

María Bárbara Zepeda Cortés  
Lehigh University  
[maz213@lehigh.edu](mailto:maz213@lehigh.edu)

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**The Construction of Public Office Conference and the Pursuit of Integrity**

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Thank you Ben for the invitation to this Workshop/Conference. I am happy to be here and I always enjoy opportunities to talk about my area of specialization.

**Remarks on the modern character of Spanish American bureaucracies in the colonial period**

I will first speak of the surprisingly fast pace of public office construction and consolidation in colonial Spanish America in the 16<sup>th</sup> and 17<sup>th</sup> centuries. I am currently writing a book on eighteenth-century bureaucratic modernization in the Spanish Empire, a period known in historical literature as the Bourbon Reforms and one of my central claims is that reformers of the 1700s were not trying to destroy the existing, already modern in the Weberian sense, bureaucratic system. Rather they were attempting something no less daunting: making public office more efficient, and perfecting the system to correct what they considered public office vices.

I will finish with some remarks on the nineteenth century, that is, I will go beyond the colonial period and I will advance some ideas on what happened to perceptions and practices of public office after Spanish American countries obtained independence.

A warning: Even though I will be talking about Spanish America in general terms, most of what I will say, characterizes colonial Mexico. So when Andrew Paxman talks about post-revolutionary Mexico you can bridge, combine, or discuss my ideas with his safely.

## **THE FORMATION OF A MODERN BUREAUCRACY**

One could very well argue that the Construction of Public Office in colonial Spanish America started in 1493 during Columbus's second voyage. The Crown appointed Columbus to the highest office in Hispaniola (modern day Dominican Republic), the first Spanish colony in the Americas. His tenure as governor of over 12 hundred or so Spanish settlers and thousands of indigenous peoples was disastrous and by 1495 the Spanish crown was already doing an official investigation on his rule. 4 years later, in 1499, at the end of his third voyage, Columbus returned to Europe in chains and a new crown-appointed governor was sent to replace him.

--Following the terms introduced in Mark Philp's paper (the one he shared with us), this is a story in which a principal, the Spanish crown, challenged its agent, Columbus, to protect its early right to rule the new territories.

---But wait, if I am already mentioning a principal, it means that the Construction of Public Office in Spanish America had an earlier origin, on this side of the Atlantic, in the Iberian Peninsula. The Construction of public office in Spain (more specifically the Kingdom of Castile) had an intimate relationship with the process of state formation and consolidation since the times of King Alfonso, the Wise, in the thirteen century. King Alfonso is a famous historical figure because he compiled the constitutional, civil, commercial, and criminal laws of his times in a legal code known as the 7 Partidas. This was the origin of what would become over the centuries an Impressive body of legislation produced in the Spanish world that codified everything from

international commerce regulations to how people should dress. The effectiveness of these laws' implementation is, of course, another story, not to be told here.

Thus, from the thirteen to the fifteen centuries, the Castilian crown became the source of legitimacy for any position of authority, for example, the crown gave licenses and permits to conquistadors for occupying new territories previously held by the Muslims. Money, the blood of bureaucracies, was acquired through the collection of tribute from conquered Muslims and taxation. The salaries of Iberian royal officials were low... and the trend continued later in the Americas, but being appointed to office became a personal honor, offices like those in the royal treasury were long-term, sometime appointments were for life, and there was some expectation that you could pay yourself from your office's earnings.

This system was in the process of growth and development when Spain began its imperial adventures. That means that in the Spanish world the construction of public office occurred simultaneously on both sides of the Atlantic. Spanish-born institutions began to cross the Atlantic in installments. And sometimes they would come back. I already mentioned the first crown appointed governor of Hispaniola whose term started in 1502. Then an Audiencia (a high court) was founded in Santo Domingo in 1511. Effectively, it was the third Audiencia in the Spanish system (there was one in Valladolid [1371], and another in Granada [1494/1505], then that of Santo Domingo, and later one in the kingdom of Aragon [1528]). Then, the first delegate of the monarch for ruling the empire, emerged in Madrid in 1524, it was the Council of the Indies, a collegiate body that exercised "supreme jurisdiction over all aspects of the colonial administration: legislative, financial, judicial, military, ecclesiastical and commercial" (JLP 50).<sup>1</sup> The first Viceroy, the highest office in the Spanish imperial system, arrived in New Spain

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<sup>1</sup> Phelan, John Leddy. 1960. "Authority and Flexibility in the Spanish Imperial Bureaucracy." *Administrative Science Quarterly* 5, no. 1: 47-65.

(colonial Mexico) in 1535, in Peru, a decade later. The offices of governors, viceroys, and Audiencia judges were all accompanied by, first, a mid-level bureaucracy composed of royal treasury officials and, second, a parallel Church bureaucracy with its own hierarchies. This multiplicity of institutions and offices whose jurisdictions sometimes overlapped encouraged each office to watch and report on others.

While at the beginning of the colonial period, the main objective of these offices was to legitimize colonial rule, very soon, the system became more complex and started to worry less about protecting the crown's right to rule... that is, offices began to see for specific crown interests according to their specialty, but also for their own interests, and the interests of the regions and localities they were in charge of ruling.

By the late seventeenth century the Spanish empire could be described as a multiethnic population strewn across the Americas (and Asia), where diverse polities and corporations coexisted under the imperfect supervision of an expansive colonial bureaucracy. This bureaucracy had acquired all the characteristics of a modern bureaucracy according to Weber: (1) it had jurisdictions [viceroalties, general-captaincies, audiencias, bishoprics, local districts called *alcaldías mayores* and *corregimientos*, indigenous towns with their own semiautonomous rule and distinct forms of local government]; (2) the colonial bureaucracy had rules [codified by 1681 in the *Recopilación de leyes de los reinos de Indias*]; (3) it had hierarchies [viceroys and governors coordinating affairs with Audiencia judges, royal treasury officials, the church, local magistrates, indigenous leaders]; (4) it had specialized knowledge [bureaucrats were usually trained lawyers, and, increasingly, bureaucrats had a local origin, or inherited the office from their parents] and, finally, very related and important, every single office procedure left a written

record [and believe me there was a highly litigious political culture where many individuals, including the most humble, had contact with state institutions through litigation].<sup>2</sup>

The members of this essentially modern bureaucracy enjoyed a relative autonomy. Geographical distance, but also a general lack of interest and specialization in colonial affairs within the imperial administration allowed the colonial bureaucracy to indulge in practices such as embezzlement, fraud, contraband, nepotism, favoritism, and myriad other shenanigans that weakened the administrative effectiveness, or power, of the imperial state. The crown tolerated what today we recognize as corruption, as a necessary evil, a waste that could be afforded as long as the silver pesos kept crossing the Atlantic and the status quo was preserved. This arrangement guaranteed stability and self-preservation for the colonial bureaucracy.

This stability and relative imperial laxity came into question in the eighteenth century... Here we enter the second part of this talk. The arrival of a new dynasty to power in 1713 was the reason for a change in attitude of the principal with its agents (using Philp's terms). First in Spain and then in the empire, the Bourbon crown sought to end inefficiency and corruption in the colonial administration through the creation of a closely supervised bureaucracy, one restricted to its proper functions and, therefore, more effective and powerful. The so-called Bourbon Reforms risked public office stability to achieve transformations in the ways the government related to its subjects by reforming the economy, the administration, and even state-mediated aspects of society and culture. It was a very ambitious endeavor {ENDEvr}.

I am currently writing the first biography of the Spanish empire's top Bourbon Reformer, Jose de Gálvez (1720-1787), a lawyer of obscure and modest origins and a quintessential office holder whose social mobility depended on his salary and merits. From 1765 to 1787 Gálvez

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<sup>2</sup> Weber, Max. 1968. *Economy and Society: An Outline of Interpretative Sociology*. New York: Bedminster Press. 3 v.

transformed the empire brandishing the administrative power his offices held. He was first, king-appointed inspector general of New Spain, colonial Mexico, and then, from 1776 to his death in 1787 he was the Spanish colonial minister. [The projects he initiated as inspector-general of New Spain materialized and extended throughout the empire when he became colonial minister].

Using Mark Philp's terms, Gálvez became an all-powerful principal who sought to make his agents more responsive to the crown's orders. For this, he reorganized jurisdictions [for example, he created an additional viceroyalty, that of Rio de la Plata or modern day Argentina; another key reform introduced by Gálvez was the creation of intermediate jurisdictions located between the local magistrates and the viceroys, that is, new regional administrations that would become the future federal states and provinces of the independent republics; Gálvez also founded new Audiencias (high courts) so that people did not have to travel too far to do their litigation].

His goal was centralization and making a more rigid hierarchy with his office placed at the top: the new regional officers and the treasurers at the viceregal, regional or local levels had to communicate directly with his office. In fact, the idea of creating regional offices effectively disempowered the office of the viceroy. He did not dismantle the Council of the Indies, the institution that had previously supervised all colonial affairs, but he became its governor. Gálvez also centralized all the written available records on the Americas and the Philippines in one single space by creating the magnificent General Archive of the Indies in Seville (the main repository of historical records on colonial Spanish America). His contemporaries cringed with the increasing number of new offices and with the higher salaries assigned to agents as a way to prevent corruption and reward merit in office... Yes, there were more expenses but also more efficiency in the colonial administration with higher rates of tax collection, and specialized new offices like a Mining Tribunal in Mexico City, which stimulated silver production. Scholars have

stressed time and again Jose de Gálvez's capacity to put an end to the political aspirations of Spanish American elites with a policy that systematically replaced American-born functionaries at the top colonial institutions with European-born Spaniards. He claimed that with these measures he was getting rid of nepotism.

At implementation, Gálvez reformist projects faced the contingencies of locality. The "arbitrary outcomes" of reform, borrowing a term from sociologist Akhil Gupta, prompted some Spanish Americans, particularly indigenous peoples, to rebel in protest against higher taxation.<sup>3</sup> The crown responded with unusual forms of state repression. An additional byproduct of this relentless process of modernization was the empowering of its advocates. Gálvez opened the chest of the Spanish colonial administration and operated on those state structures in ways that were not always transparent, in the process promoting his and his political allies' personal interests. He became immensely rich through a seemingly contradictory mixture of claims of merit and the bending of the laws for private benefit. Immediately after Gálvez's death in June 1787, nor surprisingly, his peers in the king's cabinet began to dismantle the monocratic imperial bureaucracy he had striven to build. For the rest of the colonial period, a mere 3 or 4 decades, reform continued but at a slower, less authoritarian and centralizing way. The Gálvez era was, what I call, a high cycle of state modernization.

**To conclude.** The Spanish crown managed to construct a colonial public office that was an adaptation of the early modern Spanish office but, fairly quickly it developed into a bureaucracy with modern practices and characteristics. The colonial silver (that is, money) in fact accelerated the growth of bureaucracy in Spain as well (a sort of Transatlantic crosspollination

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<sup>3</sup> Gupta, Akhil. 2012. *Red Tape: Bureaucracy, Structural Violence, and Poverty in India*. Durham: Duke University Press.

phenomenon). Distance and technology allowed the colonial bureaucracy to move slowly, inefficiently, and the availability of silver allowed malfeasance in office. The Bourbon reforms and Gálvez sought to remedy the vices and increase efficiency and speed with the centralization of knowledge and command under one office: the colonial minister. Facing a variety of disparate local circumstances, some of his reforms failed, were reinterpreted and changed, or simply remained on paper, but it is important to note that they all formed part of a robust enlightened enterprise conceived by an individual and his generation.

THE wars of Independence in Spanish America from 1810 to 1825 were long and destructive. Interestingly enough, however, in places like Mexico, colonial public office continued functioning practically throughout the whole conflict...<sup>4</sup> But after independence, all Spanish America witnessed the partial dismantling or at least the decadence of the specialized ex-colonial bureaucracy. Political turbulence (long civil wars between liberals vs. conservatives) and the rise of personalistic politics (led by regional/local/national strongmen named caudillos) took away some of the power of state bureaucracies. More importantly, the wars destroyed the economy, and the new states were bankrupt, and could not pay officials in the same way, neither an office offered handsome rewards. Still, a state apparatus kept working but with less reach into the lives of many peoples. There are many theories about why Latin America fell behind during the 19<sup>th</sup> century. I wonder if the decline of bureaucratic power could also be a reason. But a new cycle of modernization started again the 1860s when liberals across Spanish America took over power and aimed to rebuild national bureaucracies again. Regimes, like the Porfirio Diaz dictatorship in Mexico at the end of the nineteenth century initiated a new ascending slope of public office modernization by stressing again centralization but also technocratic specialization.

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<sup>4</sup> Van Young, Eric. 2002. *The other rebellion: popular violence, ideology, and the Mexican struggle for independence, 1810-1821*. Stanford: Stanford University Press.

The revolution was more damaging to state institutions than the war of independence but it was less damaging to the national economy. The regime that came out of it began a new modernization cycle but it is not my job to talk about it.

THANK YOU

EXTRA

But even if affairs moved slowly and inefficiently, those colonial offices got things done... one of the major problems in Latin America today is the lack of access to justice and the overabundance of unresolved crimes. As numerous studies show, indigenous people with a major legal controversy could go to the Audiencia of Lima, for example, and the state attorneys would litigate on the behalf for free and resolve their issues.