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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 ward 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).