



Research Repository UCD

Title	Ordering Things: The Irish State Administration Database
Authors(s)	Hardiman, Niamh, Scott, Colin
Publication date	2012
Publication information	Hardiman, Niamh, and Colin Scott. "Ordering Things: The Irish State Administration Database." Taylor and Francis, 2012. https://doi.org/10.1080/07907184.2012.636179 .
Publisher	Taylor and Francis
Item record/more information	http://hdl.handle.net/10197/7425
Publisher's statement	This is an electronic version of an article published in Irish Political Studies, 27(1): 1-22 (2012). Irish Political Studies is available online at: www.tandfonline.com/doi/abs/10.1080/07907184.2012.636179 .
Publisher's version (DOI)	10.1080/07907184.2012.636179

Downloaded 2025-12-04 23:02:19

The UCD community has made this article openly available. Please share how this access benefits you. Your story matters! (@ucd_oa)



© Some rights reserved. For more information

**Ordering Things:
The Irish State Administration Database**

Niamh Hardiman
UCD School of Politics and International Relations
University College Dublin, Belfield, Dublin 4, Ireland
Niamh.Hardiman@ucd.ie

Colin Scott
UCD School of Law
University College Dublin, Belfield, Dublin 4, Ireland
Colin.Scott@ucd.ie

Hardiman, Niamh & Scott, Colin (2012) Ordering Things: The Irish State Administration Database. *Irish Political Studies*, 12, 1, 1-22.

Abstract

New theoretical approaches to the state have posed challenges for the comparative analysis of the organizational features of states. The analysis of state bodies and state agencies has largely been confined to the sub-discipline of public administration, and has been resistant to the systematic classification that has made progress possible in other areas of comparative politics. This article argues that there is much to be gained by reconceptualizing state bodies in a comparative context. This paper profiles the classification system underlying the construction of the Irish State Administration Database (ISAD) (Hardiman et al., 2011). This paper sets out a new approach to conceptualizing the organizational and functional features of states. ISAD not only provides a valuable research resource for work on the Irish state, but can also provide a framework for building a comparative research agenda.

Introduction

Study of the state in advanced industrial societies often displays a concern either with the structural analysis of states, or with the policy objectives pursued by states. What has been missing is a bridge between analysis of how states are organized and depiction of what states do.

Even as ideas of the state were contested on theoretical and ideological grounds, analysts tended to assume a relatively stable universe of 'stateness'. This was characterized by a power structure conceptualized as hierarchically ordered and sufficiently similar in its principal institutional features to make comparison meaningful. But as Migdal has pointed out, the 'classic' model of the state, outlined by Nettl in his influential 1968 paper, has become increasingly problematic (Nettl, 1968, Migdal, 2009). We need to do justice to the actual variety of types of states rather than arbitrarily drawing lines of eligibility for stateness. This means recognizing the 'Janus-faced' facets of the state: not only 'coherent, dominating, competent', standing over the people, but also 'organically tied to the population', needing legitimation through enactment of some form of social contract, generally expressed through fiscal relationships (Migdal, 2009, p.166). This leads to the recognition that states are not uniform in their structural features, but that a variety of forms of institutionalized relationships may exist between state and society, state and economy (Evans et al., 1985, Weiss, 1998, Weiss, 2003).

Complementing these structural analyses, a literature has developed about the variety of modes of coordinating public policy. What Levy has termed 'the age of liberalization', following the demise in credibility and effectiveness of the politics of the Keynesian welfare state, has resulted in different kinds of state policy being adopted (Levy, 2006). We see not only differences in states' responses to new challenges of economic management and social policy formation (Prasad, 2006, Pierson, 2001), but also a variety of public policy responses to a new array of issues ranging from environmental challenges, to lifestyle choices, to management of the implications of new technologies of communication, reproduction, and so on (Kriesi et al., 2008, Vogel and Barma, 2007).

This means that styles of state engagement with organized interests in society are changing in form and purpose (Hemerijck and Vail, 2006). But it also means that the boundaries between state and society are themselves called increasingly into question, as new modes of state action are developed to engage civil society actors in processes of policy formation and influence at the heart of the deliberative process itself. We need to develop our thinking not only about what a state is in general terms, but also about where the boundaries of ‘public’ and ‘private’, ‘government’ and ‘civil society’, ‘state’ and ‘market’ are to be drawn. One such approach is to start with organized interests and work toward a coherent analysis of network governance (Sørensen and Torfing, 2008).

Another is to investigate state structures themselves, especially the form and scope of state agencies, where the diversity of these new modes of state action are most often institutionalized. This is the approach adopted in this paper.

A theme much discussed in recent years is the ‘rise of the regulatory state’ (Braithwaite, 2000, Glaeser and Shleifer, 2001, Moran, 2002, Majone, 1994, Jayasuriya, 2000). This has generated research into the institutional variety in arrangements for regulating both public and private sectors (Levi-Faur, 2005, Gilardi, 2008, Hall, 2007, Binderkrantz and Christensen 2009). Comparison is vital for understanding not only the variety of ways in which government tasks get done, but also the means by which they are legitimated. Mechanisms of implementing new regulatory regimes on the one hand, and creating new lines of accountability on the other, form an important part of a broader trend toward what is now known as regulatory governance (Hood and Dunsire, 1981: chapter 2, Binderkrantz and Christensen 2009, Christensen and Laegreid, 2007a). But central to making progress on this is agreement on the characterization and typologies of regulatory agencies themselves (Levi-Faur, 2006, Scott, 2004). The statutory basis of regulation as a principal distinguishing feature has itself been questioned in recent literature, with growing recognition of the role of private regulatory regimes and transnational regulatory regimes that are not overtly directed by states. We also find an interest developing in the emergence of the contracting state (Edgeworth, 2003, Harden, 1992, Freeman, 2000, La Porta et al., 1999); and new classificatory challenges are also emerging to capture the

changing role of the state in relation to such functions as the delivery of public services and taxation of citizens and businesses.

But is it possible to go beyond a focus on particular modes of state action, or policy domains, or legal forms of action, and to make progress with the ‘anatomy of state structures’ overall? We believe it is.

This paper outlines what is at issue for comparative politics in developing a classification system for understanding the state from an institutional and organizational perspective. We outline what we believe are the key theoretically valuable dimensions of variation. This conceptualization has informed the construction of the Irish State Administration Database (ISAD) (www.isad.ie), which forms part of a project funded by the Irish Research Council for Humanities and Social Sciences (IRCHSS) from 2007 to 2010 (Hardiman et al., 2011). The Irish State Administration Database has already proved its value to a variety of users including academic researchers, public officials, and journalists, among others. We also show how the schema we develop here might be aggregated into a comparable analytical framework at higher or lower levels of specificity.

The need for classification

All approaches to classification presuppose an underlying conception of the relevant distinctions that need to be made which are grounded in a set of theoretical questions about how the world is ordered.

In a famous passage from Borges’ story ‘The Analytical Language of John Wilkins’ the author describes a Chinese encyclopedia in which the classification of animals divides them as follows:

1. those that belong to the Emperor,
2. embalmed ones,
3. those that are trained,
4. suckling pigs,
5. mermaids,
6. fabulous ones,
7. stray dogs,

8. those included in the present classification,
9. those that tremble as if they were mad,
10. innumerable ones,
11. those drawn with a very fine camelhair brush,
12. others,
13. those that have just broken a flower vase,
14. those that from a long way off look like flies.

Michel Foucault explains in the preface to *The Order of Things* that this literary ‘how not to do it’ guide to classification from Borges evoked much laughter but also inspired his own study of the centrality and changing significance of classifications for understanding the world (Foucault, 1970: pp. xv). Foucault suggests that ‘there is nothing more tentative, nothing more empirical (superficially, at least) than the process of establishing an order among things; nothing that demands a sharper eye or a surer, better articulated language; nothing that more insistently requires that one allow oneself to be carried along by the proliferation of qualities and forms.’ (Foucault, 1970: pp. xix-xx).

The problem of classification of central state agencies begs similar questions of relevance and utility. We need a genuinely comparative classification system if we want to compare not only the current structure of the central state across countries, but also how the trajectory of change within individual countries compares with that of other countries. Yet comparative studies of state structures and public administration systems are bedeviled by problems of comparability.

Classification of Irish state institutions can at times seem to be prone to Borgesian opacity. There is no uniform definition of the Irish public service, and different ways of delineating the boundaries have resulted in very different total numbers (McGauran et al., 2005, Clancy and Murphy, 2006, MacCarthaigh, 2010, Fine Gael, 2010). The numbers vary depending on considerations such as, for example, how one deals with bodies with a primarily local remit within a national policy setting such as Harbour Commissions, County Development Boards, and Vocational Education Committees; whether the definition of ‘publicness’ is confined to statutory bodies or not; whether or not Commissions of Inquiry, advisory bodies of limited duration, and other non-statutory bodies are included, and if so, where the cut-off point is set.

In Ireland, a three-way classification is conventionally used for official purposes by reference to ownership, appointment and funding :

An Irish public sector organisation is defined as any employing body which: (a) directly derives the majority of its share capital from Irish public funds, or (b) has the majority of its Board/Executive members appointed by an Irish Minister, or (c) directly derives the majority of its revenue from Irish public sources (Clancy and Murphy, 2006).

The Central Statistics Office's definition of the public sector began with these distinctions. It has been modified recently in light of standardized Eurostat reporting requirements which centre on accountability for public spending, which leads them to prioritize this criterion such that bodies with 50% or more of their budget line coming from official sources is included as a state 'agency'.

The official definition cited above is a valuable starting point, though it can have some surprising implications. For example, the share capital criterion certainly captures ministries and agencies, boards, and state-owned enterprises. It is also clear that a number of European banks, previously considered the epitome of private sector enterprise, are now to receive a majority of their capital from public funds over the short to medium term, and must now join the ranks of public agencies on this criterion. The second criterion relating to appointment captures certain entities which are legally (private) companies limited by guarantee, but whose national importance has resulted in an ongoing governmental role in appointing directors. Various cultural organizations in Ireland, such as the National Concert Hall, would fall into this category. Such organizations might or might not also be captured by the third indicator, which stipulates that 50% or more of their funding come from public sources. The Universities would meet this criterion. But so too, arguably, would the large number of non-governmental providers of educational and health care facilities and services which are substantially state-funded within the Irish system of 'voluntary' provision (Cousins, 2005). To accept these organizations, owned and managed by a complex range of charities, religious denominations, and other NGOs, as unambiguously part of the state, would entail a misleading representation of the policy capabilities of the Irish state. While the religious and charitable sector of service provision is perhaps unusually large in Ireland, it is a

familiar feature of many other European states too, particularly where the Catholic Church has historically had a strong presence. ‘Following the money trail’ turns out to be too inclusive as a sole criterion, independent of legal form or function. Multiple criteria for inclusion seem to be indicated, and decision-rules are required for the hard cases.

An improved nation-specific classification system is clearly required to capture the complexity of the distinctively Irish situation. And yet our interest in comparative inquiry suggests that there is merit in settling upon the most general and genuinely comparable categories possible. If we seek to develop general explanations that are robust across national jurisdictions, we need greater comparability in the classification schemata we adopt (Nassmacher, 2008). This challenge has been overcome in analysis of other institutional configurations of modern states such as party systems, legislatures, federal structures, and judicial systems. All these frequently display strongly idiosyncratic features, and national histories are by definition unique, yet robust comparative classification systems are now widely acceptable, facilitating a rich comparative research agenda (Stoll, 2008, Karvonen and Kuhnle, 2001, Mair and Mudde, 1998).

An organizational approach to stateness

The Irish State Administration Database is a research database that makes it possible to analyse state functions and activities as they are expressed through organizational structures. It recognizes that variety of different analytical questions might be posed. We consider therefore that it may be misleading to seek to identify a single optimal classification of state ‘agencies’ along one organizational dimension. Existing classification schemes have worked with multiple competing criteria. No single one can capture all relevant dimensions; analysts develop classification schemes to conceptualize particular kinds of problems, and each schema will therefore reflect particular theoretical problems. The theoretical concerns of the ‘Mapping the Irish State’ project which underpin the construction of the Irish State Administration Database centre on the manner in which public power is exercised to achieve different kinds of policy objectives. Our perspective recognizes that the boundaries of the state itself are ambiguous and blurred. The specification of where we draw the boundary lines is necessarily contestable. But by

making explicit how we have drawn these distinctions, we hope to have created a resource that is useful for multiple research inquiries.

The first and central question is therefore to ask what an ‘agency’ is. A recurring challenge in all analyses of state structures is to define the boundaries of stateness itself. State power may be exercised through a variety of institutions and a range of instruments. A range of possible answers exists. The most straightforward approach, and the one offering least scope for contentious definitions, is to make a sharp distinction between central government departments or ministries on the one hand, and state agencies on the other. The approach proposed by Pollitt and his colleagues would count as an ‘agency’ only those bodies that are defined by public law, and functionally distinct from and independent of the government ministry (Pollitt et al., 2004). This is the classic and well-established model adopted by most public administration scholars and it has the merit of minimizing ambiguity and maximizing certainty. But in the process, it incurs two difficulties, and in the process risks exchanging clarity for generalizability. The first is that making a sharp distinction between government ministries and state agencies, while recognizable within the British Whitehall model, may not be appropriate in other jurisdictions.

But furthermore, the characterization of agencies themselves may be unduly restrictive. An exclusive focus on statutory agencies may be too narrow a criterion to capture important instruments used to exercise state power through informal channels. It would exclude many of the so-called quasi-autonomous non-governmental organizations or quangos that proliferated in the English-speaking world from the 1970s on. But quangos are merely an awkward word for what has become a widely acknowledged phenomenon: the growth of new instruments through which public power may be exercised. Pollitt’s criterion may risk arbitrarily defining ‘stateness’ with reference to statutory basis. We lose the capacity to analyse a range of modes of exercise of public authority that are distinct from private initiative – new modes of governance expressed through new forms of polity (Hardiman and Scott, 2010).

An influential theoretical approach to classifying and explaining change in public administration is to think in two dimensions – both hierarchically, where the vertical dimension captures the degree of centralization or autonomy of particular bodies, and laterally, where the horizontal dimension represents the differentiation of tasks at the same level of hierarchy. A positional analysis was developed from reflection on the Norwegian state, and informs the Norwegian State Administration Database, which captures national-level state organization in Norway from 1947 (<http://www.nsd.uib.no/polsys/en/civilservice>).

This approach also underlies the comparative work undertaken by the COBRA research group, comparing the structure and functioning of state agencies across a range of European countries (<http://www.publicmanagement-cobra.org/>). The classificatory schema captures greater complexity than a single-dimension classification schema. It may be rather limited, though, as a tool for more extensive comparative investigation of how states function (Roness, 2007, p. 65, Verhoest et al., 2010, Rolland and Roness, 2009, Roness et al., 2008).

A spatial conception also informs the bureaumatic work of Hood and Dunsire (Hood and Dunsire, 1981). More recently Flinders adopts a ‘Russian doll’ metaphor for Whitehall, with departments at the centre and ever more peripheral bodies beyond it, the further out from the centre we go (Flinders, 2008). This is valuable for indicating the distinction between core and periphery and for highlighting the increasing degree of policy dispersion the further agencies are located from the core. Spatial models of organization can be useful for identifying how institutions in a particular polity relate to one another. But a relational grid provides a somewhat limited purchase on changes either in the policy areas in which the state is involved, or in the mode of action through which it operates.

Much of the comparative analysis of state organization is committed to explaining how as well as why states shift the boundaries of state action. The flourishing literature on governance is devoted to understanding changing patterns of engagement between governments, organized interests, and private actors, as well as the changing scope of

‘markets’ and ‘networks’ in mediating these relationships (Provan and Kenis, 2008, Kooiman, 2003, Kjaer, 2004). In our view, these insights can be greatly enriched by unpacking our understanding of the structures through which these relationships are managed. But it prompts us to recognize that the meaning of ‘publicness’, functioning through agencies with different degrees of direct control by government, is not a single category, but involves a spectrum of organizational forms. At one end of the scale we can position statutory state agencies, where the autonomy of public actors is beyond question. Moving along the continuum, we might note that public-private partnerships represent a variant on state commercial enterprises; and that other kinds of relationships between the state and private organizations also function as extensions of public power. For example, state functions may be discharged through the delegation of public authority to private actors to conduct certain tasks under licence, or under the umbrella of a statutory provision. Similarly, government may permit sectoral self-regulation by recognized bodies as a direct substitute for statutory regulation. This may extend to the adoption by public law of privately set standards, and statutory instruments may even adopt private standards without modification. For example, the Irish Statute Book often incorporates ISO standards into mandatory requirements, as is the case, for example, with Product Safety Regulations (SI199/2004, regs 5(2), (3)). An illustration of the spectrum of state organizational possibilities, conceptualized in terms of the public-private dimension, is summarized in Figure 1 below.

Figure 1 about here

Thus rather than accepting a cut-off point at the statutory end of the spectrum, we open more powerful analytical tools for understanding state action by recognizing the longer spectrum of possibilities, and create more opportunities for engaging in real comparative inquiry about the extent to which different modalities of state action are adopted cross-nationally (Rudder, 2008, Flinders, 2008). Yet at all times we must bear in mind that what controls the scope and dimensions of the delegation of authority is ‘the shadow of hierarchy’, that is, the democratic mandate of an elected government to control and discipline (Goetz, 2008, Scharpf, 1994, Héritier and Lehmkuhl, 2008, Boerzel, 2007).

Finally, in considering how to conceptualize state agencies, we propose that ministries or departments should not be excluded, but rather treated as special kinds of ‘agencies’. Agencies may take a range of legal and organizational forms and may include ordinary companies with a significant element of public ownership or funding (Christensen and Laegreid, 2007b: 66-68). Thus our usage of the term agency refers to a more extensive range of bodies than recent analyses of executive agencies animated by ‘New Public Management’ concerns, or which confine their attention to independent bodies that have strong links to ministries while excluding the ministries themselves (Pollitt and Bouckhaert, 2004).

Functional classification

The Irish State Administration Database classifies agencies according to a number of criteria, including function, policy domain, legal form, and accountability.

We consider that functional classification is particularly important, as it enables us to capture a variety of modes of state action and a range of methods of achieving these. There is no international agreement on the best way to categorize state functions. Dunleavy, for example, makes the following distinctions : regulation, transfer, contracts, control, taxing, trading, and servicing (Dunleavy, 1989a, pp. 254-5, Dunleavy, 1989b).

But we find Dunleavy’s classification less than satisfactory: it is based on a budget-centred analysis, and is not primarily designed to analyse changes in the mode of state activity. Bouckaert and Peters press the functional classification further, and also include implementation (distinguishing between direct service delivery and transfer of funds), regulation, advice and policy development, information, research, Tribunals and public enquiries, and representation (Bouckaert and Peters, 2002). We find this classification schema useful and stimulating, but we think it is both overly specific (why Tribunals and public enquiries, when the role and significance of such bodies varies so greatly across countries?), and less than comprehensive (what about taxation?). A similar critique may be extended to classification schemes based on organizational ecology (Peters and Pierre, 2001).

The United Nations' Classification of the Functions of Government (COFOG) provides a schema intended for cross-national comparative analysis

(<http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=4>). However, what the UN calls 'functions' are perhaps more appropriately conceptualized as policy domains. COFOG is not concerned with functions in the sense of scope of state activity or mode of state action. It is specifically intended to make it possible to trace budgetary change independent of structural change – that is, it is designed to flatten out changes in state structures, which is exactly what we are most interested in tracking.

We believe it is necessary to modify and extend existing classifications of state functions. In two cases, for example, Dunleavy identifies fundamentally similar functions but distinguishes them from each other by reference to whether they relate to other parts of the public sector or to non-state actors. Thus 'control' agencies are involved in both funding and regulating other public sector bodies. We classify such bodies as transfer agencies where they are chiefly involved in funding, and regulatory bodies where they are chiefly involved in oversight (though clearly the two may overlap a good deal, and it may be useful for some analytical purposes to identify both a primary and a secondary function). Similarly, 'servicing' agencies are those providing services to other parts of the public sector. Where such services are charged for (as is increasingly the case), we classify the agencies in question as trading bodies. Where they do not charge we classify them as delivery bodies. In this way we have stripped out the 'control' and 'servicing' categories from Dunleavy's analysis, in favour of categories that are simpler, action-based, and potentially easier to apply unambiguously in a comparative context.

Dunleavy left out agencies charged with adjudication and grievance handling, while Bouckaert and Peters specify them more narrowly with reference to Tribunals of inquiry. Whilst the most visible forms for such agencies are the Ombudsman offices of various kinds, this class may also include courts, tribunals and related adjudicatory offices. And one of the emergent themes of our analysis of the Irish state is the importance of new adjudicatory bodies set up to meet new designations of rights and grievances among citizens which fall outside conventionally justiciable claims (Hardiman and Scott, 2010).

A further lacuna in Dunleavy's typology is the variety of agencies involved in gathering or representing information or views. There is a large number of bodies exercising forms of 'soft power' through advice, consultation, representation and advocacy which appear to lack a home in Dunleavy's typology. Distinct from these are the bodies charged with investigation and with gathering information and broader research functions (Roness, 2007, p.68). If anything, Bouckaert and Peters's list has too much bias towards the soft power functions, and provides separate categories for advice and policy development; information; research; and representation. Their list recognizes tribunals and public inquiries as a category, but neglects contracting and taxing agencies.

The functional classification schema that we have developed for the Irish state and which is incorporated into the Irish State Administration Database therefore distinguishes the following functions:

1. Adjudication/ grievance-handling
2. Advisory/ consultative/ representation/ advocacy
3. Contracting
4. Delivery
5. Information-providing
6. Policy formation/ policy execution (ministerial departments)
7. Regulating (over public and private sectors)
8. Taxing
9. Trading
10. Transfer

Policy domains

As we note above, the United National COFOG classification is more appropriately viewed as a set of policy areas in which states may be involved. Because COFOG is an international standard, the Irish State Administration Database classifies all agencies according to the COFOG schema, providing both a primary and a secondary COFOG designation for each one. In addition, we have developed a separate classification of policy domains which, while inspired by the Irish experience, should also be of wider

comparative relevance. The principal contrast with COFOG is in the more detailed specification of economic policy and economic performance. The ISAD classification of policy domains is as follows:

1. Agriculture, fisheries and forestry
2. Communications
3. Defence
4. Education and training
5. Employment
6. Enterprise and economic development
7. Environmental protection
8. General public services
9. Health
10. Housing and community amenities
11. International services
12. Public order and safety
13. Recreation, culture, religion
14. Social protection
15. Transport
16. Science and technology

Legal form

The majority of public agencies in Ireland are constituted as statutory bodies. But a number of bodies are clearly public on criteria such as ownership or funding, yet do not have a statutory basis for their activities. In other cases, bodies that are formally private may be able to exercise authority that is legally binding, such as for example the Law Society of Ireland. The Law Society differs from other (private) professional bodies in that it has delegated statutory authority to authorize and discipline solicitors. The possession of authority generally is not a monopoly of the state. But the capacity to delegate through legislation is something unique to the state, and the statutory delegation

of power seems to us to bestow a public character to the body in question which is not captured in other mechanisms of classification.

While explicit instances of the delegation of statutory authority are clear and documented, a more difficult case is that of implicit delegation (Scott, 2003). By its nature this is not capable of precise definition, and it develops where there is an understanding about mutual expectations between political decision-makers and an organized social sector. A recent example in Ireland concerns the establishment of the Press Council of Ireland and Press Ombudsman by the media industry in the face of indications from government that recommendations to establish a statutory press complaints body would be implemented, should no effective self-regulatory regime be put in place (Brown and Scott, 2010, p.20).

Both statutory and implicit delegation may occur *post hoc*, as in the case where legislation adopts a standard put forward by a non-state body such as the International Standards Organisation, or where government gives implicit approval to a self-regulatory regime such as that of the Advertising Standards Authority of Ireland. The ‘publicness’ of regimes of implicit delegation may be demonstrated by the observation that the UK counterpart to the Advertising Standards Authority of Ireland has routinely been subjected to judicial review on the basis that a statutory agency would otherwise have to be established to undertake its functions (Black, 1996). It is unclear whether an Irish court would follow this logic.

The Irish State Administration Database distinguishes the following legal forms:

1. Ministerial departments
2. Executive agency (without independent legal personality)
3. Statutory corporation
4. Statutory non-departmental body
5. Non-statutory non-departmental body
6. Statutory tribunal
7. Non-statutory tribunal
8. Constitutional and government office and statutory office-holders

9. Chartered corporation
10. Public limited company
11. Private limited company
12. Company limited by guarantee

As Figure 2 below shows, statutory bodies are the largest single category of stage agency, and the fastest growing over time, followed by companies; but these do not exhaust the variety of legal forms in use.

Figure 2 about here

Indeed, what is perhaps most interesting is the number of non-statutory, non-departmental bodies that warrant inclusion in virtue of their significance to policy formation or the direct discharge of a public function.

These kinds of bodies are of course more likely to be found in some policy areas more than others. Figures 3 and 4 show the composition of legal types of state agencies in regulatory areas, and among advisory and consultative bodies.

Figures 3 and 4 about here

We can see from Figure 3 that the great majority of regulatory agencies have a statutory basis – but that there are also agencies whose primary function is regulation but that do not have this form. On the other hand, advisory agency functions are considerably more likely to have a non-statutory, non-departmental legal form. Rather than arbitrarily excluding this entire category from our conception of ‘stateness’, we propose that it adds considerably to our understanding of the growing complexity of the role and functioning of the state itself to recognize their role and to make appropriate classificatory provision. We can therefore capture bodies that clearly are central to core public policy concerns, such as the Irish Council for Science, Technology and Innovation, which is a non-statutory, non-departmental body. We can also capture the direct representation of civil society interests into the core of the state through a statutory non-departmental agency, as

in the case of the National Traveller Accommodation Consultative Committee. The emergence of a range of agencies representing public concerns at the heart of the state is akin to Lindvall and Rothstein's observation that the Swedish state has seen a proliferation of bodies devoted to just this function. They claim that this amounts to a kind of institutionalized 'ideological state apparatus', through which government endorses and promotes some behavioural, attitudinal and lifestyle values over others (Lindvall and Rothstein, 2006).

Accountability

Accountability mechanisms that are distinctive to public bodies are the requirements to submit reports to their Minister, their liability to public sector audit, and their potential subjection to judicial review. Beyond this, they may also be subject to Freedom of Information rules and may be open to inspection on foot of complaints submitted to the relevant Ombudsman office. Intriguingly, not all Irish central state agencies are currently subject to all these latter accountability mechanisms and, in any case, only public sector audit is systematic in the manner in which it is applied. Gaps in the provision of accountability mechanisms for particular organizations appear to be more matters of political expediency than an index of whether particular organizations are more or less public. ISAD classifies each of unit by reference to the extent of its accountability obligations.

Toward a meta-classification schema

Classifying state agencies is relatively straightforward where these have a statutory base. But there are other less obvious instances where we find no clear and unambiguous distinction between public and private. Real difficulty may arise in drawing boundaries between what counts as 'stateness' and what falls outside the definition of the state, to be definitively situated as a market phenomenon or as part of civil society. We recognize that the extent of 'publicness' of agencies and of the exercise of public authority through organizations, has to be understood as constituting a spectrum. We believe that the Irish State Administration Database provides a system of classification that opens out a new and exciting research agenda for the study of the Irish state.

Roness notes in his analysis of four countries' very different classification systems that each country's classification schema tends to be inductively generated and specific to the analytical requirements of that country's politics (Roness, 2007). Roness notes not only that the most persuasive national classification systems devised for Britain, Sweden, New Zealand, and Australia, originated in rather different theoretical preoccupations with budgets, efficiency, and accountability, but also that the different legal traditions underpinning them give rise to very different ways of organizing authority relationships.

The approach outlined in this paper is intended to provide a comprehensive classification for one country. But we also believe that our work may contribute to building a more generally useful classificatory system. We have drawn on underlying principles to sort state functions that we think can be applied to other public administration systems.

The test of the usefulness of our analytical schema for national-level state functioning must come through application to comparative data. But one of the inherent difficulties in conducting research on the activities of states is that state policy capabilities may be organized at different levels of competence and with different jurisdictional properties. For example, responsibility for aspects of the welfare state is shared in many countries between national, regional, and municipal levels. If particular policy areas such as health-care or education, for example, are organized in multi-level governance systems in some countries, but are highly centralized in others, a national-level comparison will be misleading.

To some extent this can be overcome through the multidimensional design of our schema. Inevitably, there will be losses in the comprehensiveness of the coverage. Yet we believe that a focus on national-level state action is nevertheless warranted. Integrating sub-national government capabilities introduces a complexity that we believe is not warranted in terms of explanatory payoff at this time.

As an interim step, however, we propose that it is possible to design a meta-level of comparative classification to which a range of national classification systems might be assimilable. We envisage a re-classification of existing national schemata along the principles we have followed for Ireland, to provide the basis for making the classification

systems themselves more genuinely comparable at a higher level of generalization. We suggest that this might be done by further aggregating the functions of agencies with reference to Christopher Hood's analysis of the 'tools of government'.

In Hood's view, government activities can be conceptualized as involving four categories of action that are embedded in particular organizational forms, which he terms nodality, authority, treasure and organisation, or NATO (Hood 1984; Hood and Margetts 2007).

- Nodality refers to the location of government at the centre of key networks and the potential for learning through gathering information and for shaping behaviour by handing out information.
- Authority evokes the distinctive capacity of the state for requiring citizens, associations and firms to do things, backed by the possibility of legal sanctions.
- Treasure refers to the state's capacity to mobilize wealth, largely collected from tax revenue, in pursuing its objectives.
- Organization implies government's deployment of its directly controlled resources – staff, buildings, equipment, etc. – in fulfilling public tasks.

Each of these tool types can be deployed both for gathering information, or 'detecting', and for shaping behaviour, or 'effecting' (Hood and Margetts, 2007: 5-7).

Most government agencies are liable to use most of these tools periodically – they comprise the basic ways in which to get things done. Nevertheless, the tools of government provide a framework within which the functions identified for agencies can be organized into family groups. Thus advisory functions operate chiefly through the positioning of the agency at the centre of key networks. Regulation operates mainly through the deployment of authority. Transfer agencies operate principally through the deployment of money (and conditions associated with its grant) and delivery agencies work largely through the deployment of their own organisational resources.

Some examples drawn from the contemporary Irish central state are shown in Figure 5 below.

Figure 5 about here

Hood and Margetts argue that the NATO approach offers a comprehensive analysis of the tools available to government. They also hold that the principal focus for the analysis of such tools should be the state. Our analysis of agency functions in Ireland supports the first claim. The second proposition is more contestable. Classically the state is said to possess a monopoly over the legitimate use of force (Weber, 1978). That proposition is often deployed uncritically to support the idea that government has a monopoly over the use of tools based in authority. However, in practice governments delegate the power to use legal authority, or support the assumption of such power through structures for the enforcement of contractual authority. Contractual authority provides the binding element over members of self-regulatory or associational regimes of regulation. This is the kind of authority associated with trade associations and indeed with private firms' use of contracts to require compliance with standards and their certification by third parties. Even in the case of the most state-like of the tools of government, the space is shared with self-regulatory bodies, firms and others with delegated statutory or assumed contractual authority.

In the case of the other tools it is more obvious that there is no state monopoly. Any person or organization with money can use their money to steer behaviour, whether illicitly, as with corrupt payments to government officials, or lawfully, as with donations to political campaign funds or the use of purchasing power to achieve particular social or political objectives (for example the promotion of higher payments to coffee growers within fair trade regimes).

This shared capacity between state and non-state actors is also found with nodality. Participation in networks and the gathering and dissemination of information are the main tools used by the lobbying and PR industries to further the interests of their clients. Many organizations use such tools to try to shape the behaviour of governmental and other actors.

The NATO classification offers a wide-ranging analysis of how to get things done. But its properties are not exclusive to state organizations. In our view, this is a distinct advantage. The flexibility of NATO gives it real potential as a tool of meta-classification for the spectrum of state bodies we have identified in this paper.

Conclusion

Over the last two decades, interest in the comparative study of states has grown, but the analytical and comparative tools that make it possible to develop a comparative research agenda have remained relatively weakly developed. The variety of classification schemata has led to a fragmentation of nation-specific studies. For those committed to a conception of the social sciences as theoretically grounded and inherently comparative in orientation, the result may seem dispiritingly limited, inductive, and descriptive.

However, we take a more optimistic view, for two reasons. Firstly, developments in the comparative study of political parties, or social movements, or constitutions, or legislatures, were often made possible by the accumulation of specific expertise across many different national settings. Secondly, where national variation proves resistant to systematic comparative classification, we propose it may be possible to generate a useful analytical schema at a higher level of aggregation.

The Irish State Administration Database proposes a new classification of state functions that is simpler, more comprehensive, and more generalizable than any others to date. We believe that that no single dimension of classification will capture the real variation in state activity. Functional analysis takes us only so far; it needs to be complemented by a classification that adequately distinguishes between state and non-state structures and activities, and that makes it possible to capture the spectrum between public and private modes of action. Further classificatory distinctions based on legal form and ownership illuminate important dimensions of the central state's form and capacity.

Acknowledgements

This paper was developed as part of a project entitled *Mapping the Irish State*, funded by the Irish Research Council for Humanities and Social Sciences (IRCHSS). The Irish State Administration Database, a principal output of the project, is at <http://isad.ie> (Hardiman et al., 2011). Versions of this paper were presented at an International Workshop on Comparative State Administration in Dublin, 20 March 2009, at Sciences Po, Paris, November 2009, and at the Political Studies Association of Ireland Annual Conference, Dublin, October 2010. The authors wish to acknowledge their gratitude to Patrick Le Galès, Guy Peters, Mark Thatcher, Kutsal Yesilkagit, and Koen Verhoest; and to members of the Mapping the Irish State research group, especially Muiris Mac Carthaigh and Mary Shayne. All errors and omissions are the responsibility of the authors.

Figure 1. The spectrum of state organization: the public-private dimension

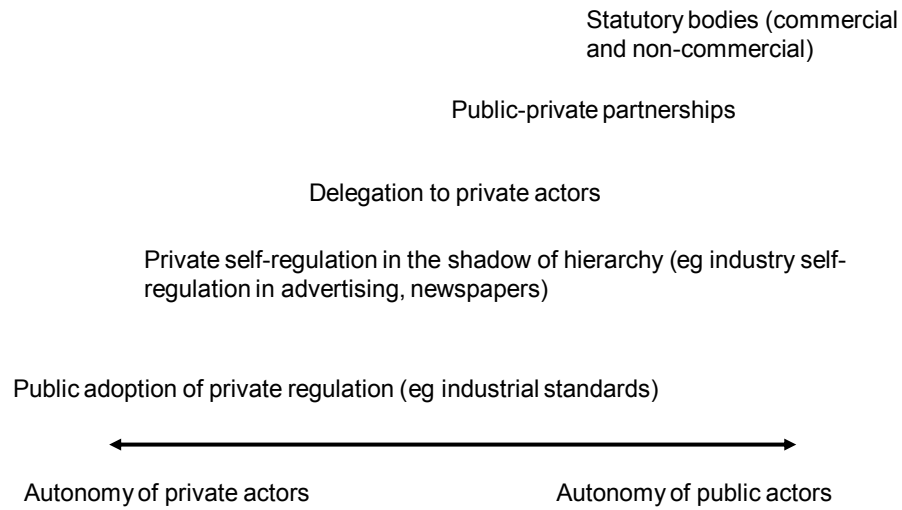


Figure 2. Legal Forms of State Agencies in Ireland

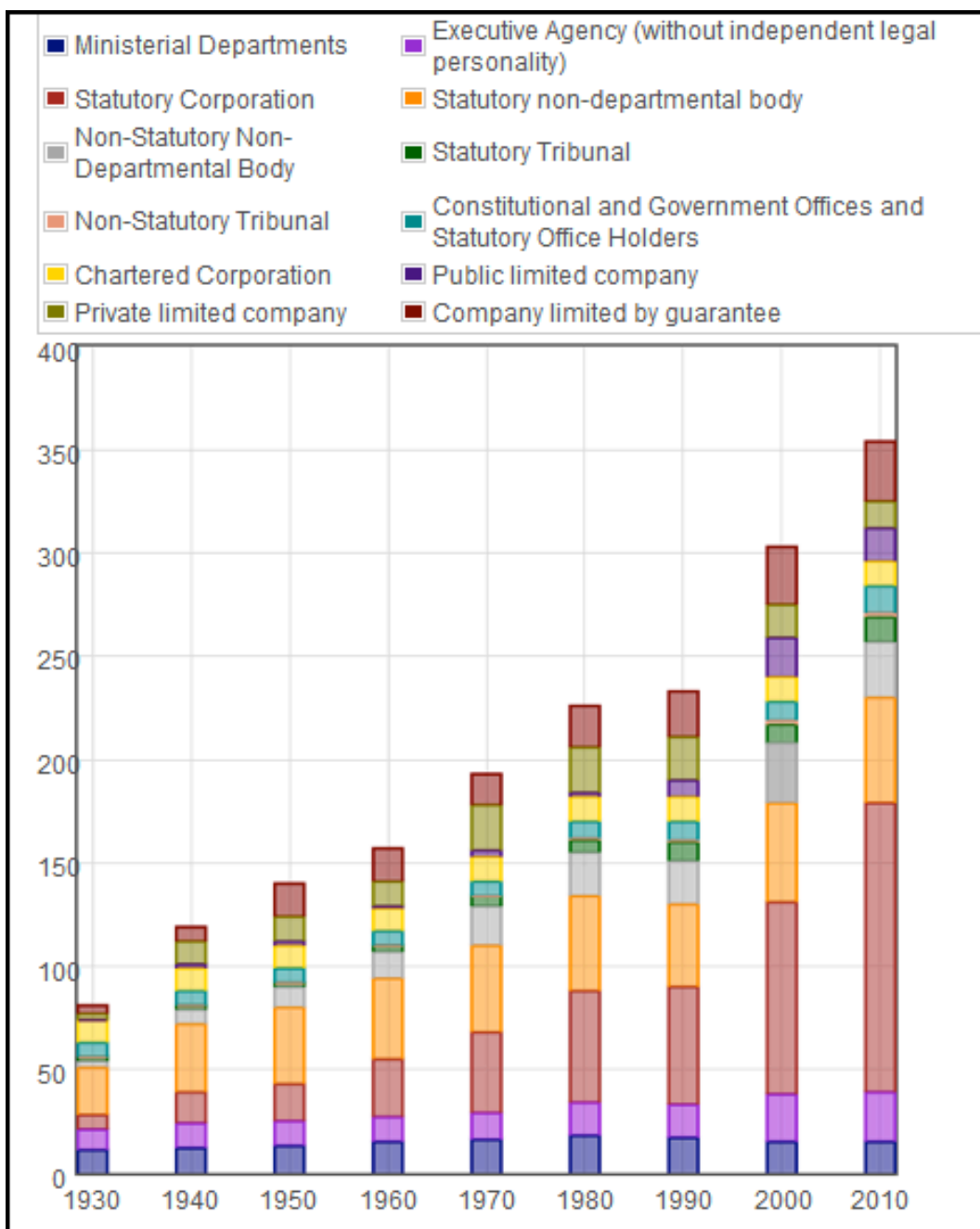


Figure 3. Legal Forms of Regulatory Agencies in Ireland

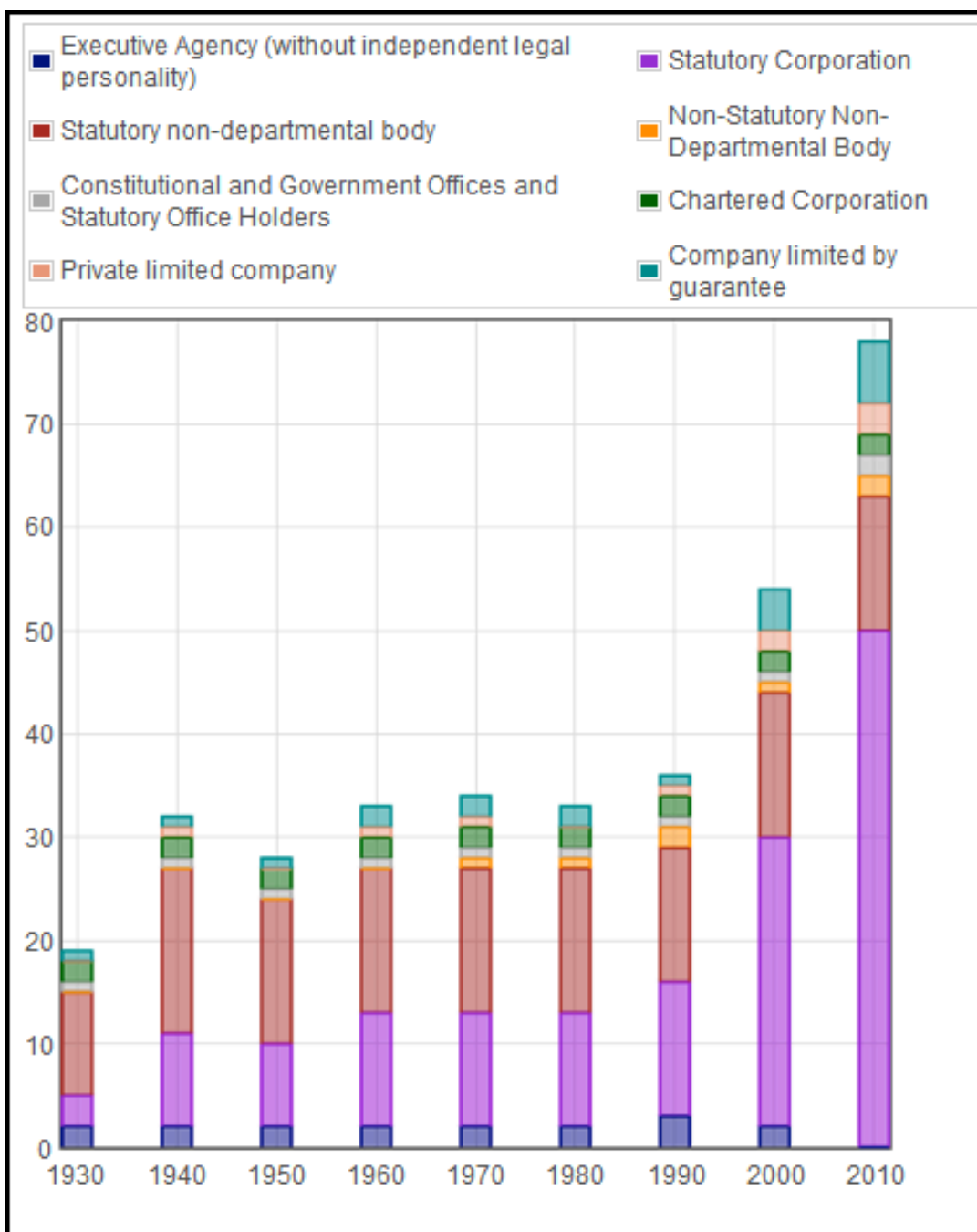


Figure 4. Legal Forms of Advisory Agencies in Ireland

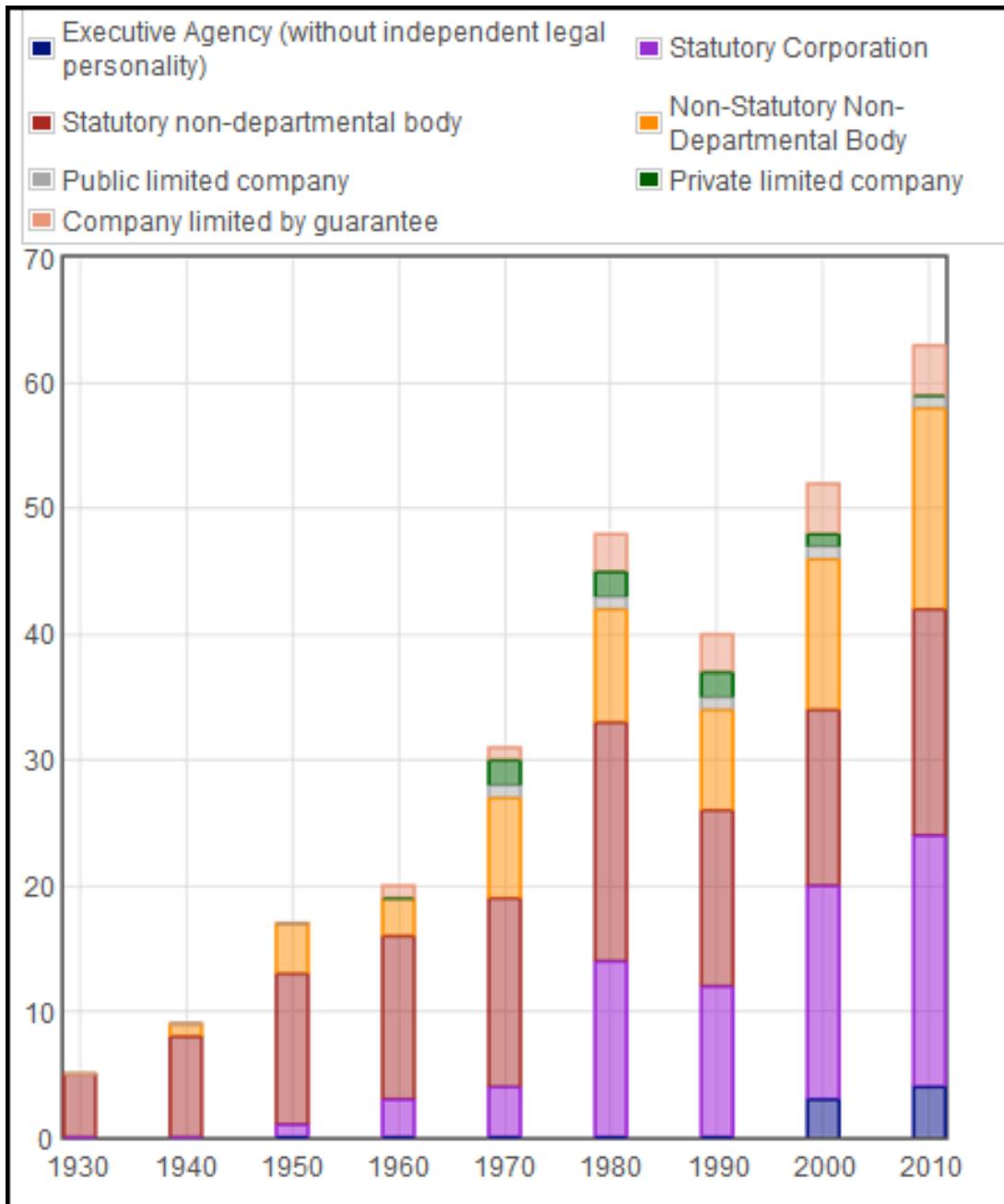


Figure 5. NATO Tools and Functions of State Agencies

Tool	Functions	Examples of Agencies in Ireland with Primary Function
Nodality	Information Providing	Central Statistical Office Law Reform Commission
	Representation	Combat Poverty Agency
	Ministries	Department of Justice, Equality and Law Reform
Authority	Adjudication	Ombudsman
	Regulation	The Communications Regulator (COMREG)
	Taxation	Revenue Commissioners
Treasure	Transfer	Higher Education Authority
	Contracting	Railway Procurement Agency
Organization	Delivery	Health Service Executive
	Trading	CIE (public transport holding company)

References

- Binderkrantz, A. S. & Christensen, J. G. (2009) Governing Danish Agencies by Contract: From Negotiated Freedom to the Shadow of Hierarchy. *Journal of Public Policy*, 29, 55-78.
- Black, J. (1996) Constitutionalising Self-Regulation. *Modern Law Review*, 59, 24-56.
- Boerzel, T. (2007) State Capacity and the Emergence of New Modes of Governance. *NewGov*. Berlin, Free University of Berlin.
- Bouckaert, G. & Peters, B. G. (2002) Performance Measurement and Management: The Achilles' Heel in Administrative Modernization. *Public Performance and Management Review*, 25, 359-362.
- Braithwaite, J. (2000) The New Regulatory State and the Transformation of Criminology. *British Journal of Criminology*, 40, 222-238.
- Brown, C. & Scott, C. (2010) Regulation in Ireland: History, Structure, Style and Reform. Dublin, UCD Geary Institute
- Christensen, T. & Laegreid, P. (2007a) Introduction. IN Christensen, T. & Laegreid, P. (Eds.) *Transcending New Public Management: The Transformation of Public Sector Reform*. Aldershot, Ashgate.
- Christensen, T. & Laegreid, P. (Eds.) (2007b) *Transcending New Public Management: The Transformation of Public Sector Reforms*, Aldershot, Ashgate.
- Clancy, P. & Murphy, G. (2006) *Outsourcing Government: Public Bodies and Accountability*, Dublin, tasc at New Ireland.
- Cousins, M. (2005) *European Welfare States: Comparative Perspectives*, London, Sage.
- Dunleavy, P. (1989a) The Architecture of the British Central State, Part 1: Framework for Analysis. *Public Administration*, 67, 249-275.
- Dunleavy, P. (1989b) The Architecture of the British Central State, Part II: Empirical Findings. *Public Administration*, 67, 391-417.
- Edgeworth, B. (2003) *Law, Modernity, Postmodernity: Legal Change in the Contracting State*, Aldershot, Ashgate.
- Evans, P. B., Rueschemeyer, D. & Skocpol, T. (Eds.) (1985) *Bringing the State Back In*, Cambridge, Cambridge University Press.
- Fine Gael (2010) New Politics.
- Flinders, M. (2008) The Future of the State. *Political Quarterly*, 79, 19-40.
- Foucault, M. (1970) *The Order of Things*, London, Tavistock.
- Freeman, J. (2000) The Contracting State. *Florida State University Law Review*, 28, 155.
- Gilardi, F. (2008) *Delegation in the Regulatory State: Independent Regulatory Agencies in Western Europe*, Cheltenham, Edward Elgar.
- Glaeser, E. L. & Shleifer, A. (2001) The Rise of the Regulatory State. *Harvard Insitute of Economic Research*. Cambridge, Mass.
- Goetz, K. H. (2008) Governance as a Path to Government. *West European Politics*, 31, 258-279.
- Hall, P. A. (2007) The Evolution of Varieties of Capitalism in Europe. IN Hancké, B., Rhodes, M. & Thatcher, M. (Eds.) *Beyond Varieties of Capitalism: Conflict, Contradictions, and Complementarities in the European Economy*. Oxford, Oxford University Press.

- Harden, I. (1992) *The Contracting State*, Buckingham, Open University Press.
- Hardiman, N., MacCarthaigh, M. & Scott, C. (2011) Irish State Administration Database.
- Hardiman, N. & Scott, C. (2010) Governance as Polity: an Institutional Approach to the Evolution of State Functions. *Public Administration*, 88, 170-189.
- Hemerijck, A. C. & Vail, M. I. (2006) The Forgotten Center: State Activism and Corporatist Adjustment in Holland and Germany. IN Levy, J. D. (Ed.) *The State After Statism: New State Activities in the Age of Liberalization*. Cambridge, MA, Harvard University Press.
- Héritier, A. & Lehmkuhl, D. (2008) The Shadow of Hierarchy and New Modes of Governance. *Journal of Public Policy*, 28, 1-17.
- Hood, C. & Dunsire, A. (1981) *Bureaumerics: the Quantitative Comparison of British Central Government Agencies*, Farnborough, Gower.
- Hood, C. & Margetts, H. Z. (2007) *The Tools of Government in the Digital Age*, London, Palgrave Macmillan.
- Jayasuriya, K. (2000) From the Developmental to the Regulatory State in East Asia. IN Schmidt, J. & Hersh, J. (Eds.) *Globalization and Social Welfare in East and South-East Asia*. London, Routledge.
- Karvonen, L. & Kuhnle, S. (Eds.) (2001) *Party Systems and Voter Alignments Revisited*, London, Routledge.
- Kjaer, A. M. (2004) *Governance*, Oxford, Polity Press.
- Kooiman, J. (2003) *Governing as Governance*, London, Sage.
- Kriesi, H., Grande, E., Lachat, R., Dolezal, M., Bornschier, S. & Frey, T. (2008) *West European Politics in the Age of Globalization*, Cambridge, Cambridge University Press.
- La Porta, R., Lopez-de-Silanes, F., Shleifer, A. & Vishny, R. (1999) The Quality of Government. *Journal of Law, Economics and Organization*, 15, 222-279.
- Levi-Faur, D. (2005) The Global Diffusion of Regulatory Capitalism. *The Annals of the American Academy of Political and Social Science*, 598, 12-32.
- Levi-Faur, D. (2006) Varieties of Regulatory Capitalism: Getting the Most Out of the Comparative Method. *Governance*, 19, 367-382.
- Levy, J. (Ed.) (2006) *The State After Statism: New State Activities in the Age of Liberalization*, New Haven, CT, Harvard University Press.
- Lindvall, J. & Rothstein, B. (2006) Sweden: The Fall of the Strong State. *Scandinavian Political Studies*, 29, 47-63.
- MacCarthaigh, M. (2010) National Non-Commercial State Agencies in Ireland. Dublin, IPA.
- Mair, P. & Mudde, C. (1998) The Party Family and its Study. *Annual Review of Political Science*, 1, 211-229.
- Majone, G. (1994) The Rise of the Regulatory State in Europe. *West European Politics*, 17, 77-101.
- McGauran, A.-M., Verhoest, K. & Humphreys, P. C. (2005) *The Corporate Governance of Agencies in Ireland: Non-Commercial National Agencies*, Dublin, Institute of Public Administration.
- Migdal, J. S. (2009) Researching the State. IN Lichbach, M. I. & Zuckerman, A. S. (Eds.) *Comparative Politics: Rationality, Culture, and Structure*. 2nd ed. Cambridge, Cambridge University Press.

- Moran, M. (2002) Review Article: Understanding the Regulatory State. *British Journal of Political Science*, 32, 391-413.
- Nassmacher, H. (2008) Research Article: The Dilemma of Depth versus Breadth in Comparing Political Systems Empirically... and How to Overcome it. *European Political Science*, 7, 113-125.
- Nettl, J. P. (1968) The State as a Conceptual Variable. *World Politics*, 20, 550-592.
- Peters, B. G. & Pierre, J. (Eds.) (2001) *Politicians, Bureaucrats and Administrative Reform*, London, Routledge.
- Pierson, P. (Ed.) (2001) *The New Politics of the Welfare State*, Oxford, Oxford University Press.
- Pollitt, C. & Bouckhaert, G. (2004) *Public Management Reform: A Comparative Analysis*, Oxford, Oxford University Press.
- Pollitt, C., Talbot, C., Caulfield, J. & Smullen, A. (2004) *Agencies: How Governments Do Things through Semi-Autonomous Organisations*, New York, NY, Palgrave.
- Prasad, M. (2006) *The Politics of Free Markets: The Rise of Neoliberal Economic Policies in Britain, France, Germany, and the United States*, Chicago, University of Chicago.
- Provan, K. G. & Kenis, P. (2008) Modes of Network Governance: Structure, Management, and Effectiveness. *Journal of Public Administration Research and Theory*, 18, 229-252.
- Rolland, V. W. & Roness, P. G. (2009) Mapping Organizational Units in the State: Challenges and Classifications. Dublin, UCD Geary Institute.
- Roness, P. G. (2007) Types of State Organizations: Arguments, Doctrines and Changes Beyond New Public Management. IN Christensen, T. & Lægreid, P. (Eds.) *Transcending New Public Management: The Transformation of Public Sector Reform*. Aldershot, Ashgate.
- Roness, P. G., Verhoest, K., Rubecksen, K. & MacCarthaigh, M. (2008) Autonomy and Regulation of State Agencies: Reinforcement, Indifference or Compensation? *Public Organization Review*, 8, 155-174.
- Rudder, C. E. (2008) Private Governance as Public Policy: A Paradigmatic Shift. *The Journal of Politics*, 70, 899-913.
- Scharpf, F. W. (1994) Games Real Actors Could Play: Positive and Negative Coordination in Embedded Negotiations. *Journal of Theoretical Politics*, 6, 27-53.
- Scott, C. (2003) Organizational Variety in Regulatory Governance: An Agenda for a Comparative Investigation of OECD Countries. *Public Organization Review*, 3, 301-316.
- Scott, C. (2004) Regulation in the Age of Governance: the Rise of the Post-Regulatory State. IN Levi-Faur, D. & Jordana, J. (Eds.) *The Politics of Regulation*. Cheltenham, Edward Elgar.
- Sørensen, E. & Torfing, J. (Eds.) (2008) *Theories of Democratic Network Governance*, Basingstoke, Palgrave.
- Stoll, H. (2008) Social Cleavages and the Number of Parties: How the Measures You Choose Affect the Answers You Get. *Comparative Political Studies*, 41, 1439-1465.

- Verhoest, K., Roness, P. G., Verschuere, B., Rubecksen, K. & MacCarthaigh, M. (2010) *Autonomy and Control of State Agencies: Comparing States and Agencies*, Basingstoke, Palgrave Macmillan.
- Vogel, S. K. & Barma, N. H. (Eds.) (2007) *The Political Economy Reader: Markets as Institutions*, London, Routledge.
- Weber, M. (1978) *Economy and Society: an Outline of Interpretive Sociology*, Berkley and Los Angeles, University of California Press.
- Weiss, L. (1998) *The Myth of the Powerless State: Governing the Economy in a Global Era*, Cambridge, Polity Press.
- Weiss, L. (Ed.) (2003) *States in the Global Economy: Bringing Domestic Institutions Back In*, Cambridge, Cambridge University Press.