

1 | Introduction

From 1987 to 1995, South Korea's democratically elected government built dams along the country's major rivers and undertook other major public works projects without consulting anyone affected—not the local industrialists, not the local farmers, not even the local governments. As a former South Korean finance minister explained, consultation and deliberation take time, and “the main emphasis was on shortening the construction period and saving money” (Brull 1994, 1). According to one senior Korean bureaucrat involved in the projects, any opposition was “steamrolled.”¹

In 1987, South Korea's (hereafter, Korea) first democratically elected executive announced plans for the Imha Multipurpose Dam Project, which the government completed on schedule in 1991. Although the government forced almost 1,800 residents to relocate, offering some financial compensation in return, “no movements opposing to the dam construction itself were launched” (*Korea: Imha Multipurpose Dam Project 2002*, 8). Relocated citizens knew they had the right to compensation but had little or no knowledge of their rights to object to the project itself. The government essentially had license to overlook the project's environmental impact (Song 2004).

In 1997, the Korean government announced that a dam would be built on the Tong River at Youngwol. Civic, environmental, and even religious organizations immediately protested. Three out of four citizens in the affected communities of Youngwol and Jeongsun opposed the dam (Lim and Tang 2002). Two years later, the government had not started construction. Instead of steamrolling the opposition, the Ministry of Construction and Transportation responded to escalating public pressure by

creating a joint government-civilian task force, including environmental experts, to determine the dam's feasibility. The task force recommended that the project be canceled; two days later, President Kim Dae Jung did so (Lim and Tang 2002).

Why did democratic responsiveness change so dramatically in a decade? Why could one democratically elected government steamroll its citizens and build a dam while another waited, listened, and responded to the citizens on a similar project, ultimately abandoning it altogether? In other words, when and why do democratic governments respond to their citizens?

Scholars and politicians typically explain democratic responsiveness in terms of maturation and consolidation, the strength of political parties, or the development of civil society. Though doubtless important, these broad concepts overlook the way that governments function and especially the ways that politicians create democratic responsiveness by changing the procedures guiding the operations of government. In Korea's case, a series of administrative laws passed in the mid-1990s dictates that the government cannot lay the first brick on a new construction project until it consults with everyone affected in any way, no matter how time-consuming the process. The party system, the constitution, and the citizenry did not change; however, administrative laws and procedures did change, dramatically altering the ways that politicians, citizens, and bureaucrats interacted.

Administrative procedural reforms "democratized" Korea's infrastructure construction process and made its government far more responsive. In 1987, citizens who disapproved of a dam had little recourse except to vote against the president who built it in the next election. In 1997, citizens could stop the dam. Citizens now have a say in the government's decision-making on specific projects, not just on which president should govern. This increasing popular voice is a measure of the transformation of *institutional* democracy into *responsive* democracy.

While the story of how administrative laws protect the interests of particular constituencies against the arbitrary exercise of executive authority is obviously important, no less compelling is the story of how administrative laws came to exist. Ironically, the sponsors of these laws did not intend to prevent executive abuse of authority. On the contrary, these laws, known as APAs (administrative procedure acts), originated in sitting executives' desire to prevent opposing politicians and recalcitrant bureaucrats from undermining policies. But how did these executives end up in this situation? To answer this question, we must begin with the current debate in the literature on democratization to highlight the central role of APAs in addressing questions of accountability in new democracies.

Early theorists of democratization initially assumed that holding elections and changing executives and legislators would result in a shift in state behavior. However, the literature has subsequently recognized that such is not necessarily the case and that new democracies may not be accountable (Geddes 1994; O'Donnell 1999; Przeworski, Stokes, and Manin 1999; Stokes 2001). Multiple factors explain this lack of accountability, including imperfections in the electoral mechanism as a means of controlling politicians. But another problem is that the state apparatus itself is difficult to control. Authoritarian rulers used bureaucracies to pursue their objectives and in doing so created complex institutional structures that were not necessarily brought to heel once elections occurred and new governments were in place.

These institutions might resist change because elected politicians to some extent represent status quo forces (Haggard and Kaufman 1995); because of information asymmetry between elected officials and voters or between bureaucrats and elected officials; or because of cronyism between the bureaucracy and entrenched economic and political forces. Accounting for what happens after a democratic transition requires considering not only the representation of democratic government but also its responsiveness to citizens (O'Donnell 1994).

As a result, the transition to democracy also involves a complex struggle over the state apparatus itself, a struggle involving voters, politicians, bureaucrats, and interests tied to the bureaucratic apparatus. This book studies and explains this process, considering the different ways that politicians try to restructure the state. If politicians simply make the bureaucracy responsive to politicians, they are replaying the original problem; if they make the government more open and accountable to different societal forces, they reduce their own power. Under what conditions will new governments seek to increase bureaucratic accountability?

In the case of Korea, the consolidation literature would presumably attribute the changes to democratic consolidation, whereas the party literature might emphasize a maturation of Korea's party system. But these analyses are insufficient. Neither can explain exactly how Korea achieved greater democratic responsiveness or who benefited or suffered from the process. Such an explanation requires understanding the balance of power and interests of the various actors in government as well as the processes of governance. What changed in Korea were the rules of the game—that is, the administrative laws governing the formulation and implementation of policy.

The Political Origins of Administrative Procedural Reform

Elected officials, even with the aid of political appointees, cannot oversee all of a modern, complex government. Successful management of government requires delegation of some aspects of authority. Yet while delegation can resolve many management problems—for example, allowing the government to broaden its range of activities—it also carries certain inherent risks, most notably the potential for agency slippage. Agency slippage arises when an underling (agent) to whom an elected or appointed official (principal) delegates responsibility has an agenda that conflicts with that of the principal. Not surprisingly, principals want their agents to carry out their wishes rather than pursuing alternative agendas. To mitigate this risk, those delegating authority need tools to prevent their underlings from shirking—that is, failing to do what they are told or what is expected of them.

Given the nature of delegation and its potential problems in democratic governments, a variety of means exist through which principals can seek to control their agents (Alchian and Demsetz 1972; Fama 1980; Kiewiet and McCubbins 1991; Thies 2001). Such means include but are not necessarily limited to (1) choosing loyal agents who share the principal's preferences, (2) writing complete contracts that address all contingencies in the relationship between the principals and their agents, (3) requiring that agents submit proposed actions to the principal for approval, and (4) constraining an agent's ability to act independently (Thies 2001). Although each of these mechanisms appears effective in theory, the first two are often impractical, and the third requires a great deal of the principal's time and effort. The fourth option arguably offers the most cost-effective solution to many potential problems of delegation, and this book focuses on several instances in which new democracies in East Asia have employed this control mechanism, both assessing the effects of pursuing this strategy and exploring the implications of procedural constraints for democratic responsiveness.

Ex Post versus *Ex Ante* Democracy

Democracy can imply that citizens hold leaders accountable after the fact—that is, *ex post*. This is a typical definition of representative democ-

racy. Alternatively or additionally, democracy can entail *ex ante* influence over the policies politicians pursue. In other words, *ex post* democracy implies that leaders choose policies and voters then retain the leaders if the results are pleasing and vote the leaders out of office if the results are not. But citizens have no say over the policies themselves. *Ex ante* democracy implies that citizens can raise or lower the likelihood that politicians will implement particular policies. In this way, *ex post* democratic responsiveness is indirect, arising from politicians' fear of losing power if they deviate too far from citizens' preferences. Any such fears, in turn, depend on citizens' capacity to recognize such deviations, which is not always a simple task. For example, as Schmitter and Karl (1991, 78) summarize, "However central to democracy, elections occur intermittently and only allow citizens to choose between the highly aggregated alternatives offered by political parties."² Popkin (2007, 74) observes that *ex ante* checks "would gain the additional benefits of 'insider trading.' People who are privy to what is happening inside parliament can hold politicians accountable for what happens during deliberation, while all others can only pass judgment on the policies after the fact, holding politicians accountable for the final legislation without knowing the alternatives."

In this book, I am primarily interested in what is called notice and comment rule making in the United States. Section 553 of the APA, plus judicial review provisions and subsequent amendments, is the key part of the U.S. law that deals with the policy-making process in federal departments and independent agencies. It concentrates on the making of rules with the force of law, and it requires public notice, a comments process, and a statement of reason accompanying the issuance of the final rule. Judicial review focuses on the agency's conformity with procedural requirements and the consistency of the rule with the underlying substantive statute. The rest of the statute deals with adjudications and formal rule making (a more courtlike process that is quite uncommon). The comparative work focusing on rule making is understudied, but important scholarly research has examined the implications of the absence of procedural constraints on rule making (Bignami 1999; Rose-Ackerman 1995, 2005).

Since the mid-1990s, many new democracies have enacted APAs. As is the case with the U.S. APA, these administrative laws require executive branch agencies to follow specific procedures when writing regulations across all policy areas. When a president or an executive agency wants to change the direction of policy in any area of government, an APA prevents such action simply by decree. Instead, executive agencies must jump

through a variety of hoops designed to slow them down, allow the public to see exactly what they are up to, and even invite interested observers to intervene in the process.

For example, APAs in new democracies often require that agencies notify the public, incorporate public comments, and hold public hearings during the policy-making process. APAs empower both individual citizens and organized interest groups to voice their opinions about virtually every government decision. These procedural reforms enfranchise new groups of people and thus increase monitoring, predictability, and control of agency decisions. Enhancing the accountability of government to the people is arguably an important aspect of democratic governance.³ Henceforth, when I use the term *APA*, I am referring to notice and comment procedures for rule making and judicial review provisions.

If democracy lies on a hypothetical continuum from *ex ante* to *ex post*, APAs offer a means of moving along the continuum toward *ex ante* checks on politicians' activities. In other words, APAs shift the distribution of power and information. In pure *ex post* democracy, citizens can vote yes or no on a policy package only after the fact. *Ex ante* democracy affords citizens the capacity to influence what the package will contain. APAs enhance responsiveness by granting citizens *ex ante* checks on politicians' activities without requiring people to wait for the next election to validate or invalidate policies that have already been implemented.

Generalizing from the U.S. Case

Scholars of delegation have concentrated on the relationship between politicians—usually legislators—and bureaucrats, almost exclusively based on the single case of the United States (Bawn 1995, 1997; Calvert, McCubbins, and Weingast 1989; Epstein and O'Halloran 1999; Lupia and McCubbins 1998; McCubbins, Noll, and Weingast 1987, 1989; McCubbins and Schwartz 1984; McNollgast 1999; Weingast and Moran 1983). These authors generally assume that the interests of the chief executive and the administrative bureaucracy are identical. But this assumption does not necessarily apply in new democracies or across a more general set of countries. More recently, scholars have begun to study delegation beyond the United States (Huber and Shipan 2002; Katz and Mair 1995; Kitschelt and Wilkinson 2006; Moe and Caldwell 1994; Strøm, Müller, and Bergman 2003). Moreover, much of the earlier literature has nominally focused on

the control issues that arose as a consequence of the U.S. Congress's delegation to the bureaucracy. However, the logic of interbranch delegation should apply to delegation by the head of the executive branch as well. Indeed, presidents' ability to control the agencies and bureaus nominally under their authority is important for effective democratic governance.

Yet while an APA has been in place in the United States for more than 50 years, not all countries—or even all democracies—have such laws.⁴ Popularly elected presidents of South Korea (1994 and 1997) and Taiwan (1999) supported APAs: Why would they do so when APAs are designed to restrict their ability to freely rule the executive branch? Indeed, why did President Kim Young Sam support the same law that appears to have thwarted his administration's Youngwol Dam project? Administrative reform limits the power of the executive. Legislatures might want APAs to enhance control of the executive branch, but it is not clear why presidents would support such measures. Why not just appoint like-minded individuals as heads of agencies and fire them if they do not behave as expected? The problem is that presidents do not always have the constitutional authority or organizational capacity to freely appoint and dismiss.

Resisting or Facilitating Change: Locating APAs within a Broader Framework

Politicians support procedures that increase the power of their supporters and decrease that of their opponents. How best to accomplish this goal depends on both their policy goals and their time horizons. Politicians' policy goals may entail reversing the policies of prior administrations, implementing a new policy course, or preserving existing policies beyond a particular executive's tenure in office. Politicians' time horizons—that is, how long they expect to retain power—can also influence the types of procedures they will support. All else being equal, those with short time horizons are likely to prioritize the sustainability of their policies beyond their tenures in office; those with longer horizons are likely to emphasize the ability to implement policies. Depending on the interaction of these two factors, politicians may prefer a highly responsive bureaucracy capable of reacting quickly to directives or a bureaucracy that resists influence by external actors, including other politicians, citizens, or interest groups. Under what conditions will politicians prefer one or the other outcome? Politicians are likely to favor status-quo-oriented policies—including a

relatively insular bureaucracy—in a system of separated powers when, for example, both the president and legislative majority expect to lose the next election. Conversely, they are likely to prefer a more open and responsive bureaucracy when they face intrabranch conflict between the executive and a recalcitrant bureaucracy (see chapter 2).

Politicians view the bureaucracy as an instrument of political power. Those who expect their party to remain in power for a long time will want a strong bureaucracy to push through their programs. Those who expect another party to take power will want a bureaucracy that cannot later be turned against them. So politicians expecting political transitions may sacrifice some short-term power in exchange for insurance that their successors cannot change policies without following time-consuming, public procedures.

Numerous countries around the world have passed APAs as a means of influencing bureaucratic behavior. In this book, I argue that reform-oriented presidents use APAs to force recalcitrant bureaucracies to change policy directions. Further, it follows that entrenched, status-quo-oriented leaders will oppose APAs. Evidence from several East Asian cases, including Korea, Taiwan, and the Philippines, supports this prediction (Baum 2007a). Korea and Taiwan passed their APAs during the tenures of reform-minded presidents (Kim Young Sam and Lee Teng-Hui, respectively) who wanted to change their nations' status quo policies but confronted bureaucracies that resisted reform efforts.

APAs weaken leaders' ability to rule arbitrarily yet may also strengthen new leaders' ability to change policy. In other words, an APA can be an imperfect but best available tool for solving intrabranch delegation problems. Sometimes, as in the Youngwal Dam project, such rules inhibit the president's capacity to implement his policies. Yet such limitations may be an acceptable cost for reining in a recalcitrant bureaucracy. APAs are born of political struggle. Presidents enact APAs to enhance their power vis-à-vis political adversaries, a process that requires enhancing the government's responsiveness to the people and renders governance more predictable, accountable, and transparent. These three factors, in turn, are widely considered to be cornerstones of democracy (Organisation for Economic Co-Operation and Development 2005; Przeworski, Stokes, and Manin 1999). Consequently, while APAs are not necessarily aimed first and foremost at enhancing democratic responsiveness, their enactment may nonetheless do so. Restated in the language of economics, enhanced democratic responsiveness may be a positive externality of APA passage.

Increasing State Accountability through an APA

Procedural openness refers to the structures and guidelines that executive agencies must follow that open the administrative decision-making process to public scrutiny and participation.⁵ Most important, codified procedures affect the relationship of individual citizens and organized groups—including those not aligned with the ruling party—to the policy process. In general, APAs establish procedural hurdles that all executive agencies must overcome to implement policy across all regulatory policy areas. At a minimum, an APA requires executive agencies to provide access and information to the public. In this sense, these measures increase the difficulty of changing the policy status quo (Noll 1976, 267; McCubbins, Noll, and Weingast 1987). They do so by requiring agencies to hold public hearings, notify the public of their activities, allow interest groups to comment on all proposed rules, and respond to all relevant interests, not just those favored by the president and his appointees. These procedures hold agencies accountable for how they make their decisions.⁶ The key features of rules are that they originate in agencies and articulate law and policy limited by authorizing legislation (Kerwin 1999, 6).

To date, Korea and Taiwan have passed APAs, while the Philippines has not, thereby allowing me to investigate the applicability of my theory in the absence of an APA. More generally, the East Asian cases, with their varying institutional features, are important because the existing theory of APA passage rests solely on the U.S. case. Consistent with this rationale, table 1.1 shows the variation among APAs in the United States, Korea, and Taiwan.

The key elements of rule making are information, participation, and accountability. These elements mean very specific things and, as table 1.1 shows, the APAs of these three countries share some features yet are unique in other areas.⁷

Information

The most basic information requirement is advance public notice of all proposed rules. All three countries share this feature. Taiwan's APA also requires that agencies investigate administrative action appeals and notify all relevant parties about decisions. A freedom of information provision is another major feature of Taiwan's APA, requiring that most agencies disclose information to the public upon request.

Korea's APA also incorporates this principle via the 1996 Law on the

TABLE 1.1. Cross-National Variation in Administrative Procedure Acts

Requirement Category	United States (1946)	Korea (1994–97) ^a	Taiwan (1999)
Information	<ul style="list-style-type: none"> Public notice of proposed rules 	<ul style="list-style-type: none"> Public notice of proposed rules Consult all relevant ministries Collect opinions of local government, private interests, and research institutes Regulatory impact analysis 	<ul style="list-style-type: none"> Public notice of proposed rules, agency reorganization, hearing Public access to agency information Record and notify parties of decision justifications regarding appeals
Participation	<ul style="list-style-type: none"> Fixed public comment period for rules Informal hearing Tight deadlines or numeric limits for comment period Formal rule making; parties may present evidence and cross-examine witnesses at trial-type proceedings; record Publish final rule in <i>Federal Register</i> Published rules must state concise and general statement of basis and purpose 	<ul style="list-style-type: none"> Fixed public comment period for rules Informal public hearing Tight deadlines or numeric limits for comment period, sunset law for regulations 	<ul style="list-style-type: none"> Tight deadlines or numeric limits Formal adjudication; parties present evidence, cross-examine witnesses at hearing; record Public comment period determined by individual ministry
Accountability	<ul style="list-style-type: none"> Establishes broad standing, entitling any party “adversely affected or aggrieved by any agency action” to seek judicial review Reviewing court can intervene only if agency has committed lunacy 	<ul style="list-style-type: none"> Centralizes final confirmation and inspection of rules to oversight ministry and Regulatory Review Committee 	<ul style="list-style-type: none"> Leaves final confirmation of rules to individual ministry Entitles any party whose “rights or legal interests are infringed upon through an unlawful administrative act by a central or local government agency” to “initiate an administrative action . . . in the high administrative court”; delegates review of administrative actions to courts^b

Source: U.S. Congress 1946; Office of the Prime Minister, Republic of Korea, June 1999; Administrative Litigation Act of Taiwan 1998; Administrative Procedure Act of Taiwan 1999.

^aThe 1994 Korean APA was amended in 1997.

^bThe 1998 Administrative Litigation Act (ALA) authorizes judicial review of administrative actions. According to former legislator John K. C. Huang, the “ALA follows the German Administrative Court Act and is not intended to include TAPA or to be a part thereof from the very beginning” (e-mail exchange with author, March 12, 2001).

Disclosure of Information Held by Public Authorities. Yet Korea's measure focuses more on information that agencies must collect or consider when writing rules. For example, an agency writing a rule must consult with all agencies that the rule could affect. Moreover, agencies must gather opinions from local governments and private interests and conduct a regulatory impact analysis (e.g., cost-benefit assessment) prior to publishing regulations.

Participation

Like the U.S. APA, the Korean and Taiwanese APAs require that agencies solicit "written comments" and allow all interested parties to communicate their views.⁸ Taiwan's APA allows formal adjudication, whereby parties have the right to present evidence and cross-examine witnesses at an oral hearing. In contrast, the U.S. APA requires that agencies allow written comments but does not mandate participation in any other form. Still, the U.S. APA allows for forms of rule making other than the informal notice and comment provisions:

Specifically, if Congress indicated that rule-making was to be conducted "on the record," the procedures that normally apply in adjudication would come into force. In addition, when this type of rule-making is invoked, the standard of review shifts from the permissive "arbitrary and capricious" standard to a considerably more demanding requirement that agencies demonstrate "substantial evidence" for the decisions embodied in the rule. (Kerwin 1999, 57)

While Kerwin's claims may have been true at the time of passage, it is not obvious that in practice, the "arbitrary and capricious" standard is less demanding than the "substantial evidence" standard.⁹ Korea's APA requires only informal public hearings (i.e., "legislative hearings") through which agencies collect views from interested parties prior to drafting regulations.

Accountability

Judicial review is the primary mechanism for accountability in the U.S. APA. While the APA establishes a broad definition of standing, entitling any party "adversely affected or aggrieved by any agency action" (U.S. Congress 1946) to seek judicial review, agencies' rule-making decisions

can in principle be judged by either substantive or procedural standards. In practice, however, agencies have little difficulty meeting the minimal standards. Nonetheless, since the late 1960s, developments in U.S. administrative law have placed a high burden of justification on agencies. As a result, book-length reports citing documentary evidence typically accompany proposed rules.

According to the Korean APA, the Regulatory Reform Committee, a twenty-member group under presidential authority with the prime minister and a civilian serving as cochairs, is the main vehicle for confirming, monitoring, and evaluating agency rules.¹⁰ The committee reviews all regulations after the various ministries have resolved their differences.

Taiwan's APA designates each ministry to be responsible for confirming, monitoring, and evaluating its rules. There is no centralized monitoring agency. In addition, the 1994 amendments to the Administrative Litigation Law established an administrative court. Taiwan's 1998 Administrative Litigation Act allows judicial review of administrative actions.

Benefits of APAs

What do elected officials gain from adopting these particular procedural requirements? As McCubbins, Noll, and Weingast (1987, 258–59) explain, these requirements help elected officials govern information collection and dissemination by agencies. The political implications are critical for at least five reasons. First, since agencies must announce their intention to examine a policy issue prior to a new decision, they are less able to conceal either information or their activities.

Second, through the notice and comment requirement, agencies must take into account the relevant political interests before making a new decision. In so doing, agencies consider political costs and benefits associated with the range of actions. However, the weight of an interest group's participation will depend on its level of organization. Dispersed groups that do not or cannot participate are less likely to influence or veto agencies' decisions.

Third, since the process is public, agencies and their favorite constituencies are less likely to make backroom decisions that the legislature or the president do not support. Fourth, the sequential nature and slowing down of the decision-making process reduce any strategic advantage agencies might otherwise maintain. Each step of the process gives princi-

pals (presidents, their appointees, and legislators) multiple opportunities to respond if an agency deviates from policy preferences.

Finally, the extent of participation by interest groups in the administrative process serves as a gauge of political interest and controversiality (Noll 1971). In essence, arduous procedural requirements generate the most complete information about the most controversial issues. Furthermore, they ensure “warning about the likely decision that, in the absence of political intervention, the agency is most likely to make” (McCubbins, Noll, and Weingast 1987, 259; but see Hamilton and Schroeder 1994).

In short, arcane as they may appear, administrative procedures can determine the winners and losers in a political struggle by stacking the deck in favor of one or another interest. Reform of these procedures through APAs or similar laws represents a shuffling of this deck, thereby changing who is more likely to win and who is more likely to lose as a consequence of governmental policy. To the extent that the new winners are typical citizens and their representatives while the new losers tend to be entrenched interests representing the prior authoritarian regime, APAs can be important tools for enhancing democratic representation.

Outline of Book

In selecting my cases, I include countries with presidential systems that recently transitioned to democracy. My evidence comes from detailed case studies of three presidential democracies in East Asia (Korea, Taiwan, and the Philippines). These countries vary along a variety of pertinent dimensions, such as the presence and extent of intraexecutive branch conflict over policy between chief executives and bureaucrats as well as the executive’s authority to hire and fire career bureaucrats. These variations are particularly noteworthy because both Korea and Taiwan have APAs, while the Philippines does not. I thus test both existing theories of APA passage and my alternative theory in cases other than the United States.

For each country, I examine multiple administrations both before and after APA passage. My units of analysis are presidential administrations rather than countries, thereby ensuring that my dependent variable varies not only across countries but also over time. In addition, to test my theory against existing theories, I required data regarding the policy preferences of both politicians and bureaucrats, the nature of the most significant regulatory issues, status quo policies, and expectations about future elections. I collected these data for a subset of relatively new democracies. While en-

hancing procedural openness is not necessarily the intrinsic motivation for enacting administrative procedure acts, such laws can contribute to democratic responsiveness. For this reason, it is important to understand the political determinants of procedural openness in the contexts of relatively new democracies. I thus devote chapters to each of the three countries, comparing the history of procedural reforms to the predictions of my theory. I devote an additional chapter to the sunset law in Korea, the only one of the three countries that has passed such a measure.

There is no reason to believe that the key political institutional variables that make the possibility of enacting APAs in East Asia more or less likely are unique to Korea, Taiwan, and the Philippines. Many nations, particularly presidential democracies, have APAs—including the United States, Argentina, Chile, and Mexico; all U.S. states also have APAs (see de Figueiredo and Vanden Bergh 2004). My key independent variables—both structural (e.g., presidential democracies) and contextual (e.g., existence or absence of intraexecutive conflict)—thus are not unique to East Asia. At the same time, however, this focus allows me to control for any number of potentially confounding factors across regions and institutional forms, including but not limited to the timing of democratic transition.

In chapter 2, I delineate my theory on when politicians in general and presidents in particular will choose to adopt an APA. I also discuss my research design and case selection. The “lock-in” hypothesis (McNollgast 1999) is one frequently cited explanation for why politicians adopt APAs. It holds that the U.S. APA passed in 1946 because the majority party in the legislature (Democrats) wanted to lock in the policies of the New Deal in the face of an expected Republican anti–New Deal political tide in the late 1940s. Under such circumstances, therefore, Democrats supported an APA to constrain any future Republican president. Whether or not this argument accounts for the U.S. APA, the key question remains whether the theory applies to other cases. There is no reason to presume that the logic of interbranch conflict delegation would not also apply to intrabranched delegation. After all, presidents’ ability to control their agents seems equally important to the functioning of a democratic government. In fact, the lock-in hypothesis cannot explain why APAs passed in Korea and Taiwan. Instead, my case studies illustrate that presidents can also use APAs to overcome current control problems.

My “reining-in” theory of administrative procedural reform holds that presidents support APAs to help control their executive branches. This idea of course raises the question of when intrabranched control is likely to pose a significant problem. In fact, the potential for such problems arises

because some presidents are constitutionally prohibited from appointing ministers or bureaucrats. Moreover, they must sometimes share political power with coalition partners who do not share all their preferences. The less autonomous a president (in either sense), the greater the risk of agency slippage and the more interested she will be in instituting procedural controls to rein in her agents. Specifically, presidents who must compromise in their cabinet or bureaucratic appointments will support formal procedures as a means of pursuing their policy agendas in the current administration (Baum 2007a). Three circumstances give rise to this condition:

1. when a constitutional requirement for legislative approval constrains the president's ability to appoint cabinet ministers and the legislature has different preferences than the president;
2. when the support coalition that the president must accommodate is internally divided because it is either a coalition with multiple parties or a factionalized ruling party; or
3. when, upon entering office, the president is confronted by bureaucrats who cannot be replaced and whose preferences differ from those of the president.

Chapter 3 presents an in-depth case study of Korea's episodes of APA passage during three periods: the Roh Tae Woo administration (1987–92), the first part of Kim Young Sam's administration (1993–94, when the APA was passed), and the later part of Kim's administration (1995–97, when the law was amended). A careful examination of the executive decision-making process shows the importance of an autonomous civil service for both the timing and substance of Kim's decision to initiate and eventually sign the various acts governing administrative regulations.

In 1993, President Kim took over from a military government that had stacked the bureaucracy with its loyalists. Unlike his predecessor, Kim wanted to change Korea's economic policies. He wanted to increase the government's growth orientation and deregulate the economy to raise the level of domestic market competition. This policy shift threatened the existing political equilibrium among the key players responsible for Korea's successful economic development under military rule. Since these key players' political success depended on maintaining status quo economic policies, Kim confronted a hostile bureaucracy with civil service protection—that is, hostile bureaucrats whom he could not fire. Administrative procedures such as the notice and comment process would limit bureau-

crats' ability to undermine Kim's reforms, so he supported an APA. As evidence, I employ archival data, third-party sources, and interviews with presidential advisers, senior career bureaucrats, and politicians gathered and conducted during field research in Korea.

Chapter 4 offers a second case study: Taiwan under the Lee Teng-Hui administrations (1988–96 and 1997–99). Unlike Korea, where the reformist Kim confronted a bureaucracy with conflicting preferences, Lee dominated Taiwan's civil service. However, Lee's control of his party deteriorated as factional disputes increased over time, and he eventually determined that the political survival of the Kuomintang (KMT) depended on major reforms. At this stage, the status-quo-oriented bureaucracy, hitherto a key source of support for Lee and his primary constituencies, became an impediment. Consequently, the immediate benefits of resolving current delegation problems—that is, preserving the KMT's political dominance—outweighed the potential long-term cost of tying his successor's hands.

Specifically, a shift in voter preferences electorally strengthened the KMT's reform wing, creating a new KMT median legislator. The KMT reformers wanted to change the party's image from one of entrenched corruption and of favoritism toward wealthy private interests to one of a "clean government" party. To do so, the party had to rein in the same bureaucracy that had long served as the cornerstone of its power. Under the status quo, bureaucrats' regulatory decisions consistently favored corrupt private interests. This bias both tarnished the party's image with a large segment of the electorate and produced policy outcomes that alienated the nation's fastest-growing electoral demographic: younger voters. This development provided reformers within the KMT with an incentive to manage current delegation to the bureaucracy with strict procedural requirements.

Presidents sometimes face delegation problems within the executive branch that lead to support for APAs, and APAs can move a country from institutional democracy toward responsive democracy. But APAs offer only an imperfect solution, because presidents presumably would prefer to replace disloyal agents with loyal ones. In the Philippines, President Corazon Aquino was able to use the latter strategy, setting her country apart from Korea and Taiwan. Chapter 5 examines the case of the Philippines, which corresponds closely to the typical stylized picture of the executive as a unified hierarchy. Whereas the Korean and Taiwanese presidents could not rely on unconstrained appointment and dismissal powers to control their agents, the Philippine president could.

In 1986, Aquino's democratic administration replaced the authoritarian regime of Ferdinand Marcos. To control the bureaucracy she inher-

ited, Aquino ordered a national purge of all elected and appointed officials and employees and created additional undersecretary positions for her loyalists. Aquino also ordered three major cabinet reshufflings to resolve conflicts with different factions of her coalition. Given her success in resolving her delegation problems through unilateral action, Aquino had no need for a less efficient solution, such as an APA.

Chapters 6 and 7 test two potential implications of my theory, focusing on the supply and demand of policy, respectively. On the supply side, I compare the mix of regulatory policies prior to and following APA enactment to see whether regulations preferred by the beneficiaries of an APA are more likely to emerge and endure following APA passage and whether those preferred by interests associated with the prior regime fare better prior to APA passage. On the demand side, I focus on the APA's effects on citizens. If APAs empower average citizens, this development holds implications for their attitudes toward their democracy and its institutions. In particular, factors that enhance governmental responsiveness to average citizens should enhance public confidence in a given country's democratic institutions in general and (in this instance) in the civil service in particular.

The Korean APA (KAPA) contains major provisions that are clearly inconsistent with the lock-in hypothesis. Most notably, the KAPA contains a sunset provision, according to which all policies and regulations covered under KAPA automatically expire after five years unless they are explicitly renewed. This provision clearly facilitates rather than inhibits changes in policy. This sunset provision prevented professionalized bureaucrats from returning to the regulatory policies that prevailed prior to Kim's administration.

Sunset provisions are a common component of administrative reform outside the Korean case, and they clearly do not lock in a status quo but rather do precisely the opposite. Why would a president support a reform proposal that limits the life of his administration's regulatory rules? In chapter 6, I develop a spatial model to investigate the motivations for and implications of the sunset rule. The model demonstrates how a president can use administrative reform to accelerate policy change rather than to lock in a current policy regime.

To test the model's predictions, I gathered data on the persistence or expiration of all regulations from all ministries in Korea between 1998 and 2005. With this data, I investigate the correlates of regulatory sunset at the intraministerial level. In particular, I investigate whether within each ministry, regulations that do not benefit the president's support coalition are, as the model predicts, more likely to expire than are regulations that benefit the president's support coalition.

If an APA has the intended effect(s), we would expect to see some change in the level of public confidence in the civil service before and after passage. Consequently, the level of public confidence in the civil service is an important indicator of the extent to which an APA has opened up the bureaucracy. Moreover, confidence in the civil service is closely related to faith in a given nation's democracy, suggesting that to the extent that they enhance public confidence in the civil service, APAs may also strengthen public confidence in democracy.

To investigate these implications, chapter 7 presents the results of multiple regression analyses of pre- and post-KAPA changes in public confidence in Korea's democracy in general and its civil service in particular. If my argument is correct, after controlling for a variety of potential alternative causal factors, public trust in the country's democratic institutions—especially the civil service—should be enhanced. I then replicate key aspects of these tests against data on public attitudes toward the civil service in Taiwan and the Philippines.

My primary data are derived from the 1990, 1994, and 2001 waves of the World Values Survey (WVS), the 1996 and 2001 waves of the Korea Barometer Surveys (KBS), and the 2001 and 2002 waves of the East Asia Barometer (EAB). These surveys allow a series of pre- and post-APA comparisons. While the data do not allow a direct test of the effects of APA passage on either procedural transparency or the public's response to enhanced transparency, they reveal a variety of patterns that are precisely what one would anticipate if APAs produced just the sorts of transparency- and participation-enhancing effects that I argue follow from their passage. In other words, while the available data are inadequate to measure directly the effects of APA passage in Korea and Taiwan and non-passage in the Philippines, the data offer suggestive evidence of a positive relationship between administrative procedural reform and public attitudes toward democratic institutions.

Finally, in chapter 8, I integrate the predictions from the reining-in theory and case evidence to produce a more complete picture of administrative procedural reform in presidential systems. I also discuss my research's implications for how and under what circumstances we should expect to see changes in administrative procedural openness among new democracies. Though not all democracies have implemented administrative procedural reform, and though APAs do not appear to be a necessary feature of democracy, my evidence suggests that enactment of APAs in new democracies appears to enhance democratic responsiveness.