development is political polarization and the nature of politico-administrative relations. Here there are significant differences between Latvia and Lithuania on the one hand, and the Central European states on the other (as well as with Bulgaria and Romania). Whereas Latvia and Lithuania have seen their fair share of turnovers and changes in government, much like the other states, this has not, over the last decade, affected the direction of administrative reform and development. Politicians have at times led and at times accepted the overall direction of reforms, which has in both states led to the development of a relatively linear reform trajectory over the last decade. The higher level of trust of politicians in senior officials has also increased acceptance of the idea of a permanent civil service, and a reduction in the number of 'political positions', be it formal or informal. This level of general trust between politicians and senior officials has been virtually absent in all the Central European states, which have continued a pattern of reversals of reform and politically driven appointments and dismissals in the civil service. This is closely related to the level of political polarization, which remains high in each of the four states. Political stratification is also largely bipolar in nature, complicating a break with this pattern.

3. 'Windows of opportunity'

In political contexts such as the ones described above, the use of windows of opportunity becomes a key factor in breaking out of established patterns. The EU accession process and the introduction of administrative capacity criteria provided one such window, notably around 1997–1998, when negotiations for membership were initiated. Other events, such as economic downturns (internally or externally generated) and political turmoil, can also provide important opportunities for reform. Latvia, Lithuania, Slovakia and Bulgaria are the four countries among those discussed here that have experienced all three elements of turmoil. These include initial rejection for negotiations for EU membership, partially on the grounds of weak administrations, economic crises (Bulgaria in 1997, the Baltic States in 1998–1999 and Slovakia in 1999) and political instability. Whereas reformers in Lithuania and Latvia capitalized on these opportunities to introduce reforms, which were subsequently 'carried' by senior officials, Slovakia and Bulgaria only partially succeeded in doing so, and never managed to build a stable administrative coalition for reform. Other states, such as the Czech Republic and Hungary, had their own share of economic crisis and downturns (in 1997 and 1995 respectively), but did not experience additional shocks. Romania

experienced a combination of political crises, initial rejection by the EU and economic difficulties. However, in none of these cases did this result in decisive action on administrative reform. Slovenia and Estonia both had a relatively stable political and economic environment, without significant external or internal shocks.

4. Perceptions of public service

Political and societal perceptions of the nature and role of public service also play a role in the direction of reform. Looking at political rhetoric, Central European politicians appear to be much less convinced of the need to have different management and legal models for the public and private sectors than their counterparts in the Baltic States. The argument that the notion of gradual careers and employment guarantees hold little value (and thus would not necessarily attract qualified staff) in the dynamic economies of Central and Eastern Europe is used most of all by Polish, Czech and Slovak politicians. Whereas there is some merit in this argument, it is at the same time true that Latvia and Lithuania have seen a surprising level of stability in senior-level staff even though these two countries have a regulated civil service model, unlike the other three. It has often been argued that the Baltic exception is based on the 'new state' factor, a point that equally has its merits, but at the same time would need to be seen in the same way in Estonia (the other Baltic State), Slovenia and Slovakia. Therefore, even if this is a potentially interesting notion, which is important to consider when recommending policy measures in Central Europe, it is also the most volatile among the four factors discussed here and may lose value once the 'dynamism' of the Central and East European labor markets settles into more conventional patterns.

In sum, the external environment, including exposure to different forms of technical support and advice and politico-administrative stability (as determined by the level of polarization and the presence of windows of opportunity), may matter more as a predictor of administrative development than legacies or traditions. States that were less strongly influenced by European traditions in their prior development appear to have picked up reforms more easily and have moved in the direction of establishing administrative and civil service systems in line with European values. States that have stronger administrative traditions (pre-communism) do not appear to have been able or willing to build on these, even in the 'socialized' context of EU membership. The two exceptions to these two patterns are Slovenia, which has followed a rather incremental reform track that stands out from all other states and in many ways is built on the 'Yugoslav tradition' (Rabrenovic and Verheijen 2006), and Estonia, which, though relatively 'free' of traditions, has not followed the same track as the other two Baltic States.

The above review of patterns would therefore define traditions as either a neutral or an impeding factor in administrative development in these cases. The 'constructed' tradition of the EU was seen as a 'box to be ticked' by most of these states while the pre-communist tradition was eventually

seen as being out of tune with the new realities of political polarization and dynamic economic development.

Constructed and historical traditions

The above analysis of trends in administrative development in the 10 new EU member states from Central and Eastern Europe throws some doubt on the importance of administrative traditions in defining reform trajectories:

- The 'constructed' European tradition played an important point as a reference point for initial reforms but has not, as yet, been internalized in the new member states to the degree that might have been expected;
- The pre-communist administrative traditions, notably strong in Central Europe, have not proven to provide a positive reference point for these states to build effective public management systems, based on European values.

Moreover, the communist legacies are seen to have had an impact on reform patterns in the early years of the reform process, but have also not proven to be a deciding factor in defining administrative development in the region (see also Chapter 15).

When considering the relative importance of administrative traditions, whether viewed as primarily constructed or inherited, the conclusion would be that political polarization and current political perceptions of civil service systems override the impact of both in a majority of states. The fact that political polarization remains deeply engrained in all Central European states provides little hope for a change of direction in the short term. In the long term, however, it remains likely that socialization and EU membership would have their impact.

For the Baltic States, in particular Latvia and Lithuania, and in the case of Slovenia, conclusions would be different. The 'pull' of the constructed tradition helped move administrative reform out of the deadlock in both Latvia and Lithuania in the late 1990s (helped by other factors), while the relatively low degree of political polarization and more positive perceptions of the notion of a permanent civil service managed to sustain the momentum of reform, even after membership became a reality. The case of Slovenia is slightly different, as the constructed European tradition was less important (Slovenia was never pushed strongly by the EU on administrative capacity requirements) than the legacy of the former 'Yugoslav' system, which led to a much slower and incremental reform trajectory that moved the Slovenians gradually towards EU benchmarks, without, however, achieving them in full.

Bulgaria and Estonia are the two outliers that are not easy to fit into either pattern. Both have made more progress on aspects of administrative reform than the Central European States. Bulgaria has followed the same 'stop and

go' pattern as, for instance, Poland, but has not thus far reversed in reform direction. Estonia has emphasized managerial reforms without addressing civil service development issues in a satisfactory manner.

In sum, whereas the review after three years of membership (or before joining, for Bulgaria and Romania) does raise doubts about the relevance of traditions (real or constructed) and of the hypothesis of convergence, this is by no means a universal conclusion, even among the 10 cases discussed here. However, continuous tracking of administrative reforms in this group of countries is likely to shed important new light on the relevance of the weight of tradition (constructed tradition in particular) as a factor in shaping administrative reform trajectories.

Notes

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1. The former Yugoslavia retained a professional and merit-based system until well into the 1970s.
2. Ten for Central and Eastern Europe, plus Cyprus and Malta.
3. The Lisbon Treaty, which became effective on January 1, 2010, for the first time opens the possibility of the EU interfering directly in member states' administrative Practices under article 176(d).
4. Greece in the 1980s is one example of an 'outlier state' that was effectively isolated in the EU and was neither able to effectively participate in the policy process nor able to draw the benefits of membership, a case often used as an illustration of why, even if states could formally avoid meeting administrative capacity criteria, they cannot in reality be effective member states without fulfilling some basic principles of European civil service management.
5. Weak administrative capacity was also noted in a review by the *Economist* newspaper, published in November 2006, which highlighted the risk that underperforming new member states pose to EU decision-making and, eventually, the functioning of the EU (*The Economist*, November 30, 2006). Like the World Bank study, the *Economist* highlights the link between weak performance and symptoms of weak civil service and public administration systems.
6. In-depth reviews were conducted for Lithuania, Latvia, Poland and the Slovak Republic, partial reviews on Estonia, and desk review plus expert interviews for the Czech Republic, Hungary and Slovenia. The results of the review were discussed with senior officials from the eight states concerned and confirmed during a workshop held in Bratislava on September 5–6, 2006. In the figures presented here, '7' represents 'baseline achieved'. A '4' rating implies that reforms are on a positive trajectory (baseline not achieved but progress being made), while '1'–'3' ratings imply that a significant deviation from minimum standards applies, while no initiatives are in place that could address this situation.
7. Slovakia did introduce elements of performance management, akin to the reforms in the two Baltic States reviewed above, but never in a systematic manner, and not accompanied by equivalent civil service reforms.

17

Conclusion: Administrative Traditions in an Era of Administrative Change

B. Guy Peters and Martin Painter

The concept of administrative traditions tends to emphasize the continuities in governing and in the organizational life of the public sector, or the significance of 'legacy effects'. This persistent nature of public organizations is well known and indeed is virtually a stereotype of the public sector. By looking at traditions in administration, however, we are able to examine not whether individual public organizations are 'immortal' (Kaufman 1976) but whether their ways of organizing themselves and their styles of administering programs are enduring. Individual public organizations may come and go, but the underlying way of doing the public's business may not change as rapidly.

The discussion of administrative traditions and enduring patterns of governing is set in a period that has had perhaps the most significant administrative change of any since the late 19th Century.¹ As is the case for any major transformation of the public sector the administrative changes at the end of the 20th Century and beginning of the 21st are driven by new ideas that can justify altering the older ways of doing things. Of course, the New Public Management plays that role as a source of ideas for the contemporary period, and it has been the cause (or at least the named cause) for any number of reforms in the countries discussed here and elsewhere. These ideas, as vague as they may be, have helped to drive change and to bring into question established ways of governing.

What can we learn from this book's case studies about continuity and change? The basic mechanisms of legacy effects are twofold: first, inherited ideas or customary modes of thinking that pattern actor orientations to changing circumstances or new ideas; and second, inherited structures that act as constraints on available or viable options. Yet it is clear from the cases that these legacy effects are variable, both within and across countries and also over time. To say that there are identifiable 'families' of administrative traditions and that 'traditions matter' is not to say that there can be no change, nor that all change within a particular national system is always only in one direction or along one preordained path. We have seen cases in

this book where change has occurred in 'path-breaking' ways (e.g. France) and where tradition has had ambiguous or weak effects compared with other variables, especially political factors (e.g. Africa and Eastern Europe). We are simply pointing to one set of variables in the change process – the legacy effects of inherited ideas and structures – that, along with other variables, can shape, inhibit or accelerate reform.

The conclusion that one must reach is that neither a model that posits that nothing changes, nor a model that posits that all is flux, can be supported in the real world of administration. There is some evidence to support both models but some of the outcomes that would be needed to support either one is missing. For example, if the change model were to be supported fully then we should expect more homogenization across the cases than we have observed. Likewise, if the persistence model were to be supported strongly then one could not observe the degree of convergence that has been observed, even for countries such as France and the United Kingdom that had well-institutionalized administrative systems. Certainly any simple forms of path dependency that argue that the 'lock-in' from an earlier policy decision is structurally unassailable can not be supported by these cases.

Patterns of change

What has emerged is, we hope, a more nuanced understanding of how change occurs, and likewise what role the 'administrative DNA' of public administration plays in shaping management and the relationship to political institutions. First, it is clear that change has come about in these systems for a variety of reasons. In some cases the change has been imitation. For example, a number of countries have attempted to imitate New Zealand and other major innovators in NPM style changes. Still other systems appear to change rhetorically, saying they have changed while in reality relying strongly on established patterns.

The patterns of change observed for these countries therefore are somewhat analogous to the causes of institutional isomorphism identified by DiMaggio and Powell (1983). For many of the countries included in this book the pattern of change is *mimesis*, or simply imitating what others have done, often without any real understanding of the logic of the changes. For a number of the cases included here there was a certain amount of *coercion* to adopt the administrative changes. For example, the post-Communist systems which wanted to join the European Union were under a good deal of pressure to adopt 'contemporary' management techniques along with many aspects of Weberian management. Likewise, many of the less-developed systems have been under pressure from donor organizations such as the United Nations and the World Bank to adopt those management techniques.

The third style of change was described by DiMaggio and Powell as *normative*, implying that the norms associated with an institution were sufficiently

powerful to generate change. In the case of administrative changes derived from NPM, the frequent advocacy of the ideas, their association with modernity in the public sector, and their connection to powerful organizations (even for those countries that could not easily be coerced) created a strong normative basis for their adoption. It may, however, be difficult to distinguish mimetic from normative forms of change, so that the ideas may be included in the logic of change.

Of course, these ideas from NPM were often in conflict with other ideas that have been institutionalized over some years in the form of administrative traditions. The politics of reform therefore depend on the manner in which the possible reforms are perceived and how the possibilities for change are conceptualized. For example, do the actors involved conceptualize the possible NPM reforms as being compatible with their existing traditions, as might be true for many of the Anglo-American cases, or are they conceptualized as being almost totally incompatible as in the case of some of the Napoleonic cases? Indeed, in some cases reform may reinforce the underlying style of administering policies rather than be in conflict with that tradition.

The majority of the cases we have included in this volume have shown that administrative traditions function as a set of lenses through which political and administrative leaders can interpret policies and reform opportunities. As has been argued for political culture and for organizational culture (Hofstede 1991) more generally, the ideas that are embedded in these cultures structure both affect and cognitions, and hence have a powerful, if subtle, influence over the choices made by the actors involved in public administration (see the discussion by Yesilkagit in Chapter 11). Again, however, the actors do have the opportunity to exercise some judgment and to attempt to reshape the administrative traditions within which they function. One of the major management tasks, in both the public and private sectors, is to shape organizational culture and hence traditions can be continuously modified, if not reinvented.

Further, in some cases actors have the opportunity to choose among alternative traditions, and justifying their own policy preferences in terms of some perceived historical foundation. This opportunity is perhaps most apparent in the United States where at least four alternative views of what constitutes good public administration exist and different political leaders invoke one or another (Kettl 2002). At more of an extreme, political leaders in some of the former Communist states still may believe that the old ways of doing things were actually much better than the brave new world of public management.

The cases in which there are choices among several equally legitimate traditions may lead to cycling among those alternatives. French administration, and government, for example, more generally has gone back and forth between Jacobin and Girondist alternatives (Hazareesingh 2001). More generally Herbert Simon (1947) pointed out over 60 years ago that the 'proverbs of administration' tend to come in mutually contradictory pairs so that when an administrative reform chooses to emphasize one virtue,

for example, decentralization, the alternative, for example, central steering, quickly becomes attractive to would-be reformers.

Reform of the State taken more broadly and comparatively also seems to have gone through several cycles. For example, during the 1960s there was a great deal of interest in 'rational' reforms of governing based on economic models. For example, ideas such as cost-benefit analysis and program budgeting had at their core utilitarian assumptions based on economic logic. These reforms were soon replaced by a series of more modest approaches to governing that had politics more at their core. And then there has been another burst of interest in rationality and the market expressed through NPM. The reaction against the market solutions of NPM also appears to stress the importance of political solutions for political problems.

Finally, we have also seen in several of our cases another set of change dynamics that require us to view change in the context of tradition, namely the phenomena of what Thelen (2004) refers to as 'displacement' and 'layering'. Displacement occurs when a small change at one level – probably a 'foreign import' – diffuses to become eventually a major system-wide change as time passes because, once actors become familiar with its presence, the change is seen to serve useful purposes *within* the established order, even though actors might initially have resisted it. Layering occurs when an innovation is adopted but simply added on to the old model without much regard for compatibility, or perhaps because the battle of replacing the old with the new was simply unwinnable. This may result in what Teubner (1998) calls an 'irritant' in the system, setting in train a process of friction and accommodation between new and old that changes both. Such processes were described in this book in the cases of France and Japan, for example (Chapters 7 and 12). The important point in these cases is that legacy effects do not prevent change; rather they are made evident through the historical process of change itself and, as a result, affect the nature of that change.

In summary, there can be unfortunately no clear statement either that traditions determine policy choices or, on the other hand, that public administration is almost perfectly malleable. Rather, there is evidence for both broad positions. The most defensible position therefore appears to be something of a compromise. It is clear that change may occur in the most unlikely places and in very unlikely ways, but at the same time it is important to understand the underlying tradition in order to understand the reform, its likelihood of success, and the likely course of change after the first blush of enthusiasm for a reform has worn off. Thus, traditions are important, and they do affect outcomes, but they need to be understood as one of several factors affecting the ways in which contemporary States are governed.

Note

1. This date is selected because of the importance of the Progressive Movement in the United States and the creation of Weberian administrative states in much of Northern Europe (Torstendahl 1996).

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