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New Wine in Old Bottles: How New Democracies
Deal with Inherited Bureaucratic Apparatuses
The Experiences of Mexico and Spain

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Abstract

This paper addresses the question of how democratic elites cope with the challenge of bringing about change in the bureaucratic apparatuses inherited from authoritarian regimes. I compare two democracies that emerged after a long lasting authoritarian episode: Spain and Mexico. I show that, paradoxically, the capacity of new elites to reform the administration is negatively related to their ability to carry out broader reforms in the state structure, and that their strategies also depended on the ability of the bureaucracy to resist reform efforts. In both countries, change was the result of both deliberate reforms and incremental adjustments to the new institutional context.

Resumen

Este documento analiza cómo las élites democráticas enfrentan el reto de transformar los aparatos burocráticos heredados de regímenes autoritarios. Para ello, se comparan dos democracias surgidas tras un episodio autoritario de larga duración: España y México. Se demuestra que, paradójicamente, la capacidad de las nuevas élites para reformar la administración pública está inversamente relacionada con su habilidad para realizar reformas más amplias a la estructura estatal, y que sus estrategias también dependen de la capacidad de la burocracia para resistir los intentos de reforma. En ambos países, el cambio en el sector público fue el resultado tanto de reformas deliberadas como de ajustes incrementales al nuevo contexto institucional.

Introduction

The Spanish democratic transition has been praised for having successfully managed multiple tasks, including decentralization to sub-national governments, integration to the European community and creation of a comprehensive welfare state. When interviewed in 1992 —ten years after taking office—, Spanish Prime Minister Felipe González was able to boast about all these achievements. Yet, he also showed his disappointment with the government's inability to transform the administrative apparatus, calling it the greatest frustration of his premiership (Heywood, 1995). In contrast, in Mexico, the government of Vicente Fox —who put an end to 70 years of rule by the same political party— has been unable to achieve most of its goals of political and economic reform, due to a combination of institutional constraints and political miscalculations. In spite of this manifest difficulty in carrying out the reform agenda, Fox's government has managed to initiate several policies aimed at transforming the bureaucracy inherited from the pre-democratic regime. Notwithstanding the actual results of these reform efforts, what is remarkable is the *capacity* to initiate them.

This paper analyzes these puzzling differences in the way in which the new democracies of Spain and Mexico dealt with the bureaucratic apparatuses inherited from their authoritarian past. In contrast with most studies of democratic transition and consolidation, this paper focuses on events *after* the transition, but that, as it will be argued, are partially explained by what happened during the pre-democratic period. In this way, it addresses the broader issue of institutional continuity in the course of political transformation.¹

By analyzing how new democratic governments in Spain and Mexico tried to implement administrative reforms, this paper shows that, paradoxically, the ability of new elites to initiate reforms of their bureaucratic apparatuses is negatively related to their capacity to carry out broader reforms in the state structure. Thus, while the Spanish elites were dealing with constitution-making and devolution to regions, they could not focus their attention on administrative reform before 1984 (eight years after the transition), and with only limited results. Conversely, the Fox administration in Mexico, constrained by a divided Congress that blocked most of its reform agenda, turned its attention to less contentious issues related to administrative reform at an earlier point in the transition process. Furthermore, the implementation of

¹ It could be argued, from a methodological standpoint, that it may be problematic to compare a "finished" transition (Spain) with an ongoing process of political change (Mexico). However, since the research interest of this paper is to explain the different capacities to initiate reforms, this concern does not preclude the analysis of these countries, because in both cases there have been attempts (failed and successful) to promote change in the public sector.

those reform efforts was also influenced by the characteristics of the bureaucracy the new elites were trying to reform. In Spain, the prospects of change were reduced by the organization of the bureaucracy into corps, which provided a basis for organized resistance to reformist efforts. In contrast, in Mexico the bureaucracy never enjoyed formal or informal cohesion (especially among medium and top-level public officials) and there was no form of collective action that could become an obstacle to reform. Still, it will be shown that, despite these differences, in both cases there was also a gradual process of adjustment, by which substantial change occurred, as the bureaucracy reacted to a new set of incentives provided by the democratic nature of the new regime.

This paper presents a theoretical argument linking public management policy making with its institutional context. Administrative reform can only be understood when analyzed as part of a broader institutional environment, which provides incentives and constrains that determine the dynamics of change in the public sector. Rather than comparing two fixed points in time, this case-oriented analysis will shed light not only on similarities and differences before and after the transition, but, more importantly, on the *processes* (Barzelay and Gallego, 2006) that brought them about—purposeful action or incremental adjustment—and on the mechanisms that explain both institutional change and stability in public management.

1. Bureaucracy and Democratic Governance

The comparative public administration literature is full of references to reforms that political elites carry out to align the interests of the bureaucracy with their own (Barzelay, 2001; Pollitt and Bouckaert, 2000). However, little attention has been paid to the dynamics of administrative reforms that take place within the process of broader changes in the political regime.² On the other hand, current research on regime transitions does not fill this gap. The focus of this literature has been on democratization trajectories (Geddes, 1999; Karl, 1990), strategic interaction of political elites (O'Donnell, Shmitter, and Whitehead, 1986), and the limits and opportunities for democratic consolidation, with an emphasis on economic adjustments (Bunce, 2000; Przeworski, 1991), legacies of authoritarianism (Pion-Berlin, 2005; Hite and Cesarini, 2004) or on institutional design (Linz, 1994; Mainwaring, 1993; Power and Gasiorowski, 1997).

Nevertheless, once established, a new democracy must face, sooner or later, the challenge of bringing about change in a bureaucratic apparatus that was molded by the needs and preferences of the authoritarian regime. In fact,

² Particularly, the issue of how administrative reforms are attempted within a context of democratic transition has not been explicitly addressed. The only exception is Baker (2003), who addresses the issues of democratization and bureaucracy, but fails to make generalizations out of case study research.

when trying to implement a government agenda, any regime —authoritarian or democratic— will have a strong interest in aligning administrative institutions to its political project.³ Thus, under authoritarian regimes, order and stability are primordial goals for the bureaucracy, since they reflect the idea of the authoritarian regime as custodian of political order and/or agent of social and economic development. Public administrations are structured accordingly with members recruited on account of their political affiliation and as loyal supporters of the elite’s vision for the country (Oszlak, 1986). In contrast, we could expect that, in a democracy, politicians will have an interest in trying to make sure that the bureaucracy works under the principles of responsiveness — responding to the preferences of citizens and the mandates of elected politicians— and accountability —answering for its performance to their political superiors, to the legislature and, ultimately, to the citizens (Manin, Przeworski and Stokes, 1999; Dubnick and Romzek, 1998; March and Olsen, 1995). This distinction does not mean that all bureaucracies (or, for that matter, all public servants) respond to these incentives. Yet, it is possible to argue that politicians will, indeed, have a strong interest in realigning the incentives to which bureaucrats respond, in order to make them compatible with their political goals.

The change from a bureaucracy structured to meet the needs of an authoritarian regime to one that responds to the incentives of a democratic government does not take place overnight. It may come about either by purposeful intervention or automatic adjustment. Purposeful intervention involves decisions made by political authorities to modify the legal framework, the labor relations regime or the organizational structures of the bureaucracy. Automatic adjustment, as its names indicates, relies on the gradual adaptation of the bureaucratic apparatus to the new political conditions, not only because there are new incentives, but also because the move from authoritarianism to democracy changes the conceptions of “appropriate behavior” and the beliefs that guide decision-making (North, 2005). The following two case studies are structured with a focus on these two different processes.

³ This paper deals with change in the organization and functioning of the public sector at the central (Spain) or federal (Mexico) level. It does not address changes related to privatization or decentralization, since they are more a consequence of decisions in other areas (economic policy and regional redistribution of power) rather than calculated decisions regarding public administration. It deals primarily with decisions aimed at restructuring the medium and top civil service, thus excluding labor relations with “street level bureaucrats”.

2. Spain: Change Without Reform

2.1 Franco's Public Administration

The functioning of the public sector under General Francisco Franco in Spain followed the pattern we would expect in an authoritarian regime.⁴ After Franco's 1939 victory in the civil war, the administration was one of the arenas where he would exercise his uncontested powers. The key criterion for selecting public officials was loyalty to the regime (Heywood, 1995), and stability and control were the main purposes of any administrative decision. The bureaucracy was managed by a group of ministers accountable only to Franco, who had complete authority over all public officials.

The key feature of the Franco administration was the significant power enjoyed by the administrative corps (*cueros*). These groups acquired considerable influence since the eighteenth century, and the 1918 Maura statute, issued to put an end to the spoils system in the civil service, consolidated their privileged position. Thanks to the stability and continuity they enjoyed amid the political turmoil that led to the civil war, the corps evolved into powerful corporatist structures that, after experiencing purges, became effective supporters of the authoritarian regime. Under this corporatist arrangement, public officials joined the administration as members of a specialized corp and they remained part of it for the rest of their careers. Thus, public officials shared economic, political and professional interests, and their identity was shaped by belonging to a particular corp, just as their careers were determined by the rules and incentives that these circumstances provided (Alba, 1998). Furthermore, each corp enjoyed self-government in decisions regarding recruitment, salaries and promotion of public officials. These decisions, as could be expected, were not based on merit, but on favoritism and clientelism. On top of it, the corps were also granted self-financing capacity, through special taxes charged for their services (Parrado Díez, 2000).⁵

Organizational autonomy was matched with political influence. Given the lack of democratic competition in the political system, and the absence of participation channels, these corps operated also as pressure groups within the authoritarian system, pushing their own agendas and influencing the policy-making process. In this way, they were able not only to preserve old privileges, but also to obtain new ones, including the appropriation of bureaucratic spaces (where they made all personnel decisions) and political positions as ministers, members of the legislative *Cortes*, or as top officials in public corporations (Alba, 1997; Álvarez, 1984).

⁴ For an in-depth analysis of Spain's administrative history, see Subirats, 1990; Molinaxs Álvarez De Cienfuegos, 1999; Parrado Díez, 2000.

⁵ This last feature was eliminated by the reform of 1964.

In the later days of the regime, there were changes that modified these conditions. Members of the military and of the official "party" (*Movimiento Nacional*) were slowly replaced in the highest levels of the bureaucracy, through generational and ideological change, by young technocrats, many of them with links to *Opus Dei*, a Catholic organization that became very influential by the end of the dictatorship (Gunther, Montero and Botella, 2004). A sequence of legal reforms during the 1950s and 1960s were undertaken with the purpose of modernizing and rationalizing the administration.⁶ Although not fully implemented, these reforms introduced some order and homogeneity in the administration. Nevertheless, and despite the growing power of technocratic groups, when Franco died, the public administration was structured in a way that responded to the incentives of loyalty and control, rather than to the interests or preferences of citizens, who were frequently referred to as the "*administrados*" (Beltrán, 1994), emphasizing their passive role in the political system.

2.2 Administrative Continuity Within Political Transition

The crucial events following Franco's death led to a smooth and successful transition from a personal dictatorship to a multiparty democracy. But beneath this political transition there was a significant continuity of Francoist elements. Alfonso Suárez, first leader of the transition and himself a member of the old elite, made a conscious effort to prevent a drastic break with the past. One of the main sources of continuity was the public administration. Instead of purging the bureaucracy, the new democratic elites, especially those in Suárez' Unión del Centro Democrático (UCD) —whose membership was mainly composed of public officials (Parrado Díez, 1996)—, opted for preventing any direct confrontation with members of the old regime. Most members of the corps remained in their positions (Baena del Alcazar, 1999). Even the more than 30,000 officials in charge of the *Movimiento Nacional* and the official union —which were abolished— were incorporated into the regular civil service, and only those officials obviously linked to the most repressive side of the dictatorship "silently faded away" (Alba, 1997). The only decisions regarding the public sector were those aimed at the most authoritarian components of the government, such as the abolition of the Interior Ministry and the Propaganda and Censorship Department, and those that recognized new rights for civil servants to form unions (Prat i Catalá, 1984).

It is not surprising that the public administration was not at the top of the political agenda. Suárez' government had to deal with the demands of political parties, regional groups (notable Basques and Catalans), as well as with constitution-making and management of a severe economic crisis. But

⁶ These reforms included the 1957 Law on State Administration, 1964 Law on Civil State Officials and 1965 Law on Payments to Public Officials.

this does not mean that he, and his government, did not try to modify the administrative *status quo*. The government had to respond both to the demands for change in the administration (especially from the recently recognized public officials unions, who demanded better working conditions), and the lobbying done by the corps who tried to prevent any erosion of their privileges. In 1979, the Ministry of the Presidency presented a bill aimed at introducing homogenous rules for the whole administration. Once it was announced, there was active opposition from organized public officials, who actively challenged the government and called for a strike (Crespo, 2001). The proposal was not discussed in the Cortes and the government ended up withdrawing it. In response to pressure from the Socialist opposition—with future Prime Minister Felipe González openly criticizing the government for the lack of reform—a second attempt to regulate the rights of civil servants was made in 1981, but soon the government called for new elections and the bill was never brought up for debate (Alba, 2001).

2.3 Reform Attempts by the PSOE Government

The Partido Socialista Obrero Español (PSOE)'s absolute majority in the 1982 elections opened the way for a second phase in the Spanish transition. Although the most important constitutional decisions were already made, the new government still faced a complex economic situation, and a demanding foreign policy agenda, dominated by the desire to join the European Community (Maravall, 1993). This challenging environment did not preclude the discussion of existing problems with the bureaucracy. Even before winning the election, at the party's 29th Congress in 1981, the Socialists had recognized the importance of administrative reform for democratic consolidation. The PSOE's ambitious plans included strategies for professionalizing the bureaucratic apparatus, curtailing the power of the specialized corps, and improving social security benefits for public employees (Heywood, 1995).

The break with the authoritarian era was more emphasized than during the UCD government, when many members of the Francoist regime remained in the political elite. This time, there was a dramatic turnover of politicians (Baena del Alcázar, 2002) and a belief in a mandate for change. Furthermore, the Socialists had no political alliances or ideological affinities with the bureaucratic corps (Alba, 1998). On the contrary, they saw in the corps an unwanted element remaining from the past, and decided to address this problem through direct intervention. With no incentives to maintain the *status quo*, and with political capacity, given the concentration of power and institutional autonomy in the office of the prime minister (Heywood and Molina, 2000), it was expected that a comprehensive reform in the administration would take place.

Indeed, soon after taking office, Felipe González' government attempted to modify the prevailing conditions in the bureaucracy. In 1983, there was a modest reform aimed exclusively at the reorganization of administrative structures, which did not have an effect on the power of the corps. It was only in 1984 that the first real reform effort took place. Two bills were approved, the Law on Civil Service Reform, and Law of Incompatibilities of Public Employees. The purpose was to prevent public officials from holding multiple posts, and to introduce a new job classification system that would reduce the importance of traditional corps, by reinforcing the link between the public official and its organizational post. Furthermore, the bills granted unrestricted authority to the government for merging and abolishing some corps by decree (Crespo, 2001). The reaction was predictable: politicians from Alianza Popular (the conservative party) and officials from different corps organized in recently created associations (*Federación de Asociaciones de Cuerpos Superiores de la Administración Civil del Estado* and the *Asociación Española de Administración Pública*, among others) voiced their strong opposition and challenged the decision at the Constitutional Court.

These laws were not fully implemented. Their enactment was not followed by the required secondary regulation, given the strong opposition from the corps. Moreover, some portions were declared unconstitutional (Gallego, 2003). These reforms did not eliminate the corps' monopoly of the recruitment process, but they did introduce education requirements and competitive examinations. The result was an unstable equilibrium between the officials' defense of their privileges and the Socialists' interest in gaining control over the bureaucracy.

2.4 Change by Other Means

The lack of change due to purposeful intervention by the government in the area of public administration reform does not mean that no transformation took place. On the contrary, the very fact that a new government was in power led to substantial change in the bureaucracy. Even without legal changes, the sole presence of party and union members in the new government led to a transformation of the political interaction within the bureaucratic apparatus. The corps were no longer the only source of identity and organization for public officials, and, furthermore, partisan militancy took the place of corps' loyalty as the main predictor of their career patterns (Alba, 1998).

This transformation resulted in an increasing politicization of the bureaucracy, with significant consequences in recruitment and promotion decisions. The involvement of political parties and professional politicians meant that civil servants would no longer hold a monopoly over political recruitment, and that the specialized corps would lose their privileged position. Many technocrats left public service to join the private sector, and

other officials just retired and were replaced by party loyalists. Not surprisingly, one of the most recurrent criticisms of the Socialist government was the excessive politicization of the civil service, which some observers called a return to the spoils system (Alba, 2001; Prat i Catalá, 1984). For instance, given the strong resistance posed by the official corps, the Socialist government decided to create a new post directly under each minister, the *Secretario de Estado*, who would have authority over career officials and would, therefore, increase the political control over the bureaucracy. Similarly, given the existing restrictions for firing personnel, the government expanded the top bureaucracy (the number of Directors General, for instance, increased from 76 under Franco to 179 in the second year of the Socialist government). Thus, through less conspicuous interventions, the government could increase its influence on the bureaucracy.

There were also changes in the institutional context within which public officials worked. The democratic dynamics of the new regime meant that direct control by the executive was replaced by a more decentralized set of accountability mechanisms (Villoria and Huntoon, 2003), including not only ministerial monitoring, but also external controls, from the parliament, the *Tribunal de Cuentas* and the *Defensor del Pueblo*, all of which had oversight authority over the bureaucracy. All these changes, however, did not erode all the inefficiencies, shortcomings and practices inherited from the authoritarian past. As a result, after winning the 1986 election, the Socialist government undertook a new attempt to reform the bureaucracy.

2.5 A Second Attempt by PSOE

After the 1986 elections, Felipe González created a new Ministry for Public Administrations (MAP) and appointed Joaquín Almunia, a leading member of PSOE, as its head. Almunia understood the modernization project as complementary to the three broader issues that dominated the government agenda: decentralization, creation of a comprehensive welfare state and integration to the European Community (Almunia, 2001). However, no immediate changes followed the creation of the new ministry. Since the ambitious legal reform attempted in 1984 had notoriously failed, the government opted for a self-imposed incremental and consensual strategy. This approach, coupled with the reluctance from the Ministry of Economy and Treasury to transfer its authority over employees' salaries, led to a slow-paced process of reform (Gallego, 2003). In 1989, the ministry issued a report on *Reflections on Modernizing the Public Administration*, which, however, did not lead to any subsequent significant action.

In 1991, two years after a third electoral victory, González replaced Almunia with Juan Manuel Eguiaray, former minister of Industry, who reinvigorated the government's interest in reforming the bureaucratic apparatus. Under his watch, and following extensive consultations and

discussions with interest groups and members of the specialized corps, the ministry issued a *Plan for Modernization of the State Administration*. This plan, instead of basing the reform strategy on legal modifications, relied on organizational interventions to promote a more managerial style of administration (Alba, 1997). However, by the early 1990s, bureaucratic reform was no longer a priority for the government, and not even for the MAP, which was focused on the process of decentralization to the regions.

Soon the main governmental issue in the public agenda was the alleged corruption of top members of the González government. Consequently, and despite winning a new election in 1993 (although this time without absolute majority), the government's attention was no longer focused on restructuring the administration, but on addressing the damaging allegations of corruption. The result of this lack of success in administrative change was made evident when the PSOE lost power after the 1996 elections. When the new Partido Popular (PP) government, headed by José María Aznar, took office, it followed the same pattern of bureaucratic politicization inaugurated by the PSOE in 1982, using its appointment powers to influence the partisan composition of the administration, and transferring Socialist appointees to positions with no influence, or to artificially created posts where they would just wait for retirement (Alba, 1998). More than 3,000 civil servants appointed to top positions by the Socialist government were removed and replaced by members of the most elitist corps. The PP passed legislation favoring the corps and increased their salaries. Two decades after the transition, the corps proved to be still very influential (Villoria and Huntoon, 2003).

2.6 Conclusions on Spain

How can we make sense of this apparent lack of success in reforming the public administration? Probably the first issue that needs to be explained is that the administration *did* change, despite the failure of most attempts to transform it. The reason for that change, however, is not the direct intervention of political actors, but the process of incremental adjustment that followed the transition from authoritarianism to democracy. This adjustment took place not only because of the sudden death of Franco and the corresponding changes in the political system, but also by the gradual replacement of old networks based on loyalty and control by new types of relationships among bureaucrats and politicians, involving unions and parties. This change was reinforced by new oversight mechanisms (including parliament and courts), and the pressures that electoral competition impose on politicians to improve the performance of the administration.

However, we still need to account for the lack of change due to purposeful intervention. This is, first of all, not a result of lack of interest in reform. Both UCD and PSOE governments repeatedly tried to induce change in the bureaucracy, particularly in the corps. However, most of these attempts

failed or had only limited effects. This failure occurred despite the concentration of power in the office of the prime minister, who had, especially in the case of PSOE during the 1980s, comfortable majorities in parliament. In this regard, Gallego (2003) argues that agenda congestion was the main impediment to change. Even if deemed necessary, reform of the administrative apparatus could not match the importance attached to issues such as writing a constitution or coping with deep economic difficulties. Furthermore, when much of this had already been accomplished, new issues made it to the top of the governmental agenda, most notably the allegations of corruption in the Socialist government.

A second element that prevented change was the organizational capacity of the specialized corps, which –despite the institutional change brought about by the transition to democracy– provided a force for continuity within the bureaucracy. Public officials who had been recruited and promoted in accordance with the self-imposed rules of the corps, and whose career prospects depended on the corps' autonomy, had little interest in modifying this arrangement. In so far as the corps represented an organized structure with bargaining power, they were able to influence policy decisions (as they did during the UCD government) and resist the implementation of reforms (as was the case with the PSOE's 1984 laws).

3. Mexico: Reform Against The Odds

3.1 Public Administration Under One-Party Government

As it was the case in Spain under Franco, in Mexico the governmental bureaucracy was an essential part of the authoritarian regime. In the context of one-party domination in effect since 1929, the public administration was, at the same time, a tool for political control over the society and an instrument for the implementation of public policies. Political competition took place within the bureaucracy, and it was the main arena for recruitment of political leaders.

Given the stability of the political system and the lack of real electoral competition, it does not make much sense to talk about a spoils system in a political regime where there is no alternation of power between different parties. However, contrary to what could be expected from a country with the level of political institutionalization achieved by Mexico, there was a lot of instability in the public administration. Even if the same party remained in power, every sixth year a new president would take office, and would use his appointment powers to fill administrative positions with people loyal to him or to reward political allies. Presidential control over the bureaucracy was, thus, the main characteristic of the authoritarian administration. It was thanks to this capacity to make appointments based on personal loyalties that the political system remained flexible enough to incorporate new leaders and

prevent splits in the political elite. It is also what explains the capacity of political leaders to its preferences on the bureaucracy. As Grindle (1977: 527) has explained, “[w]ith remarkable consistency, the large bureaucratic apparatus accepts and pursues the policy preferences of each new administration. Its responsiveness is in part reflection of the extensive turnover of personnel that accompanies the new president into office [...] The control of the president over the career trajectories of his subordinates is particularly important in explaining their sensitivity to his policies”.

This quote reflects the essence of the authoritarian bureaucracy, in which loyalty and control are the dominant incentives in policy-making and decisions about staffing the public sector, and in which the lack of formal institutionalization is compensated by stable networks of politicians and bureaucrats that interact in order to address their needs of political support and bureaucratic expertise.

These incentives of loyalty and control made the Mexican public sector to function, as Arellano and Klinger (2006) have suggested, as a ‘quasi-spoils system’, characterized by the lack of institutionalization of bureaucratic processes, and the ubiquity of patronage networks, where loyalty to the boss was paramount over any other incentive. The bureaucratic apparatus was structured alongside two parallel systems: lower level employees (*e. g.* clerks and technicians) were unionized and had constitutionally protected rights, just as any other worker. Managerial positions, on the contrary, were filled with *funcionarios de confianza*, professionals who enjoyed no legally protected rights, and who were appointed, promoted and dismissed in accordance to discretionary decisions made by their hierarchical superiors (Haro, 2000). The effect of this arrangement was that “while this system did not promote merit or social accountability, it did ensure tight control, management flexibility and high loyalty to the party and its policies” (Arellano and Guerrero, 2003).

The absence of political competition and the uncontested authority of the president brought about a public administration that lacked transparency and did not have any demand for accountability, other than the requirements for personal loyalty to their superiors and to the political group to which they belong (Camp, 2002).⁷ A second consequence of the lack of electoral competition was that the political struggle was carried out by different groups within the bureaucracy,⁸ which became a tool for the exercise of corporatist control and for the delivery of clientelist policies (Grindle, 1977a).

⁷ This pattern of personal loyalties did not affect all areas of the government in the same way. Those ministries in charge of more specialized and less politically charged policies (such as agriculture and public works) were dominated by a technical culture that encouraged stability and the operation of an “informal” career service, in which merit and qualifications played a larger role than in the rest of the bureaucracy (Hernández, 1994).

⁸ Most Mexican presidents in the second half of the 20th century made a career in the administration before running for office.

Furthermore, the lack of external controls and the primacy of loyalty made the bureaucracy a propitious setting for corrupt practices (Morris, 2003).

3.2 A Slow But Continuous Change

Given the fact that every president came into office with new priorities (Story, 1985), it is not surprising to find continuous attempts to reform the administration (Pardo, 1991). Several attempts to modify the functioning of the bureaucracy took place in the latter years of the 20th century. Specifically, in the 1980s and early 1990s significant changes in the size and economic role of the public sector were implemented, in response to the dramatic economic crisis of 1982 (Cejudo, 2007) and to the arrival of the new political elite (mainly composed of economists trained abroad) (Torres Espinosa, 1999; Centeno, 1994), who launched an aggressive liberalization program that effectively cut down the economic role of the state and transformed the Mexican economy according to a liberal, export-oriented model (Thacker, 2000).

Just as this economic transition was taking place, in the political system there were also dramatic changes. The hegemony of the ruling party was being challenged on several fronts (Loaeza, 1994; Dresser, 1998). Gradually, opposition parties gained ground at the local and state level, as well as in the legislative branch. In the 1997 elections, the PRI lost the absolute majority in the lower chamber of Congress and the government of Mexico City, a prelude to the 2000 election, when it would lose the presidency after 70 years in power. This process of democratization, fueled to a large extent by public discontent with economic policy and corruption charges, took place within an evolving institutional framework regulating the electoral competition (Schedler, 2000; Becerra, Salazar and Woldenberg, 2000; Merino, 2003).

Responding to public demands for a more open and less corrupt public administration, several policy initiatives were launched during Ernesto Zedillo's administration (1994-2000), with limited success. Soon after his inauguration, Congress approved Zedillo's proposal to transform the Comptrollership into a new Ministry of the Controllershship and Administrative Development (*Secretaría de la Contraloría y Desarrollo Administrativo, Secodam*), which would extend its traditional control and evaluation functions to a broader responsibility regarding administrative reform. In 1995, a new office was created within Secodam: the Administrative Development Unit (*Unidad de Desarrollo Administrativo, UDA*), which in the next year issued a Public Administration Modernization Program (*Programa de Modernización de la Administración Pública, Promap*) (Secodam, 1996). This program set the basis for the reform initiatives during this period: the introduction of managerialist practices in the federal bureaucracy and the re-organization of the labor relations regime [which included a failed attempt to establish a career civil service system (Guerrero, 1998)]. Indirectly, this program was also

an impulse to the formulation of new rules for budgetary planning and administration (Cejudo, 2003; Chávez Presa, 2000).

The process of democratization also influenced the Zedillo's administration strategy to reform the bureaucracy. Notably, the 1997 mid-term election, in which the PRI lost the majority in Congress and the mayoralty of Mexico City, increased pressures for a more accountable and responsive administration. Opposition parties called for reducing the lack of accountability in the public sector, and to impose limits on discretionary spending. This effort was coupled with the budgetary reform proposed by the Zedillo government, which gave legislators more instruments for monitoring government performance. Although the impact of this reform was more an increase in the coordinating capacity of the Ministry of Finance than an effective means for improved accountability, it is an example of how the process of democratization, particularly the strengthened role of the legislature in public administration issues, had a direct impact on the interest (and capacity) of the Mexican government in reforming its bureaucracy.⁹

Thus, by the late 1990s, public administration reform in Mexico had moved from being a reaction to changes in economic policy (making privatization and downsizing the priority of reform efforts) to being a response to the pressures associated with the democratization process (with a greater emphasis on accountability). Despite the lack of comprehensive reform during the Zedillo administration, some changes did occur in the labor relations regime (with a more ordered personnel policy, less prone to abuse and corruption) and in the budgetary process (with a more transparent budget policy). Still, the government had failed in its attempts to reform the civil service, where traditional patterns of personal loyalty and lack of professionalization remained in place.

3.3 Public Management Change Under Fox

Given the long process of political liberalization, when Vicente Fox came to power after the first democratic presidential transition in Mexican history, he did not find a bureaucracy that was completely unfamiliar with the pressures of democratic governance. Even before he took office, the administration had already faced the pressure of an opposition-dominated Congress (Klesner, 2001) and, furthermore, had been opened to some extent to congressional oversight and media scrutiny (Guerrero, 2002). Yet, it is not surprising that one of Fox's priorities was to change its long-standing patterns of clientelism

⁹ In response to greater pressures for accountability, there were also significant improvements in public procurement, one of the areas most susceptible to corruption. Secodam developed a innovative IT-based procurement system, which not only significantly reduced costs and red tape, but also made the process more open and transparent. Another important institutional change was the creation of a Federal Audit Office with the purpose of enhancing the capacity of Congress to oversee the use of public money and the performance of government agencies (Mendiola, 2004).

and lack of professionalism and to introduce modern mechanisms (mainly from private sector practices, to which he had been exposed as a former businessman) to reduce inertia and align the bureaucracy with his ambitious agenda and to face the challenges of high expectations generated during the electoral campaign.

In general, government performance has not matched those high expectations. A combination of institutional constraints and political inexperience has prevented Fox's government from achieving most of its purposes (Rubio, 2004). In terms of institutional constraints, the inefficacy of Fox's government has been explained most commonly by the presence of an opposition-dominated Congress, with few incentives to co-operate and bargain with the president. But there is also a problem with the presidential institution itself, because the informal powers that it enjoyed during the PRI's rule (its role as arbiter among competing groups and leader of the party, and its capacity to impose his preferences on legislators) have all disappeared, leaving him with only limited formal powers. This institutional disadvantage was further complicated by the government's inability to reach agreements with other parties in order to advance a common agenda (which was due, in part, to its indecisiveness on whether the PRI was the adversary with which no compromise could be achieved, or a potential ally in Congress). These problems led to a situation of political stalemate, where none of the initial priorities of the government was materialized—including reforms of the tax system, changes to the electoral laws to allow the re-election of legislators, and opening of the energy sector to private investment.

Within this bleak scenario, what happened in terms of administrative reform? One would expect that this issue should have followed the same unpromising path of other items in the government agenda. Yet, the opposite has occurred. Significant changes in the bureaucracy took place in the six years of Fox's government, with the enactment of new laws with support from opposition parties and a transformation of the career patterns and bureaucratic procedures in the administration. How has this occurred?

The first decision regarding public administration was announced the day Fox took office (December 1, 2000). In an attempt to strengthen the office of the president in order to increase coordination among ministries, Fox established several coordinating units in the executive office. However, the legal basis for this change was a presidential decree, whereas the functions of ministries were established by law. Consequently, a few months after being created, most of these coordinating offices were being called into question even by the ministers, and they actually aggravated the problem of inter-ministerial cooperation in the Fox government (Pardo, 2004). By the end of his administration, most of these offices had disappeared, or otherwise they had a very low profile.

The only exception was the specialized agency Fox created within the presidential office in charge of coordinating innovation efforts throughout the government (*Oficina de la Presidencia para la Innovación Gubernamental*). Originally, the overall plan of the government was summed up in a document called *Modelo Estratégico para la Innovación Gubernamental* (Oficina de la Presidencia para la Innovación Gubernamental 2001), written by Ramón Muñoz, head of that office and who would become one of the closest aides to the president. This document did not specify the policies that the government wanted to pursue, but it did present the overall purposes of the new administration, which were depicted mainly as the introduction of managerial practices into the public sector.

Two years into Fox's term, the government strategy was further specified in the *Presidential Agenda for Good Government*, which put forward six goals: a government that costs less, a quality-oriented government, a professional government, a digital government, improved regulation government, and honest and transparent government (Muñoz, 2004). Officials in different agencies were assigned responsibility over each of these goals and the results have been mixed. There has been greater use of information technologies throughout the government and several managerial initiatives have been implemented (such as Citizen Charters and Innovation Prizes), but most changes were introduced without any structural modification of the public administration to further decentralization, and the promise to increase managerial autonomy was not fulfilled.

Still, there have been changes in other areas. For president Fox, the most important priority at the beginning of his administration was what he called a "Crusade against corruption" (Morris, 2001). The government's anti-corruption strategy had two approaches. First, there was a highly publicized attempt to prosecute and punish corrupt politicians, most notably a leader of the oil workers union, who was accused of funneling money from the state-owned *Petróleos Mexicanos* (Pemex) into the electoral campaign of the PRI's presidential candidate. Because of congressional resistance, and Fox's desire not to alienate PRI's politicians (whose votes in Congress were deemed necessary for other reforms he intended to pursue), this strategy was widely perceived as a failure. The second approach proved relatively more successful. By focusing on preventive measures, the newly created Unit for Transparency (*Unidad de Vinculación para la Transparencia*) was able to overcome political resistance to anti-corruption strategies, and to shift the focus from past crimes to current opportunities for prevention (Secretaría de la Función Pública, 2003). This approach was also more effective because it enjoyed continuous presidential backing, and there were mechanisms for coordination among agencies, most notably the Inter-ministerial Commission established by Fox in the first days of his administration.

This anticorruption strategy also benefited from a campaign to guarantee access to government information, an issue that gained significant support from a coalition of media and civil organizations (known as the *Grupo Oaxaca*). Despite initial resistance by the Fox administration, in July 2002, Congress approved a Freedom of Information Law (*Ley Federal de Transparencia y Acceso a la Información*), which has been a useful mechanism for deterring corruption in the federal bureaucracy and for giving citizens the opportunity to obtain information about any governmental activity. This law has been praised as one of the most advanced freedom of information laws in the continent, and its provisions are enforced by an autonomous organism, the *Instituto Federal de Acceso a la Información*. Members of Congress consider it the most important achievement of the 2000-2003 period, and, according to a survey carried out by *Reforma* newspaper, it is perceived as an improvement in the way the government works (León, 2005).¹⁰

The most important change in the public administration has been the creation of a career civil service system. To be sure, this law was the product of a congressional initiative (specifically, by two Senators, one from the PAN and one from the PRI), but, once it was identified as a reform likely to succeed, the Fox administration got involved in the design of the bill and lobbied for its approval (personal communication with officials at the Presidential Office, December, 2004). The Civil Service Law, passed with no opposition in Congress in 2003, charged the newly created Ministry for Public Administration (which also assumed the functions of Secodam) with the responsibility of regulating and implementing the career system. Although the long-term impact of the law is yet to be seen, so far the basic design is already in place. Implementation has not been easy. The Ministry of Finance is resisting losing power over personal payment decisions and in some ministries there have been obstacles to the effective operation of the committees in charge of the implementation of the career system (Arellano Gault and Klinger, 2006; Pardo, 2004). Similarly, there have been some questions about the quality of the recruitment process. However, the system is already operating in several parts of the government. This time the public officials' union did not interfere, because the lower-ranking officials were excluded from the system, and because when the PRI lost the presidency the union lost much of its power. Secondary regulation was issued in March 2004, and recruitment has started to take place through competitive examinations.

¹⁰ Some doubts, however, remain about its effectiveness, since no new funds were allocated to government agencies to comply with the new Law (Gill and Hughes, 2005).

3.4 Change Through Automatic Adjustment

The changes in the public administration accomplished by the Fox government were facilitated by the democratization process of which his electoral victory in 2000 was a high point rather than a start. As has been said, electoral competition and opposition parties' representation in Congress set in motion new dynamics in the Mexican bureaucracy. The renewed role of congressional oversight also had important implications for the bureaucratic apparatus. Even if it lacked the technical capacity for continuous monitoring of the administration, the very fact that it could call to account ministers and heads of agencies provides a strong deterrent for authoritarian practices. This is a power that Congress formally enjoyed in the previous regime, but it can be effective only with strong opposition parties in the legislature. Congressional activism has been evident not only in legislation, such as the Freedom of Information and Civil Service Laws, but also in congressional investigations regarding allegations of corruption and misallocation of funds, and even in micro-managing decisions about the organization of ministries, such as when in the 2004 budget it ordered the administration to cut down the number of top and medium level positions in each ministry. Congress has powerful mechanisms for oversight, including the use of budgetary decision-making, and the responsibility for reviewing public expenditures. These powers, combined with the self-interest of opposition politicians, have led to the potential involvement of legislators into the day-to-day activities of the bureaucracy. Even if this potential is never fulfilled, the credible threat is enough to influence the public administrations' behavior.

Moreover, an obvious result of this democratization process is the renovation of the political and bureaucratic elites (Camp, 2002). Even if the technocratic group –so influential in the later days of the PRI– is still dominating the financial sector, it no longer reaches other areas of the government. The political elite is now formed with people from more diverse backgrounds. New career patterns are likely to prevail in the coming years, responding to greater electoral competition, the possibility of alternate parties in government, and the growing importance of local elites.

Finally, even if there was not a purge at the beginning of the administration, Fox's loyalists were able to gradually occupy more positions within the bureaucracy, either by replacing retiring officials or, more frequently, by creating new posts and filling them with their preferred personnel. During his term, there was a continuous increase in the costs of personnel services despite a voluntary retirement program at lower levels. This can only be explained by better salaries and new higher positions: in the first half of the Fox administration, the number of top-level officials (including Secretary, Under-secretary and Director General) grew 123 percent, and their salaries were significantly increased (Acevedo and Fuentes, 2005). This growth occurred in the first years of the administration, but it

became more difficult once the career system was in place, and also given restrictions imposed by the legislature in 2003 to increases in top public offices.

3.5 Conclusions on Mexico

Fox's government activism in reforming the public sector, and its attempt to make it more congruent with its democratic institutional environment, has achieved important results, since it has made the government more accountable and transparent, and has created a meritocratic system that replaces the old patterns of personal loyalties. This is no small feat. As the Spanish experience suggests, even a powerful executive that is able to lead three simultaneous processes of decentralization, creation of a welfare system and supranational integration may have its policies towards the bureaucracy challenged and even halted. So, how can we make sense of the surprising ability of the Mexican government to initiate this attempt to overhaul the bureaucracy?

First of all, we must bear in mind that the bureaucracy inherited from Zedillo's government had already experienced attempts to reform it, therefore the public administration encountered by the new government was not a completely obsolete institution. Both purposeful intervention by successive administrations (with more or less successful plans to, for instance, reduce corruption or rationalize the budget process) and the effects of the growing electoral competition had a tremendous impact on the bureaucratic dynamics, since they opened the administration to external oversight, and made it more aware of the requirements of a changing environment.

More importantly, the bureaucracy in which new changes were introduced was not a self-organized structure. Technical and clerical staff was unionized, but, given a close relationship between the union and the PRI, and the existence of challenges to its internal leadership, its influence was rather limited. By contrast, members of the most influential section of that bureaucracy—medium and top level officials—were appointed and dismissed at will. They enjoyed no legal protection, and had no means of representation through which they could defend their interests. As soon as the new government took office, their old allegiances lost relevance. Their job now depended on a new political overseer, who had ample discretion over their career prospects. In sum, the bureaucratic elite, even if it had the incentives to resist change, lacked the organizational capacity and political power to do it effectively.

But there is a second crucial element that explains the capacity to carry out comprehensive change in the administration: the government's inability to push other issues on its agenda. Administrative reform appeared as an easier alternative to more radical reforms to the political system or to the economy. Moreover, opposition legislators had an interest in making the government

more transparent and professional. Given congressional resistance to most of its other initiatives, the Fox government seems to have turned to the bureaucracy as a target, because it would be relatively easier to build consensus on reforms, and there were less chances of direct resistance. This is not to say that it was deliberate strategy employed by the Fox administration. Rather, it was just the best available course of action in a situation where more attractive pathways were closed.

Conclusions: Diverse Patterns of Institutional Change

A focus on stable political institutions is not enough for explaining administrative reform in new democracies. An emphasis on institutions would lead us to expect that Spain, a parliamentary system with stable majorities and a strong executive, would be in a better position to implement policy change in its bureaucracy than Mexico, a multi-party presidential system with a divided government. The evidence, however, challenges these expectations. Similarly, a frequently used explanation for administrative reform is the pressure from economic crises that, it is argued, triggers—or at least facilitates—changes in the bureaucracy (Heredia and Schneider, 2003). Again, the experiences of Mexico and Spain do not follow this pattern, since the economic crisis of the late 1970s and early 1980s in Spain did not lead to a comprehensive reform, whereas the relatively calm economic environment in Mexico after 2000 did not interfere with the changes introduced by the Fox government.

By analyzing the dynamics of administrative reform in these countries, the two case studies presented allow us to make some inferences about what leads to change in public administration amid transitions to democracy. The most salient difference between these countries is the relative importance of administrative reform in the government agenda. In the case of Spain the issue of adapting the bureaucratic structure inherited from Franco was in the government agenda of both UCD and PSOE governments, who found it necessary to implement changes in the way the bureaucracy was organized, in particular regarding the specialized corps, which retained substantial power over personnel decisions. Yet, the government attention was focused on structural transformations, which made it difficult to raise the issue of public administration reform to the top of the government's agenda. Gallego (2003) has shown that the problem of agenda congestion explains why the successive Spanish governments, despite their intentions for change, were not able to carry out any comprehensive reform. UCD's administrative bills that were not even discussed in parliament, PSOE's civil service laws that were not fully implemented, and programs of administrative modernization that achieved only limited results, are proof of both the government's interest in carrying out reform and of its limited capacity to do it, despite successful transformations in other areas. As Alba (1997) suggests, the Spanish elite was most likely following the advice of a minister, who said that there should be "no more bulls in the ring and especially not one so dangerous as the civil servants and their organization".

The Mexican case presents the opposite configuration. The relative importance of administrative reform on the government's agenda also explains Fox's relative success in implementing changes to the bureaucratic

structure. Despite not being a top priority for his government, which wanted to carry out other reforms in the political and economic spheres, it became salient in the government agenda once other issues proved too difficult, given the opposition's control of Congress and the lack of incentives for cooperation with the government. Changes in the public administration were some of very few issues in which an agreement with opposition parties could be reached, and in which no substantial opposition from any sector was perceived as a potential obstacle. The lack of progress in the government's top priorities made it easier for public administration reform to be pursued as an objective. The broad congressional support for the laws on civil service and transparency show that, in a context of divided government, the issue of reform in the bureaucracy was able to overcome institutional constraints.

But there is a second element that explains reform capacity in Mexico and its absence in Spain. The way the bureaucracy was structured under the authoritarian regime influenced the chances of reform. In Mexico, civil servants lacked legal protection and organizational capacity, since they were appointed in a discretionary way and their permanence depended almost entirely on the will of their political superiors. Therefore, once the democratic transition took place, they were not in a position to resist changes to the bureaucratic apparatus. In contrast, the corps structure in Spain gave public officials some organizational structure to resist changes. Public officials had both the interest in preserving the privileged position of corps and the organized capacity for, if not actively resisting change, at least shaping the decisions by politicians regarding public sector reform.

Still, any explanation of change in the bureaucratic apparatus in these new democracies needs to take into account the process of gradual automatic adjustment that took place beyond direct interventions from political authorities. Most of the incentives that shaped bureaucratic behavior under authoritarianism changed after the transitions. The bureaucracy stopped being the arena for political competition, as it was under the Franco dictatorship in Spain and during most of the PRI regime in Mexico, and was replaced by elections as the main tool of political recruitment. With this change, the strong incentives to remain loyal to political bosses who had significant influence on the career prospects of the official faded. More importantly, the democratic transition also opened the way for new political actors with standing to influence the bureaucratic apparatus, including Congress and its committees and individual members, the judiciary, political parties and unions (especially in the case of Spain), as well as external agencies in charge of ensuring accountability. These new participants in bureaucratic politics drastically transformed the incentives for public officials, since new interests came into play and the autonomy of the administration was reduced.

The experiences of these countries show that informal patterns of control and loyalty are durable only to the extent in which they are reinforced and legitimized by the environment. The bureaucratic apparatus had to respond to the new environment, and did so by replacing the old patterns with a new emphasis on responsiveness and accountability. Of course, this is not to say that these are the only incentives that guide administrative behavior (democratic control of the bureaucracy is not an easy task), but there are indeed incorporated to a structure where they did not exist under the previous regime. In sum, this paper shows that, even if administrative reform strategies do matter, their chances of success are dependent not only on the political context of the transition, but also on the legacies of the authoritarian regime.

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