

**Administrative Reform in International Perspective:
Public Law and the New Public Management**

Laurence E. Lynn, Jr.

In general, administrative reform—from the modernizations of the 1960s to the re-inventions of the 1990s—is undertaken amid complementary and opposing pressure from growing social demands and increasingly scarce resources. Although value preferences regarding the public life of elected representatives and civil servants influence the thrust and scope of these reforms, it can be safely stated that, in most countries, the goals of such projects are flexible, effective, and efficient governments, increased quality in public goods and services and, in the light of mistrust toward bureaucrats and politicians, greater frequency and punctuality in their accountability.

This paper attempts to illustrate the ephemeral nature of the developments in new public management compared with the much farther reaching changes in the role of law within modern societies. The true importance and substance of the spirit of governmental transformation are not to be found in texts containing mere anecdotes or praise for the new management style; they are primarily to be found in the less visible and less studied changes in legislation in general and, more particularly, in administrative law. Over time, bureaucracy has become both the solution and the problem. It is still the only apparatus capable of providing modern states with structure and continuity, but at the same time it is also a threat to democratic and party-based control. Will the proposals of the post-bureaucratic paradigm or those of new public management be able to solve the problems of political control and accountability?

**Public Policy, Imperfect Rationality, and Irrationality:
Towards a Different Perspective**

David Arellano Gault

The need for a different orientation in the public-decision-making arena was proposed some decades ago by the “public policy” approach in the light of the serious crisis faced then (and still faced today) by public administration. This proposal exemplified, in the United States at

least, the linkage between the "scientific method" (understood as a positivist and post-positivist approach to the empirical observation of "things" or "facts") and the "four decision making process" within policy (Lasswell, 1951).

Since then, the core of this emerging discipline has been strengthened with new elements and it is considered by some to be at the vanguard of empirical orientation in studies of the public arena.

The proposal would have appeared to have provided some relatively adequate answers regarding simple processes that involve the movement of material and financial resources. Nevertheless, in more complex matters, wherein the aim is to change the behavior of people, groups, and organizations, this rationalistic scheme has met major problems in generating reliable answers on public events (Wildavsky, 1993). Several past processes have shown that this orientation, while it is capable of generating interesting observations and technically sound solutions, has frequently failed to understand the nature of the social process. It appears that the public policy approach must confront not only the problems of "implementation", but also the growing feeling that it is distinctly incapable of directing social behavior through rational and technical ways alone. The best example in the United States of America was perhaps the "War on Poverty" during the 1960s, where the political-social and community organizational dynamics dismantled, diverted, and dominated any attempt to rationalize the process (Levitan, 1969).

Several commentators have proposed a different approach (for example: Oszlak, 1974, in Latin America; Sfez, 1970, in France; Lindblom, 1990, in the United States of America). Instead of concentrating on the goal of creating a technical alternative for analyzing social and political problems, some of them criticize the idea of identifying "facts" and "things" that can be observed and designed; they propose instead a systematic study of the features of the social process, including the consideration of organizational and cultural elements. In general terms, there is growing skepticism regarding the technocratic vision of public policy, which appears to be emerging as the spearhead of an elitist, technically self-sufficient view, where social participation and conflict can be eliminated through careful planning. In this view, the complexity of the social and political phenomena (the latter intimately linked to the public policy phenomenon) is neither reduced nor denied by the technical assumptions used.

Community and Anarchy in Modern Administrative Systems

Linda deLeon

This article maintains that "community" and "organized anarchy" are two organizational forms worthy of careful study from the perspective of public administration and organizational theory. Using as explanatory variables both ends (preferences, either clear or ambiguous, about possible results) and means (knowledge, either true or untrue, about relations of cause and effect), four typical and/or ideal organizational structures are identified: 1) hierarchy, 2) competitive pluralism, 3) community, and 4) anarchy. Since a large number of public problems are characterized by ambiguous goals and uncertainty regarding causal relationships, "community" and "anarchy" are the two structures studied in detail. *Communities* are relatively horizontal, cohesive organizations with shared values, within which, in spite of the existence of a consensus regarding the desired goals, there is uncertainty about defining the best way to attain them. *Organized anarchies*, while also relatively horizontal, have less internal cohesion and fewer shared values; here there is not only uncertainty about the way to attain goals, but also about the goals themselves. The article concludes that if 1) the structure of an organization is to reflect the kind of problems addressed, 2) modern organizations are under pressure to adapt to a multitude of complex, changing problems, and 3) organizational reforms depend not only on the goals and environment but also on the culture and preferences of its members, then the notions of "community" and "anarchy" must be incorporated into the debate on organizational design that has traditionally been restricted to hierarchical and pluralistic forms.

The Role of Local Governments in Latin America. A Literature Review

Nicolás Pineda Pablos

The purpose of this paper is to review the academic literature on decentralization and the role of local governments in Latin America *vis-a-vis* the current drives to overcome poverty and attain democratization.

The main question is: What is the role of Latin American municipalities for the 1990s and the year 2000? Is there a municipal agenda in the present drives toward democratization and economic development? This is a very broad, exploratory review that attempts to identify the main theoretical proposals and conceptual connections being made about this level of government.

These publications might be useful as introductory readings on municipalities, or they could provide a theoretical framework for understanding the particular characteristics of Latin American municipalities among the different types and models of local government existing in the world.

Restructuring the Santiago de Cali Municipal Administration: Conceptual Framework and Main Features

Bernardo Barona Z.

This paper describes a systemic and comprehensive proposal to increase, in a fashion sustainable over time, the efficiency, effectiveness, and fairness of the municipal administration of Santiago de Cali. The improvement would crystallize only if, in conjunction with the structural change, the necessary steps were taken to modify the processes, strategies, management model, and culture of the municipality's public servants. Most of the proposed changes require sustained efforts over relatively lengthy periods of time. Their effectiveness depends largely on the mayor and main municipal authorities not weakening in their commitment to reform.

The author maintains that, even supposing that the municipal administration can successfully implement the described changes, the impulse the city requires to emerge from its poverty and underdevelopment will only be possible if the business community assumes the role demanded of it by contemporary society: the sustainable long-term creation of both wealth and employment. The different levels of government (national, departmental, municipal) can and must stimulate and encourage the private sector to fully meet its responsibilities, but that eventuality depends largely on the commitment towards the city and the country assumed by the sector's members. Although certain actions by some businessmen over recent years, particularly investments made to upgrade technologies, point in the right direction,

such movements are still timid and insufficient for achieving, within a reasonable timescale, the social and economic development to which we all aspire.

Water Policy in Europe

Bernard Barraqué

This article provides a general description of early water policies that arose within the purview of economic development and as protection against the vagaries of nature, together with the later focus on the environment. Similarly, it reviews the general guidelines that have steered public water policy in France and compares them with the experiences of other members of the European Union. The author places special emphasis on the particular ways chosen by the French to handle private participation in managing and distributing the drinking water supply.

Towards Fiscal Federalism in Mexico

Jorge Chávez Presa and Fausto Hernández Trillo

This essay attempts to identify the theoretical rules for fiscal federalism with a view to identifying the real viability of such a system in Mexico, with particular emphasis on expenditure issues. This should include a strategy for action to take us to an optimal level of fiscal federalism in Mexico. This naturally implies analyzing the situation prevailing at present within the current federal structure. The paper is divided into two parts: the first reviews a series of theoretical concepts, while the second describes the guiding principles behind fiscal federalism in Mexico.

After establishing the theoretical guidelines of fiscal federalism in order to analyze the real viability of such a system in Mexico, with particular emphasis on expenditure issues, it studies the current situation within our country's federal structure and proposes the creation of a strategy for attaining optimal fiscal federalism.