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Ordering Things:

The Irish State Administration Database

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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', 'state' and 'civil society', 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). 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, 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). This is a time-series database of all national-level units, coding information about the organizational features of agencies and other units in the state administrative system, the structural reorganization of government departments, and the creation, life-cycle and termination of agencies. The database includes information on more than 700 public organizations that have existed between 1922 and the present, including a number that precede the formation of the state.

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.

State 'agencies' in Ireland

All approaches to classification – and not only state organizations and 'agencies' - 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. 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 bodes are included, and if so, where the cut-off point is set.

Different classification systems therefore have implications for how one counts, and the total number of 'agencies' in Ireland is far from unambiguous. The Irish State Administration Database identifies 374 national-level units in 2010, including government departments, constitutional offices, state commercial bodies, universities and other kinds of organization. This total includes15 ministerial departments; there are also about 13 constitutional and government

offices in existence at any one time, such as the Comptroller and Auditor General's Office, the Ombudsman offices, and major bodies such as An Garda Síochána. Excluding these units, one reaches a total of 346 organizations. In contrast, the Department of Finance listed 82 non-commercial state agencies in 2011 (Department of Finance, 2011, pp. 204-6). These totals compare with 211 listed in the IPA study by McGauran and others, (McGauran et al., 2005), 249 in an IPA study of 2010 (MacCarthaigh, 2010), and 482 identified by TASC (Clancy and Murphy, 2006), and while the totals may vary slightly depending on the year of each survey, the profile of agencies included or excluded varies a good deal too.

In Ireland, the statutory definition of the public service is based on public liability for pay and pension entitlements of staff (as, for example, in the Public Service (Miscellaneous Provision) Act 2004. A somewhat broader three-way classification is commonly used which includes 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).

Standardized Eurostat reporting requirements centre on accountability for public spending, which leads Irish officials 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 definitions cited above are a valuable starting point, though they can have some surprising implications. For example, the share capital criterion certainly captures ministries and agencies, boards, and state-owned enterprises, but not bodies that have an official function though they are privately owned. 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.

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. No single schema can capture all relevant dimensions. Our starting point is our concern with national-level organization. The database at present therefore does not include bodies which are chiefly responsible to local authorities or which have a primarily local remit.

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: it is about the policy capacity of the state, as expressed by its institutional forms (Hardiman and Scott, 2010). 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). 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. 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, in the sense of bodies that operate at arm's-length from ministerial departments, on the other. As MacCarthaigh in this volume also notes, 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 (MacCarthaigh, 2012, 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, and often animated by the theoretical concerns of New Public Management (Pollitt and Bouckhaert, 2004). 'Quango' is 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 risks 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). Therefore the Irish State Administration Database includes all organizational units that are relevant to the exercise of public power. It includes ministerial and non-ministerial departments, change in which, as MacCarthaigh in this shows, can vividly illuminate significant shifts in state activity and public policy concerns (MacCarthaigh, 2012). It also includes constitutional offices of state – the Revenue Commissioners, the Office of the Attorney General, and so on – because these too are vital instruments through which public objectives are pursued.

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 (Norwegian Social Science Data Services, 2011). 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 (COST-CRIPO, 2007-11). 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 bureaumetric 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.

The need for a multi-dimensional classification of state bodies

The preceding considerations outline some of the reasons why any classification system aimed at drawing the boundaries of 'the state' is controversial, and why all classifications are imbued with theoretical concerns, whether these are explicitly acknowledged or not. The Irish State Administration Database sorts and classifies organizational units according to several different criteria: the principal distinctions are as follows:

1. ‘Publicness’
2. Function
3. Policy domain
4. Legal status

This gives us a fourfold set of considerations for classifying and analysing public bodies. It also makes it possible to select sub-sets of units according to alternative criteria – for example, by excluding ministerial departments and constitutional offices, or selecting only statutory bodies – if the intention was to undertake an analysis based on any of the administrative classification systems discussed above.

1. Criteria for inclusion based on ‘publicness’

The meaning of ‘publicness’ in selecting bodies for inclusion as organizationally part of the Irish state cannot readily be captured by a single criterion, but instead involves a spectrum of organizational forms. Public ownership is perhaps an obvious starting point: any unit with more than 50% direct state capital qualifies for inclusion (including publicly recapitalized banks, after 2008). But we also include organizations that may be private in ownership but which have monopoly status to discharge a national public function. At one end of our spectrum, we can position statutory state agencies, both commercial and non-commercial, where ’publicness’ in this sense is beyond question. Public-private partnerships can be seen as representing a variant on state commercial enterprises, but they are on a different point on the scale. Other kinds of relationships between the state and private organizations also function as extensions of public power. 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). Furthermore, 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. There are many example of this sort: for example, Repak, as an industry organization, is a privately owned and managed body dealing with recycling of industrial packaging; but it is specifically named in statute, and has a regulatory responsibility delegated to it that is indisputably a public function (S.I. No. 242/1997: Waste Management (Packaging) Regulations, 1997).

Similarly, government may permit sectoral self-regulation by recognized bodies as a direct substitute for statutory regulation: this is the case, for example, with the Irish Bar Council and the Irish Law Society. 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. The spectrum of state organization: the public-private dimension

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).

2. 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 (United Nations, 2011). 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' 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.

3. 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.

4. 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 is 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 Organization, 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.

Putting these four considerations together, we can see from Table 1 below that the classification scheme of ISAD is multidimensional, and captures a wide range of variation along discrete principles of organizational form.

Table 1. Criteria for classifying 'units' in the Irish State Administration Database

Since each unit in the database is coded according to multiple criteria, complex cross-cutting searches can be undertaken to identify patterns in the evolution of the organizational foundations of the Irish state. For example, 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. Legal Forms of All National-Level Units

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 forms among regulatory, advisory, and consultative bodies.

Figure 3. Legal Forms of Regulatory Agencies in Ireland

Figure 4. Legal Forms of Advisory Agencies in Ireland

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 consider that it adds 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).

Toward a meta-classification schema

We need to be able to draw upon a 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. State organization has evolved rather differently in different countries, depending in part on the type of legal system involved. Ireland and Britain, with common law systems and centralized and (until recently in the case of Britain) unitary states, have enjoyed greater freedom in creating and rationalizing public bodies than in countries with a tradition of administrative law, especially if these are federal in structure (Rhodes et al., 2009, Peters et al., 2000). New Public Management was undertaken more enthusiastically in the former than the latter, but a strong trend toward growing 'agencification' has been noted not only in Ireland, as MacCarthaigh discusses in this volume, but across the advanced industrial societies, beginning in the 1980s and gathering pace everywhere during the 2000s (Christensen and Laegreid, 2006, van Thiel, 2009, MacCarthaigh, 2012).

We have noted above that there is no general agreement as to the total number of state agencies in Ireland, and that the numbers arrived at are heavily dependent on the classification scheme adopted. The problem of comparing numbers cross-nationally is further compounded by the fact that agencies of any sort have a different significance in different countries. Drawing on a two-dimensional relational classification in order to obtain a consistent definition, the international team associated with the COBRA research programme found that while Ireland had 210 national non-commercial agencies, Denmark had 262, and Norway 215; Italy had 57, while the Netherlands had 574. There is no unambiguous way of evaluating whether there is an optimal number for each country, or when a country may be said to have too many state agencies (COST-CRIPO, 2007-11).

Nevertheless, there is a growing cross-national interest in further refining the bases for systematic classification of state organizational structures, the better to be able to develop general explanations that are robust across national jurisdictions (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).

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. 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. There is already considerable interest in drawing upon ISAD to inform the construction of national databases, particularly among scholars in Hungary, Estonia, and in the Flanders region of Belgium (COST-CRIPO, 2007-11).

The test of the usefulness of our analytical schema for national-level state functioning must come through application to comparative data. Among 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 generalizationWe 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 Table 2 below.

Table 2. NATO Tools and Functions of State Agencies

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. The Irish State Administration Database provides a flexible research resource which not only captures more of the range of variation present in Ireland than any other schema to date, but also provides a model for the conceptualization and construction of research databases on this model, a trend that will in time extend and deepen the scope for comparative inquiry. Secondly, as both an interim and as a complementary approach, 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.

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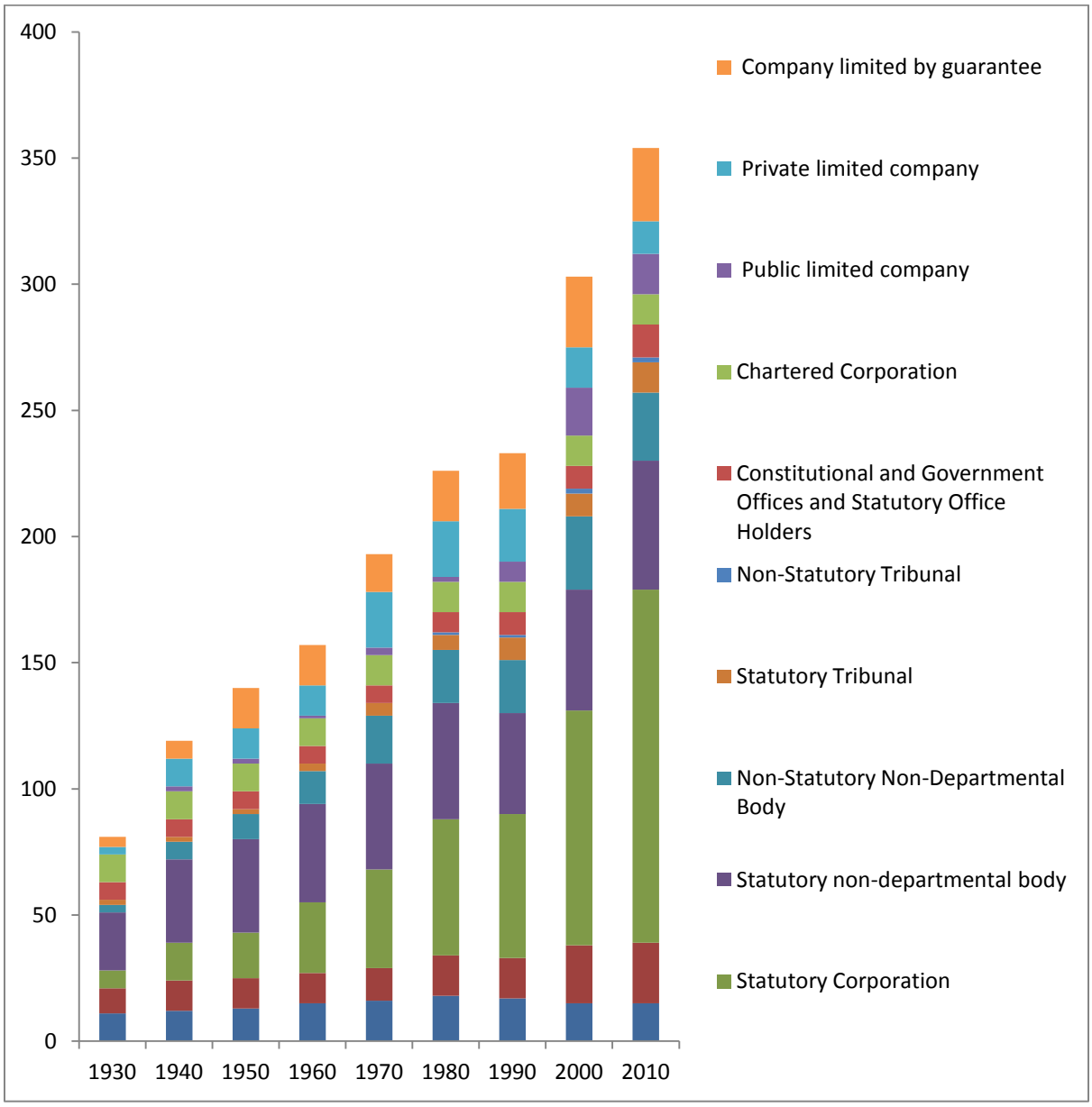
Figure 1. The spectrum of state organization: the public-private dimension

Table 1. Criteria for classifying 'units' in the Irish State Administration Database

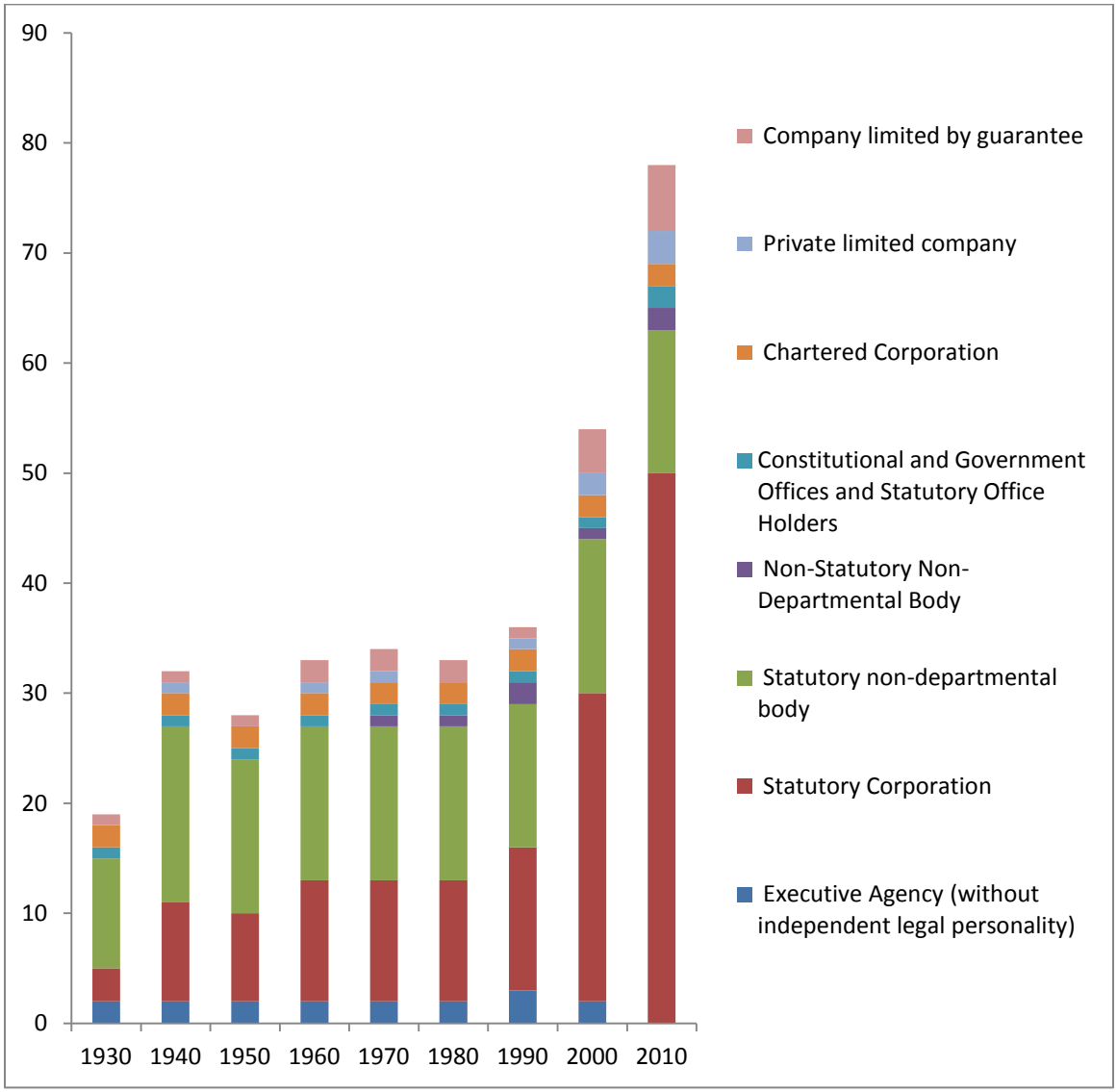
Public status	Function	Policy	Legal status
Public ownership status	Adjudication/ grievance-handing	Agriculture, fisheries, and forests	Ministerial departments
Funding source	Advisory/ consultative/ representation/ advocacy	Communications	Executive agency (without independent legal personality)
Public appointment powers	Contracting	Defence	Statutory corporation
Delegated function	Delivery	Education and training	Statutory non-departmental body
Statutorily defined responsibility	Information-providing	Employment	Non-statutory non-departmental body
	Policy formation/ policy execution (ministerial departments)	Enterprise and economic development	Statutory tribunal
	Regulation (over public and private sectors)	Environmental protection	Non-statutory tribunal
	Taxing	General public services	Constitutional and government offices and statutory office-holders
	Transfer	Health	Chartered corporations
	Trading	Housing and community amenities	Public limited company
	Transfer	International services	
		Public order and safety	
		Recreation, culture, religion	
		Science and technology	
		Social protection	
		Transport	

Figure 2. Legal Forms of All National-Level Units



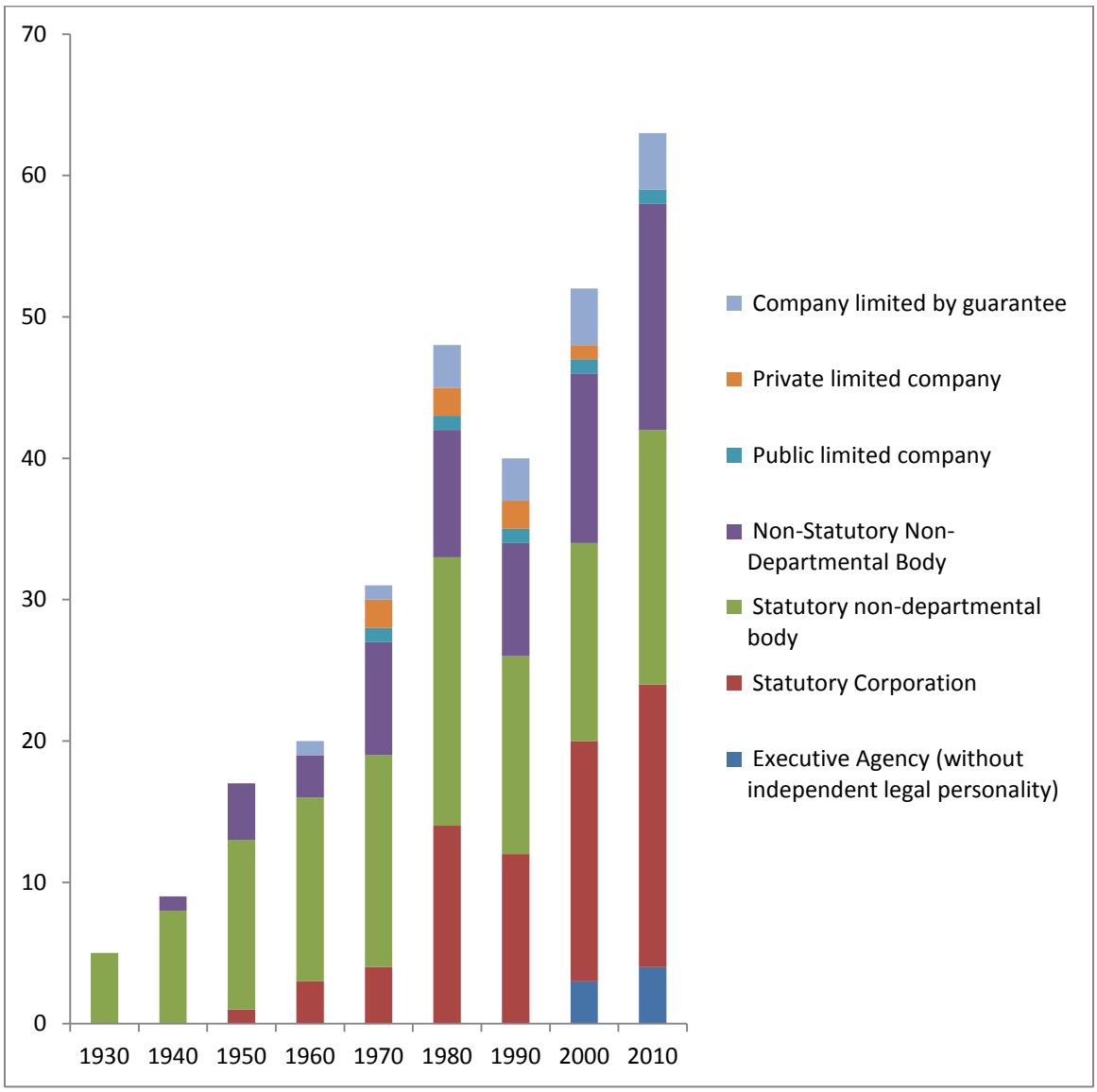
Source: Hardiman, MacCarthaigh and Scott, 2011

Figure 3. Legal Forms of Regulatory Agencies in Ireland



Source: Hardiman, MacCarthaigh and Scott, 2011

Figure 4. Legal Forms of Advisory Agencies in Ireland



Source: Hardiman, MacCarthaigh and Scott, 2011

Table 2. 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)

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