Political Appointees and Professional Civil Servants in Argentina’s Federal Bureaucracy. Some Governance Issues.

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Abstract: Argentina represents the first and thus far only country in Latin America to have attempted a Weberian reform of the civil service on a massive scale. The reforms of 1991-1992 introduced a bureaucratic career based on meritocratic recruitment, internal promotion, job stability and improved salaries for civil servants entering the system. The present paper presents an empirical account of bureaucratic professionalism in Argentina’s federal administration, about ten years after the reforms. The relationship of the executive and legislative powers to the public bureaucracy in the U.S. and Argentina is compared and discussed as well, in order to formulate a hypothesis about the conditions of bureaucratic professionalism in presidential systems.

Introduction

The wave of democratization in the eighties was the starting point for a renewed interest in Latin America’s political institutions. Many studies have focused since then on the relationship between executive and legislative powers and verified the predominance of the former in the political systems of the region. The ensuing debate about the need to reform this presidential dominance was marked, in the academic community and among the public opinion at large, by a sustained criticism of Latin American presidentialist regimes. Presidentialist regimes were deemed to be, among other deficiencies, politically unstable and thus paving the way for military coups. Parliamentary or mixed, semi-presidential models, were proposed as much better instruments for mastering the difficulties of democratic transition and consolidation. Countries like Brazil and Argentina tried, accordingly, to incorporate parliamentary elements in their constitutions (only in the last case with modest success). The question remains very much in the political and academic agenda to this day.

The debate over presidentialism adopted from the start a comparative perspective on the different Latin American cases and, in a number of studies, countries in East Europe and other regions were considered as well. Despite this comparative approach, a systematic contrast between the Latin American and, specifically, the U.S. presidential model has not been usual. A relative lack of interest in the U.S. case results naturally enough, on the one hand, from the context of the discussion: Central issues in the Latin American debate have always been the stability of democracy and its consolida-
tion after periods of military dictatorship. These topics do not apply to the U.S., considering its uninterrupted democratic tradition.

On the other hand, however, the relative oversight of the U.S. case (for comparative purposes) in the studies on Latin American political institutions has probably obscured some important issues. Lawrence Graham (1997) remarks that one of such issues concerns the crucial role of the public bureaucracy for the stability of presidential regimes, as shown in the U.S. Studies about executive and legislative powers in Latin America have seldom considered the different relationships and attitudes of the executive and legislative powers to the public bureaucracy and, more specifically, to the civil service. Furthermore, as Graham (1997, 213) points out, the inclusion of the civil service in studies about political institutions allows not only a better treatment of the question of democratic stability, it also opens the way for a thorough discussion of related governance issues: The capacity of elected governments to formulate and implement economic and social policy effectively.

The present paper concentrates on one aspect of the latter question, namely the quality of public bureaucracy as a factor of good governance in presidential regimes. Taking Argentina’s federal bureaucracy as the main case study, the aim of the paper is to show that certain institutional features of the presidential model negatively affect the quality and operative capacity of the professional bureaucracy. The U.S. political system provides a contrasting frame, in order to explain how, in this case, specific arrangements between the executive and legislative tend to prevent the same (negative) effects of the presidential model on bureaucratic performance.

The concept of “quality” as applied to public bureaucracies is far from precise. One of its main components, on which this paper focuses, consists in the degree of professionalism of a public bureaucracy, defined as the ratio or percentage of professional civil servants relative to political appointees and other, non-professional types of public employees. This idea of professionalism is closely related to the work of Max Weber on the subject and to its contemporary reformulation and operationalization by Rauch and Evans, as will be discussed in the first section (1) of the paper.

In the second section of the paper (2) a comprehensive empirical estimation of the degree of professionalism in present-day Argentina’s federal bureaucracy will be presented and compared to the U.S. federal administration, regarding specifically the advancement of bureaucratic professionalism after the Pendleton Act of 1883.

In the third section (3), finally, the relationship of the executive and legislative powers to the public bureaucracy in the U.S. and Argentina will be discussed and compared, in order to formulate a hypothesis about the institutional conditions that contribute to the advancement of bureaucratic professionalism in presidential systems.
1. Bureaucratic quality and governance.

Weber’s classic work on bureaucracy established the idea that a successful modern economy can only exist in those countries where professional civil servants run the state apparatus. In fact, he took this proposition to be almost self-evident. Weber’s arguments focused on a further question, namely, how to guarantee a minimum of democratic control over the bureaucratic machinery, which tends to rule over literally everything according to its own expert criteria (Weber 1972).

The quality of public bureaucracy as a factor of good governance and, consequently, as a determinant of economic growth, was already explicit in the original formulation of the governance concept by the World Bank (1989). The concept was introduced with the specific aim of drawing attention to the non-economic factors that increase or hinder economic growth, meaning, in most cases, factors closely related to the performance of the state and, more specifically, to the performance of the public bureaucracy.

From the new perspective opened up by the concept of governance, diverse empirical studies tried, in the following years, to show the relationship between measures of “institutional quality” and economic growth. However, it was not until the publication of a seminal paper by Rauch and Evans (1999), that empirical evidence for a link between specific organizational characteristics of public bureaucracies and economic growth was made available. Following closely the work of Weber on “rational” bureaucracies, Rauch and Evans argue that public administrative organizations characterized by meritocratic recruitment and predictable, long-term career rewards are more effective at facilitating capitalist growth than other forms of state organization. They refer to this point of view as the Weberian state hypothesis. After examining the characteristics of central government agencies in 35 developing countries – using an original data set – and the respective growth records, Rauch and Evans are able to present significant empirical evidence for the Weberian hypothesis, i.e. for the correlation between meritocratic recruitment, predictable/rewarding career ladders and high economic growth in the period 1970-1990. In a later paper, Rauch and Evans (2000) present evidence pointing to the importance of one specific factor, meritocratic recruitment, as a statistically significant determinant for the general performance ratings of central government bureaucracies.

The research of Rauch and Evans gives not only decisive support to the idea that the quality of public bureaucracies constitutes a major factor in promoting governance and, therefore, economic growth. It calls attention, besides, to the significance of meritocratic recruitment among other organizational features which define bureaucratic quality. In the present paper, the differentiation between professional civil servants and other kind of “amateur” public employees – including political appointees – will proceed along Weberian lines, taking meritocratic recruitment as a distinctive trait of the professional civil servant.
The focus on the Weberian model of public bureaucracies does not entail ignoring, of course, that a strong critical current of this classic bureaucratic model developed in the last fifteen years, under the name of *new public management* (Hood 1991; Osborne and Gaebler 1992). The critics assume that the Weberian model is excessively rigid and hierarchical, leaving too little autonomous decision-making powers to public managers. They consider advisable to concede to public managers the same kind of autonomy from which their counterparts in the private sector benefit, and evaluate their performance according to results, leaving aside the focus on procedural norms characteristic of Weberian bureaucracies. In view of this theoretical development, could it be said that the Weberian model of public bureaucracy is hopelessly outdated?

After several experiences and many debates around the diverse models of public administration, however, a consensus seems to be forming among the experts. There is no actual contradiction between the Weberian approach and the new public management. Indeed, the increased flexibility of the new model seems only to work properly in an institutional context already permeated by Weberian values, i.e. political neutrality, meritocratic recruitment and professionalism. For administrative systems immersed in a culture of patronage and corruption, the increased flexibility of the new public management is bound to make things much worse. For some authors, a Weberian bureaucracy must be seen, therefore, as part of the *preconditions* for implementing proposals of the new public management (Schick 1998; Rauch and Evans 2000; Peters 2001). Others reject this *sequential view* and consider instead a pragmatic combination of Weberian and new public management approaches to be the best solution (Ormond and Löffler 1998; Bale and Dale 1998; Manning, Mukherjee and Gokcekus 2000). However, even supporters of the latter view admit that one of the main principles of the Weberian model, the professionalization of civil service careers, must be definitely seen as a precondition, in other words, it must be firmly in place – at least for the *strategic core* of the state – before attempting new public management reforms (CLAD 1998).

2. Bureaucratic professionalism in Argentina’s federal administration.

The interest of Argentina’s case for a discussion of bureaucratic professionalism in Latin America lies in the fact that, after several extensive reforms in 1991-1992, Argentina constitutes the first and thus far only country in the region with a civil service career encompassing the whole public sector. In other words, Argentina represents the only Latin American country to have attempted a so-called *Weberian reform* of the civil service on a massive scale, that is to say, a reform including meritocratic recruitment, internal promotion, career stability and improved salaries for civil servants entering the system.1

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1 The Civil Service Act of 1953 introduced a Weberian bureaucratic system in Costa Rica. The act was passed, however, before the development of a modern administrative state entered its final phase and it was never applied to the 113 government agencies created between 1950 and 1970. A myriad of professional career systems thus developed. In the 1990s, several attempts to pass a new Civil Service Act aimed at the unification and simplification of civil
The reforms of 1991-92 in Argentina extended to approximately 30,000 positions in the federal administration, building a professional career system with the name SINAPA (*Sistema Nacional de la Profesión Administrativa*). In the present section, the current numerical impact of the career civil servants upon the whole federal administration will be considered and weighted against the proportion of political appointees and other non-professional employees. This section aims thus at establishing the degree of professionalism of Argentina’s federal bureaucracy, about ten years after the reforms.

Recent quantitative studies on the relative number of professional civil servants compared to political appointees are few, but not entirely unusual in the case of the U.S. federal administration, specifically covering the growth of the professional civil service after its introduction in 1883 (Skowronek 1982; Johnson and Libecap 1994; Van Riper 1997; Kernell and McDonal 1999; Rosenbloom 2000). Similar quantitative studies remain, however, almost completely absent for Latin American cases. This is due, on the one hand, to the simple fact that, in absence of civil service regulations applicable to the whole public sector, the degree of professionalism of a public bureaucracy can be only estimated. The difference between mere political operators and professional civil servants, if not founded on separate recruitment systems established by law, must be assessed for each different employment category and, eventually, for each case, resulting thus impossible to quantify accurately. Estimations are, nonetheless, quite useful in order to acquire an approximate overview of the extension of patronage in Latin American public service systems.

On the other hand, official statistics are usually not available. Even the World Bank, for example, could not find a dependable official figure for the number of consultants working in Bolivia, estimates ranging from 2,500 to 4,200 (World Bank 2000: 30). A significant benefit of Argentina’s Weberian civil service reform consists in the huge improvement, thereafter, in the quality and availability of official statistics regarding the numbers of professional civil servants and other kinds of public employees. A more accurate quantitative study has become, as a consequence, a possibility for this case.

The total number of federal employees in Argentina amounted in October 2002 to 275,024 (Mecon 2002a, 2002b). Some categories included in this figure are irrele-

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2 A recent summary and critical appraisal of different estimations for the cases of Mexico, Venezuela, Bolivia and Peru provides Philip (2003, 42ff.) in his brilliant study of the “politics of appointment” in Latin America.

3 The main official record (Mecon 2002a) presents a noticeably lower total figure (262,733) for October 2002. This lower figure is misleading, however, because it does not include either permanent or temporary employees at the *Institute for Social Services for Pensioners and Retired Persons* (PAMI), which is a semi-autonomous government agency. Employees at PAMI numbered 10,502 in October 2002 (see the note next to the second bullet at the end of
vant for a study of civilian administration, however, namely uniformed military and security forces, including the federal police force\(^4\) and federal prisons force, with a total number of 151,966 officers and rank (Mecon 2002c). The remaining figure for civilian, non-police federal employees amounts to 123,058.

All political appointees, in their different categories and numbers, are summarized in table 1.

**Table 1 Political appointees in Argentina’s federal administration (2002)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Superior authorities (not counting president and vice-president)</td>
<td>121</td>
</tr>
<tr>
<td>2. Supernumerary officials</td>
<td>366</td>
</tr>
<tr>
<td>3. Superior advisors</td>
<td>589</td>
</tr>
<tr>
<td>4. Middle and low level contracts (decree 92/1995 + product and services)</td>
<td>16,808</td>
</tr>
<tr>
<td>5. Personnel in projects financed by international organizations</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19,084</strong></td>
</tr>
</tbody>
</table>

Data from Mecon 2002a; 2002b; 2002d; 2002f; Iacovello and Tommasi 2002; own estimation for superior advisors (see note 5 below).

The first category in table 1 corresponds to the top political management. These officials are termed “superior authorities of the executive power” (*autoridades superiores del poder ejecutivo*) and they include the president, vice-president, head of cabinet, ten ministers, forty-four secretaries of state and sixty-six undersecretaries of state (Mecon 2002d; Infoleg 2002). They are all appointed, excepting, of course, the elected president and vice-president.

The supernumerary officials (*funcionarios fuera de nivel*) of the second category are political appointees as well. As the name suggests, the job description for these positions is left open. They assume sometimes management positions under the undersec-

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\(^4\) Albeit a civilian institution, police forces are usually excluded from statistics about civil servants. This is due to the fact that the professionalization of police personnel has no direct relationship to the career systems for bureaucrats, the skills and schooling of the former being too specific.
retaries of state, as heads of semi-autonomous agencies, or they can serve as executive assistants to a minister.

The third category in table 1 corresponds to “superior advisors” (asesores superiores) that work at each different political level, that is, for ministers, secretaries and under-secretaries – they build a personal cabinet for each one of these political authorities. The number of superior advisors can be estimated at 589 employees for the year 2002, meaning, in average, almost five superior advisors for each political authority.5

In 1995, a decree of the executive power allowed ministers and secretaries of state to appoint public employees at their discretion, bypassing the recently established merit system by means of temporary contracts. This new appointment capacity came in addition to the categories of political appointment in top levels already considered in categories two and three of table 1. Subsequently called “contracts after decree 92 of 1995”, the new positions were intended for middle level managers, advisors and technical assistants.6

The contracts after decree 92/1995 were not the only positions which came to be allowed outside the competitive civil service. The executive decree of the year 1995 opened a sort of Pandora’s box. Very soon, every political authority was appointing additional employees at lower levels through the then usual simulation of product and service contracts. Since they bill for their services or products, the earnings of employees under product and service contracts were not considered salaries, i. e. personnel expenditures, and the contracts themselves were not counted as civil service positions. It was a deception based on a technicality, because, in fact, such employees have working assignments entirely similar to those of the regular personnel (appointed or career). When the next administration requested all departments to end this practice and properly register employees under product and service contracts by October 2001,7 the number of positions brought to light was nearly 11.000 (Mecon 2001a).

At present, all these middle and low level contracts (decree 92/1995 and product and services contracts) amount to 16.808 positions, as reflected in category four of table 1 (Mecon 2002a; Mecon 2002b).

5 Official sources do not provide the number of superior advisors in Argentina. The federal budget for the year 2002, however, establishes for these contracts a total sum of $ 21.570.000 (Mecon 2002f). Mean monthly salary of superior advisors can be estimated for the year 2002 in $ 3053,4 (based on Uña et al. 2000, 15, with an average reduction of 12,76% for best paid positions in the federal administration between 2000 and 2002). This results in the estimated 589 employees.

6 The discretionary character of these employees’ recruitment does not mean that they get the job exclusively because of political or personal connections. Merit can count as an important factor in the decision. But, as a senior civil servant interviewed in August 2003 in Argentina put it, nobody gets such a contract without the political/personal connections.

7 This was ordered by executive decree 1184 of the year 2001. Subsequently, all temporary positions (former contracts after decree 92 and former product and services contracts) are designated as contracts after decree 1184/2001.
Category five of table 1, finally, corresponds to consultants paid with donor funding for development projects, provided by institutions like the World Bank, IDB, etc. The appointment of such consultants depends on the discretion of the local management authority, a high level political appointee as a rule, and thus all this personnel must be considered non-career and political. There are no official statistics on personnel paid with donor funding, so the figure provided corresponds to an estimation.\footnote{It is, nevertheless, an “official” estimation from Argentina’s Federal Bureau for Public Sector Employment and Salaries (quoted in Iacovello and Tommasi 2002: 16).}

Now, contrasting the total figure listed at the end of table 1 with the overall figure for federal employees quoted above (123.058), it can be seen that more than a hundred thousand employees remain after subtracting the political appointees. It is not the case, however, that all of these remaining federal employees could be considered professional, i.e. career civil servants. There are, in fact, diverse categories in this large group, all of them listed in table 2. The “true” professional civil servants correspond only to the first category of table 2 and they amount to slightly less than 25.000. The remaining categories require, in each case, a brief explanation.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|}
\hline
1. Career civil servants (SINAPA) & 24718 \\
2. Regulatory commissions staff & 1072 \\
3. Scientific and technical staff & 12280 \\
4. Others & 6838 \\
5. Civilian personnel working for the armed forces & 21048 \\
6. Tenured (unionized) non-career personnel & 38018 \\
\hline
Total & 103,974 \\
\hline
\end{tabular}
\caption{Permanent civil servants in Argentina’s federal administration (2002)}
\end{table}

Data from Mecon 2002c (which not includes PAMI, see note 3 above); Mecon 2002b.

What can be safely said for all employees of table 2 is that they are not political appointees because they are, either by law or in practice, permanent, so we are dealing with positions not at the disposal of each new administration. Now, although they do not belong to the political staff, not all of them are professional civil servants.

That is the case with the second category of table 2, which represents the permanent employees working at ten different regulatory commissions, for transport, communi-
cations, electricity, gas, etc. The regulatory commissions were created during the nineties, following the privatization of most public services in Argentina. They are organized as semi-independent public agencies and their permanent staff tends to be selected on merit, as confirmed by the fact that they have, on average, the highest educational level for all employment groups in the federal administration. The fact that civil service regulations are not applied to regulatory commissions’ personnel, however, means that there are no guarantees or procedures to safeguard meritocratic recruitment. This leaves the permanent staff open to all kind of political pressures, be it for recruiting or for other management decisions, an institutional weakness compounded by the fact that political appointees (of the kind listed in table 1) are very numerous at these agencies.

The third category of table 2 corresponds to scientific and technical staff working at federal research institutions like universities, technological centers, etc. This personnel belongs to several specific career systems (depending on the institution) that include competitive recruitment, as well as advancement subject to performance evaluations or other examinations. However, considering the fact that the main professional civil service career or SINAPA already includes a specific employment grade for scientists, the existence of several other career systems and pay scales for scientists and technicians reflects an obvious lack of institutional coherency. Scientific and technical positions are not part of the spoils, but the many career systems applicable to them entail a high degree of confusion and lack of transparency.

The fourth category, designated as “others”, contains further specific career systems related to professional activities. Among these, for example, medical residents at public hospitals, the diplomatic corps, musicians, foresters, etc. The fact that each of these professions has its own career system and pay scale cannot be justified on technical grounds. Again, the resulting system lacks not only coherency but transparency as well.

The fifth category of table 2 corresponds to civilian employees working for military institutions. Most of this personnel serves on a tenured basis at the different military hospitals run by each branch of the armed forces. All professional staff undergo competitive recruitment and promotions, but there is no control over the fairness of such procedures by any institution outside the armed forces. In other words, the fact that civilian personnel working for military institutions do not belong to the main professional civil service, SINAPA, must be seen as a political (and budgetary) concession to the military. Overall coherency in civilian employment was not a top priority for the reformers of 1991-1992, and so the military got complete control over their own “career system” for civilian employees, without any kind of public scrutiny.

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9 Of the permanent staff belonging to regulatory commissions, 57,6% had higher education in April 2003 (Mecon 2003a).
10 In October 2002, there were 748 non-career employees, under temporary contracts of the type listed in table 1/category four, working at the regulatory commissions (Mecon 2002e). The permanent staff, for their part, amounted to 1072 employees (Mecon 2002c).
Category six, finally, comprises the employees who continue to serve in the old system of tenure without meritocratic recruitment (*personal convencionado*). This system survived the reforms of 1991-1992 and represents at present the most numerous group of public employees in Argentina. Recruitment and promotion are basically discretionary. One year after entering the service, employees belonging to this category become permanent. Theoretically, they serve under the same law as employees in the private sector. A constitutional provision, however, guarantees the stability of public sector personnel and this provision is uniformly applied for these cases (but not for the temporary contracts of table 1).

Most of the tenured, non professional employees of category six serve at three large public agencies: (1) the federal agency for tax recollection, AFIP, (2) the federal agency providing basic social services for pensioners and retired persons, PAMI, and (3) the federal agency that administers public retirement funds and public unemployment insurance, ANSES. It is a strange paradox, indeed, that such absolutely essential tasks for the state, as represented by these agencies, tax recollection and social security among others, should be carried out by a non professional staff, recruited without any safeguards for competitive procedures.\(^{11}\)

The figures in table 1 and table 2 allow to calculate, finally, the overall degree of professionalism in Argentina’s federal bureaucracy, that is, the proportion of career civil servants relative to political appointees and other, non-professional public employees. The most simple calculation starts with the total number of federal employees, namely 123,058 (it corresponds to the sum of totals in table 2 and table 3). Against this overall figure, the degree of professionalism represented by 24,718 career civil servants of the SINAPA system amounts to 20,09 %.

Of course, it could be said that some of the categories in table 2 of permanent civil servants, namely category three and – to some extent – category four, represent professional personnel in their own right, like scientists, medics or diplomats. Such professions have specific competitive standards and they are sometimes excepted, accordingly, from general civil service regulations which guarantee the competitive hiring of public bureaucrats.\(^{12}\) The point is debatable. Anyway, if we consider categories three and four as career civil servants too, the overall degree of professionalism rises to 35,6%. The lower percentage mentioned above represents much more accurately, however, the advancement of professionalism achieved by the reforms of 1991-1992.

Present degree of professionalism in Argentina’s federal administration does not compare altogether badly with the figures for the U.S. federal administration at an

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\(^{11}\) The case of the tax recollection agency – AFIP – is particularly bizarre, because in the early 1990s there was a serious attempt to create an elite force of tax inspectors in Argentina (Eaton 2003), which should act as an “island of competence” (Geddes 1994). After a successful start, however, the attempt was abandoned in the second half of the 1990s, basically because the president lost interest in fiscal stability.

\(^{12}\) Lawyers, for example, are excluded from civil service regulations in the U.S. federal administration. However, this is not the case for medics or diplomats (GAO 2002: 2).
analogous period. Ten years after the introduction of the Pendleton Act, by the end of Harrison’s administration in 1893, the professional civil service numbered in the U.S. 37,865 employees against a grand total of 176,000 in federal civilian employment, amounting thus to 21.5% (Skowronek 1982, 70).

Of course, an essential difference between the two cases lies in the fact that the movement for the professionalization of the civil service experienced in the U.S., at the time considered, a strong upward trend. After a further period of ten years, for example, at the end of Roosevelt’s first administration in 1903, the degree of professionalism had reached 35.9%. By the end of Taft’s administration in 1913 it was already 60.14% (Johnson and Libecap 1994, 58).

In contrast, the career civil service in Argentina’s federal administration shows a slight decline considering the last six years, as shown in table 3, and nothing seems to indicate that this will change dramatically in the near future.
Table 3 Degree of professionalism in Argentina’s federal administration, 1997-2003

<table>
<thead>
<tr>
<th>Year</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Career civil service SINAPA</td>
<td>26,259</td>
<td>27.595</td>
<td>27.606</td>
<td>26.319</td>
<td>25,410</td>
<td>24,718</td>
<td>24,397</td>
</tr>
<tr>
<td>2. Total federal civilian employment</td>
<td>111,246</td>
<td>108,390</td>
<td>110,910</td>
<td>101,602</td>
<td>101,037</td>
<td>110,767</td>
<td>109,469</td>
</tr>
<tr>
<td>Proportion 1 to 2</td>
<td>23,6%</td>
<td>25,5%</td>
<td>24,9%</td>
<td>25,9%</td>
<td>25,1%</td>
<td>22,3%</td>
<td>22,3%</td>
</tr>
</tbody>
</table>


The slight decline in numbers of career civil servants recorded in table 3, as well as the proliferation of temporary contracts a few years after the introduction of the professional civil service, points to a kind of unease, among political managers, about working with career civil servants. It must be noted that, after all, it was the politicians themselves who introduced the civil service career system in the nineties. When it comes to working with the career civil servants thus recruited, however, all kind of difficulties start to arise. A hypothesis about the institutional conditions for this troubled relationship between the two groups will be advanced in the next section of the paper.

Before even trying to think about institutional conditions, however, a much more simple hypothesis must be briefly discussed here. It could well be that politicians do not trust career civil servants, in Argentina, simply because career civil servants lack competence and expertise. Holding down the numbers of professional bureaucrats would be, in that case, an entirely rational attitude for the politicians. This hypothesis was advanced by Huber and McCarty for all Latin American countries (2001). As they point out, the assumption that bureaucrats are experts with significant capacity to implement public policy often does not apply to developing democracies.

With a – more or less fair – system of public competitions for jobs in the career civil service, Huber and McCarty’s suggestion seems rather improbable in the case of Argentina. There are, nevertheless, enough data available to settle the issue, and it will be interesting to consider them before closing the present section. Such data affect directly, after all, the overall professionalism of Argentina’s federal civil service.

Certainly, bureaucratic competence and expertise cannot be measured by themselves on an extensive basis. An official statistic (SGP 2003a) provides, however, a reasonably close indirect measure by comparing educational levels of 1) career civil servants and 2) political appointees with similar working assignments, that is, middle level managers, advisors and technical assistants. If Huber and McCarty’s hypothesis were
to be verified in Argentina’s case, educational levels of appointees should be significantly higher than educational levels of career civil servants in similar positions. Rather the contrary is the case, though. In the report, based on statistics for the year 2002 covering 11.233 middle level appointees and 23.728 career civil servants, the proportion of employees between the ages of 35 and 44 with university education coincides exactly for both groups (see table 4). For employees between the ages of 45 and 54, however, there is a substantial difference in favor of career civil servants, and again, for employees between the ages of 55 and 64, a lower but significant difference in favor of career civil servants.

Table 4 University education of career civil servants and middle level political appointees in Argentina’s federal administration, in percentages (2002)

<table>
<thead>
<tr>
<th>Age group</th>
<th>career civil servants</th>
<th>middle level political appointees</th>
</tr>
</thead>
<tbody>
<tr>
<td>35-44</td>
<td>28,3%</td>
<td>28,3%</td>
</tr>
<tr>
<td>45-54</td>
<td>37,5%</td>
<td>22,6%</td>
</tr>
<tr>
<td>55-64</td>
<td>20,9%</td>
<td>12,6%</td>
</tr>
</tbody>
</table>

Data from SGP 2003a.

Considering the fact that career civil servants are, as a rule, much more experienced in the job than political appointees, the higher percentages of university education shown on table 4 suggest that the competence and expertise of career civil servants are much higher as well, compared to political appointees. A first conclusion to be drawn from this state of affairs can be summed up in the words of Peters (2001), who considers that governments not willing to rely on professional civil servants must of necessity resemble a “children’s crusade”. After each change of administration, a fresh group of inexperienced political managers tries, by its own, to master the essential tasks of running the state and mostly fails, to be outvoted and replaced by the next. However accurate, though, this is not more than a description of facts, and it remains to be explained why Argentina’s political elites manage the state-apparatus in such a self-defeating way. As mentioned before, a hypothesis will be advanced in the conclusions.


The career civil service remains partially “frozen” since the end of 1995 and completely so since 2000, meaning that, as a rule, no new positions are created and the vacant ones are not filled, with few exceptions. Data on career civil servants for the age groups below 35 are not representative and, therefore, not considered here.
For Max Weber, a proper balance between the indispensable expertise of bureaucrats, on the one hand, and the need for democratically legitimated, responsible politicians to lead the state apparatus, on the other hand, represented the key for efficiently running a modern government. Following Weber’s work, a vast political science literature has developed on the subject.

As refers to developed countries, opinions tend to be basically divided between those who consider that the bureaucrats’ expertise provides them with an hegemony in policy-making (administrative dominance), and other, more recent approaches, focusing on institutional arrangements that allow politicians to effectively influence the behavior of bureaucrats (for a thorough review see Huber and Shipan 2002, chap. 2). Both perspectives, however, agree in one point, namely, that a modern professional bureaucracy cannot operate without broad authority, delegated by the political powers of the state. The authority thus delegated enables the bureaucracy to plan an implement public policy in a relatively autonomous way. The opinions differ strongly in the degree of control that politicians exert – or ought to exert – afterwards, but the first point is taken for granted.

Indeed, the case of the U.S. shows that bureaucratic autonomy plays a fundamental role, as well, in the transition from an amateur to a professional civil service system. As is well known, the American federal administration was, for most of the nineteenth century, patronage-ridden and staffed by short-term amateurs, due to the predominance of the spoils-system in the recruitment of federal employees. In a recent study, Carpenter (2001) describes the rise of a professional civil service, in the U.S., as one and the same process that enabled middle level bureaucratic managers to develop public policy, with few constraints from legislative and executive overseers. Carpenter’s thesis seems intuitive enough, even if one does not admit that bureaucratic autonomy and professionalization must be described as the same phenomenon. Of what use, indeed, could be the one without the other? Training and recruiting professional civil servants does not serve its full purpose if they are not given sufficient authority to develop and implement public policy.

Bureaucratic autonomy goes, however, against a basic tenet of presidential systems, that is, the claim of the president to effective and immediate power over the whole administration. After all, “administration” and “bureaucracy” are often taken for synonyms, so that presidents, as elected leaders of the administration, have a claim to operational control over the public bureaucracy. As said before, accepting bureaucratic autonomy does not represent, in contrast, a difficulty for parliamentary governments in Western Europe, because the permanent bureaucracy tends to be considered in those countries as an element of the state itself, and thus more or less above party politics.14 The basis for the advancement of bureaucratic professionalism in the U.S., therefore, was not only growing bureaucratic autonomy, as described by Carpenter, but the fact that presidents had to abandon, at least in part, their claim to operational control over the public bureaucracy. As Aberbach, Putnam and Rockman (1981, 23) refer to this as the “predemocratic legitimacy” of bureaucracies in Europe. In other words, states and bureaucracies were in place – and regarded as necessary – much before the democratic politician came into scene.

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14 Aberbach, Putnam and Rockman (1981, 23) refer to this as the “predemocratic legitimacy” of bureaucracies in Europe.
penter, but the fact that presidents had to abandon, at least in part, their claim to overall bureaucratic control. Of course, this could not happen without a series of political struggles.

The turning point came for the U.S. in the 1930s, as the modern administrative state was consolidated with a sudden and huge increase in the scope and size of federal administration. Between 1932 and 1936, some sixty new federal agencies were created and the number of new employees hired amounted to about 250,000. At first, this enormous bureaucratic machinery remained firmly under the control of the executive and was mainly staffed by political appointees. As a result, the degree of professionalism in the federal public bureaucracy diminished substantively, going from 80% in the year 1932 to 60% in the year 1936 (Johnson and Libecap 1994, 70; Rosenbloom 2000, 10).

The growth of this new power structure was perceived by Congress as a fundamental challenge to the constitutional separation of powers and, more specifically, to its own political authority. The perception of this threat, as well as the development of the means to confront it, owed a great deal to the ideas of two prominent scholars working at that time at the Brookings Institution, Lewis Meriam and W. F. Willoughby. Meriam and Willoughby criticized strongly the usual attribution of administrative authority to the executive power, which they regarded as based on a conceptual confusion. They pointed out that the specific type of modern administration, developed in the twentieth century, goes far beyond executive matters, because it consists to a great extent of rulemaking activities, in the form of administrative orders, directives, regulations, etc. This myriad of legal norms, loosely labeled as “administrative law”, are for the citizen usually much more relevant and immediate, in every day life, as statute law passed by Congress. Following Meriam and Willoughby, rulemaking by administrative agencies was characterized during congressional debates as “quasi-legislative” (quoted in Ronsenbloom 2000, 34) and this was the basis for the constitutional case, advanced by several members of both major parties, arguing for supervision, direction, and control of administration by Congress itself.

After a legislative struggle of more than a decade, which included some failed attempts – like the Walter-Logan Act of 1940, vetoed by the President – the U.S. Congress was able, finally, to redefine its constitutional position vis-à-vis federal administration with the Administrative Procedure Act of 1946 (APA). The APA relies heavily on an idea of Willoughby, namely, that administrative agencies should operate and be treated as extensions of the legislature. Several subsequent statutes developed and strengthened this principle up to the present day (Rosenbloom 2000, 21-23). As a result, Congress plays in the U.S. a central role in the direction of administrative agencies; it is responsible for how agencies legislate and what they legislate as well. Indeed, as Peters points out, the equivalent of the bureaucratic “Yes, Minister” statement in parliamentary systems might be, in the U.S., “Yes, Congressman.” Neither Congress nor the President could, in any case, attempt to control the bureaucracy on their own.
The separation of powers, translated thus to the management of the bureaucracy, has secured in the U.S. a major sphere of bureaucratic autonomy and, hence, the professionalization of the federal civil service. As Aberbach and Rockman (1988, 607) put it, presidents are bound to strive for control “over everything that is not nailed down.” Only the active and systematic involvement of Congress in the running of the bureaucracy has preempted the politicization of the civil service which such striving for presidential control is likely to bring about. Nonetheless, it is clear that this sphere of bureaucratic autonomy and professionalism remains in the U.S. a “precarious idea” (Heclo 1977, 29). As Rosenbloom (2000, 57) remarks, the discipline of American public administration has been “ill at ease” with the separation of powers in connection with the state bureaucracy. Contemporary approaches like “reinventing government” and New Public Management define public administration as a business endeavor that should be overwhelmingly centered in the executive branch. Even Vice President Al Gore’s National Performance Review called for “liberating agencies from congressional micromanagement.” (quoted in Rosenbloom 2000, 57)

Lack of scholarly appreciation constitutes, certainly, one of the reasons for the fact that the U.S. model of “divided control over administration” has not been adopted by other presidential systems like the Latin American ones, even while attempting to introduce professional and permanent bureaucracies. The result has been, as in the case of Argentina, the attempt to consolidate a permanent civil service under the overwhelming control of the executive power, and this tends to be a self-defeating enterprise.

Of course, for most of the twenty century a significant role for Congress was out of the question in Argentina’s political system. From 1930 to 1983 the country was run either by military dictatorships, by extremely weak civilian presidents or by Juan D. Peron (a rather authoritarian popular leader). After democratization in 1983, however, the Argentinean Congress has been steadily gaining power, taking advantage of several crisis in presidential authority triggered by economic mismanagement and social unrest. After the last such crisis in 2001, Congress even took charge of the executive power and designated a President to run the country until the next elections in 2003.

There has been enough clarity in Argentina’s political debates, moreover, regarding the fact that the concentration of administrative power in the executive represents a danger for democratic consolidation. One of the reforms introduced to the constitution in 1994 changes the formulation of article 86, which stated formerly that the President shall be “the person in charge of the administration”, to the new phrasing of article 99, which only declares the President to be “the person politically accountable for the administration”. The new formulation aims quite clearly at reducing the President’s exclusive authority over the administration. Furthermore, the constitutional reform of 1994 introduced another, more technical disposition aimed at curtailing the President’s power over the bureaucracy: the new article 76 proscribes legislative delegation from Congress to the executive.

Finally, the idea that the Congress should take part in the direction of administrative agencies does not result unknown in Argentina. As a matter of fact, there is a specific
case, namely the federal commission for higher education accreditation (CONEAU). The commission has twelve members, from which Congress proposes the designation of six. In order to comply with separation-of-powers doctrine, they are designated by the President, but this has been – at least until now – a mere formality. The executive itself only proposes one of the members for this specific federal commission. The rest are proposed by the universities and by the education academy. Congress has, therefore, a clear majority. As a small piece of evidence for the hypothesis advanced in these conclusions, it is interesting to observe that the degree of bureaucratic professionalism at CONEAU amounts to slightly more than 59%, well above average for the rest of the federal administration (CONEAU 2004a; 2004b).

The political and legal conditions are in place, in other words, for the Congress in Argentina to assume a more significant role vis-à-vis the public administration, a role that could contribute to increase bureaucratic autonomy and thus bureaucratic professionalism. Due to the influence of a separation-of-powers doctrine firmly rooted in the nineteen century, and of executive-centered ideas coming from mainstream public management, however, such a role for Congress remains very much of a taboo in Argentina. Without a change in the role of Congress, however, an advancement of bureaucratic professionalism beyond the current levels seems improbable.

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