

EXPLORATIONS IN GOVERNANCE

A collection of papers in honour of Christopher Hood



Foreword

This magazine brings together an international set of contributors from the world of practice and research to look at key themes in contemporary governance – the machinery of government problem, the problem of regulation and control of public services and the problem of performance, risk and blame.

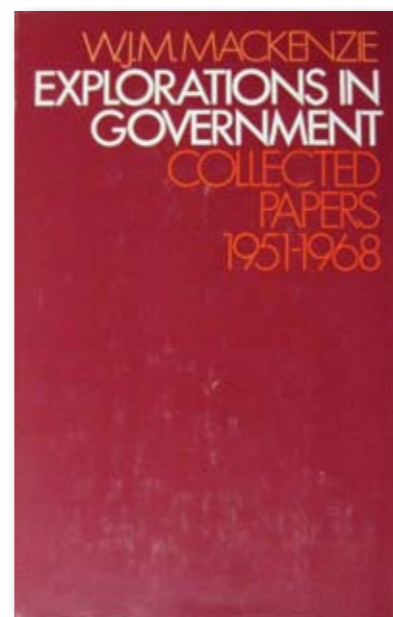
The papers in this collection reflect on the contribution of Christopher Hood to the study of executive government and public services. Since the 1970s, Hood has been one of the leading observers of trends in public management and policy. He has highlighted the importance of historical and comparative perspectives. The title of this magazine echoes that of a collection by one of Christopher Hood's most central influences, namely *Explorations in Government* by W.J.M Mackenzie. The three sections reflect Hood's research agenda over the past decades. The papers explore emerging themes and continuing debates about governance – and what we have (and have not) learnt over the past three decades.

The Institute for Government is delighted to be associated with this publication together with researchers from the Universities of Oxford, Exeter, and the London School of Economics, and to host the related symposium. As a bridge between the worlds of practice and research, the Institute is at the heart of debates about the future shape of executive government and this magazine represents a significant contribution to these debates that go to the heart of the future of governing.



Rt Hon Peter Riddell

Director, Institute for Government
March 2012



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Edited by Ruth Dixon and Martin Lodge

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Christopher Hood – An Introduction

Ruth Dixon and Martin Lodge

Christopher Hood has shaped the study and practice of executive government for decades. His work has been distinguished by careful empirical research and sophisticated conceptual development. At the heart of this endeavour has been the exploration of mechanisms that give rise to particular tools and doctrines, and how the application of such tools and doctrines lead to unintended consequences and paradoxes.

Christopher Hood's key contributions have dominated subsequent debates in a number of fields. His 1991 article 'A New Public Management for All Seasons?' is considered the *locus classicus* for the label 'New Public Management' (NPM) (and is the most cited article in the history of the long-standing journal *Public Administration*). Nearly 20 years earlier, he was part of the team that brought the word 'quango' into public debate (in an article in *New Society* in 1973). His studies in risk regulatory regime and regulation inside government have been highly influential. The 1998 *Art of State* won the UK's Political Studies Association's W.J.M. Mackenzie prize in 2000. He has received many other honours including the award of a CBE in 2011. He directed the successful 'Public Services Programme' for the ESRC between 2004 and 2010.

Cutting across the various areas in the design and operation of executive government and public services that have characterized Christopher Hood's work are three related themes.

Evolution and Contestability of Administrative Doctrines: Christopher Hood's interest in why particular viewpoints gain prominence at particular times was critical for the development of the work on 'New Public Management' and other eras and strategies of administrative reform. Studies of how different doctrines shape strategies and techniques have also informed work in the areas of risk and transparency.

Understanding changes in the 'machinery of government' has always been central to Christopher Hood's work, from his early studies in 'cut-back management' in the UK and Australia to a wider interest in the 'bureaometrics' of machinery of government changes. This interest also involved studies of the role of public servants themselves. Hood's joint work on *'Public Service Bargains'*, namely the changing ways in which formal rules and informal conventions between public servants and the wider political system regarding reward, competency and loyalty had changed in different jurisdictions over the past decades offered important comparative insights.

Techniques and Limits of Administration and Control: Tools and techniques of governing are a natural complement to the study of machinery of government. Starting from an early interest in cybernetic ideas regarding control, Hood's *Tools of Government* (and the second edition with Helen Margetts that considered the 'digital age' in particular) shaped the discussion regarding different strategies in which governments seek to affect their citizens with particular reference to the supposed age of digital governance. *Limits of Administration* (1976) highlighted the importance of focusing on the 'administrative factor' in the implementation of public policies. An interest in the dysfunctionalities of bureaucracy feature prominently, both in understanding the limitations of the regulatory state and the side-effects generated by target-driven performance regimes. His joint work on 'risk regulation regimes' gave rise to a growing interest in the way in which 'blame' is shaping the design of institutional architectures, in particular in the comparison of the different countries of the UK.

Importance of Habitat and Cultural Conditions: Any explanation for the rise of particular administrative doctrines and behavioural responses to administrative tools and techniques must consider the particular

historical and cultural conditions. It follows that any 'best in world' option that is said to be 'inevitable' (such as the rise of NPM or conventional views of risk and blame) has to be treated with considerable skepticism. The interest in grid-group cultural theory, as articulated in the *Art of the State*, offered a theoretically-informed treatment that accounted for the changing popularity of particular worldviews and for explaining side-effects and unintended consequences.

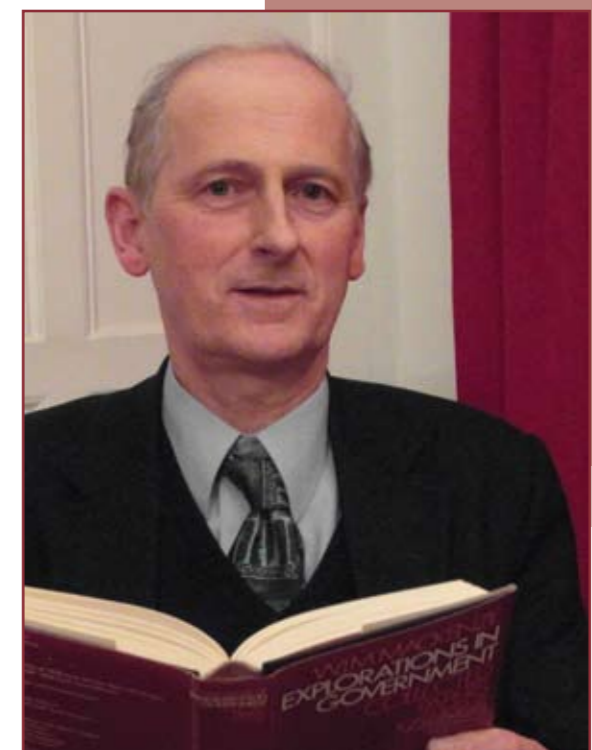
Christopher Hood's work has always been characterized by interdisciplinary insights into organizational behavior. Therefore, we find influences from rational-strategic to more cultural-anthropological traditions in Hood's work. This also means an international outlook that goes beyond the usual European and US cases and includes a long-term interest in his native Scotland. Christopher Hood has never tired of speaking 'truth to power', demanding reflection and consideration of potential side-effects rather than uncritical acceptance of contemporary received wisdoms and expected outcomes.

Christopher Hood's skill and generosity as a graduate supervisor are evidenced by the distinguished cohort of his former students, some of whom are contributors to this volume. He regards his students 'not as vessels to be filled, but as fires to be kindled'. The fact that he continues to undertake collaborative research with many of his former students attests to the respect, loyalty and friendship that he inspires.

The short pieces that follow offer reflections on the core themes of Christopher Hood's work. Contributors have been drawn from the worlds of practice, policy and academic study of public administration and include colleagues and former students from around the world.

Ruth Dixon has worked with Christopher Hood in the Department of Politics and International Relations, University of Oxford, since 2006.

Martin Lodge is Reader in Political Science and Public Policy at the LSE. He was Christopher Hood's PhD student from 1996 to 2000.



Time Present and Time Past

Richard Mottram

“The current system is pretty much the same as it was in the 1970s and there is a feeling we can’t go on like this”

(‘A senior Whitehall source’, Sunday Times 8 January 2012)

“‘Out-of-date’ civil service faces shake-up”, the headline of the story in which the quote is to be found, is standard fare for newspapers and think-tank reports. So too is the sentiment that nothing has changed. The civil service may well be out of date in important respects and faces some daunting challenges, but an inadequate grasp of its history provides a poor basis for determining what needs to change and the ingredients of success.

Some of us are sufficiently long in the tooth to remember life in the 1970s. So how fares the machinery of government and public administration on a roughly 40-year perspective? In the space available I offer only a few vignettes, which may provoke thought.

Interestingly a contrast between this and previous governments, notably that of Edward Heath, has thus far been the coalition’s unwillingness to be seduced by the attractions of machinery of government change (at least at the level of the distribution of responsibilities between departments). Not for them a flagship white paper on taking power on the lines of Heath’s *The Reorganisation of Central Government*. The government chose instead to concentrate on improving corporate governance and substantial streamlining, particularly of the Whitehall overhead. This has been coupled with a commitment to leaving Ministers in post for longer. Both these changes in approach might be reinforced by the constraints of maintaining balance in a coalition. But perhaps the temptations of old habits – deeply ingrained in the politics of the centre – may prove too difficult to resist?

For the civil service a symbolic contrast between then and now might be between the formal opening of the Civil Service College by Edward Heath in 1970 and the closure of the National School of Government in March 2012 (though some of its functions live on). The College was, of course, part of a wider set of changes post-Fulton. It seems difficult to deny that there has been a substantial increase in the professionalization of the civil service since the 1970s both through the internal development of skills and knowledge and through the opening up of the Service to external recruitment at all levels. These are complementary and there are choices over the balance between them (for example, should the Service seek to grow more of its own talent in operational management and corporate services?). The question remains whether there is a coherent model for staffing a civil service no longer populated on Northcote-Trevelyan principles, and a willingness to face the consequences of implementing it.

Alongside issues around the competence of civil servants for the tasks of the 21st century, the case for change is likely to emerge in two broad areas. First, arguments around the relationship between Ministers, civil servants and special advisers and the case for strengthening Ministerial powers with *cabinets* and other devices. This is often discussed as an *a priori* question when actually the last government conducted an experiment in radically altered roles and responsibilities at the centre in both No 10 and the Treasury which merits rigorous evaluation.

Secondly, there are issues around the scope and scale of the delivery role of the civil service and the relationship between Whitehall departments and their delivery agents. Agencies are potentially assailed from a number of directions: whether ‘joined-up

government’, ensuring policy and delivery are closely linked and there are not unnecessary interfaces in the whole process, or re-addressing the trade-off between their benefits in terms of greater transparency and performance focus and – potentially – higher transaction costs and overheads of various kinds. The working through of some of these pressures in an interesting way can be seen in the recent – not greatly remarked on – decision of the Department of Work and Pensions to integrate its agencies into the department, while retaining them as customer-facing structures and ‘brands’.

Drawing up recipes for central government change is an agreeable pastime. But those with influence in the debate tend to be drawn from a narrow range of experience, in government being short on departmental experience outside the centre and outside government being short on much management experience at all. And often missing is rigorous understanding of the characteristics of what has gone before, what did and did not work and why, and what is relevant for the future. Here academics, from a variety of disciplines, have important roles to play. The challenge is to integrate together practitioner and academic contributions, at a time of shrinking in-house capabilities and proliferating academic centres. As the evolution of the ‘Civil Service College’, and the games played at various times over its future direction, illuminate in miniature, this is not a story line of ‘No Change’.

Sir Richard Mottram GCB is Visiting Professor at the London School of Economics and a former Permanent Secretary in a variety of Departments, namely the Office of Public Service and Science, Defence, Environment, Transport and the Regions, Work and Pensions, and for Intelligence, Security and Resilience in the Cabinet Office.



‘We Hold These Truths to Be Self Evident’? Mantra Based Policy and Accountability, Risk and Blame.

Alison Brimelow

‘Politics is about choice, and politicians are elected to make choices for us’. This was how Hayden Phillips, when he was Director of the Cabinet Office Top Management Programme in the late 1980s, dealt with complaints from private sector participants about inconsistency and illogicality in policy and its delivery. It is a neat summary of an important process, and implies that if the choices are the wrong ones, accountability and risk, at least, lie with the minister. Blame of course is another matter.

The 1980s saw the arrival of executive agencies, promoted for a variety of reasons, but principally as a way of improving delivery of service by delegating responsibility and accountability to those best placed to do the job well: those nearer the front line. In some cases it worked well, producing better service and improved efficiency, though any agency chief executive of the time would tell you that ‘find out what Johnny is doing and tell him to stop’ remained hard wired into Whitehall’s psyche. Why that should be the case is a subject for more words than I am allowed here. But my perception (and I worked in two UK agencies from 1988 to 2003) was that delegation implied a clear understanding about what ‘doing a good job’ really meant, and this clarity often conflicted with other priorities, which could pose some interesting choices for ministers. No wonder ‘judgement’, that quintessential mandarin quality, became so important for agency managers.

Soundbites (and political advisers) arrived in our political lives at about the same time. Soundbites become election promises, and morph into policy mantras. ‘Prison works’ comes to mind, and in at least one sense it does, if the objective is reelection.

But by distilling policy (if distillation it is) into something so short, collision with accountability, risk and blame becomes inevitable. 2011 saw some very public dissent about what was effective in immigration procedures, with the mantra carrying political authority, and in this case implying that process was more important than outcome. ‘What gets measured, gets done’ is a useful reminder when setting performance measures. In looking at a backlog, for example, is reducing it at the cost of a fall in quality really what ministers want? Quite possibly, at least for the short term, but it is unlikely to be something that they want to express with great clarity. What then are the consequences for accountability, risk and blame?

The attraction of the policy mantra is that it pithily sums up an idea, often in a way which lends itself to an apparently clear metric. ‘Patents are too expensive’ and ‘we need more patents’ are examples of mantras prevalent in my own field. Neither stands up to much empirical analysis, but they conjure up a sense of action and cost-cutting and have enjoyed a remarkably long shelf life, without producing real process reform, or outcomes in innovation. Indeed, arguably they have prevented developments which are empirically based. And ‘evidence based policy’ (which I recently heard described as a mantra) is tough in the age of policy mantras. It should look hard at whether the desired outcome is indeed desirable and the ways and risks of pursuing it. That would give ministers some meaty choices to make on the electorate’s behalf, unless of course one piece of evidence is that the electorate prefers the mantra to the evidence (and whose problem is that?). The implication of the policy mantra is that satisfactory outcomes are a matter of common sense and energy, and that analysis and weighing possible consequences (including the unexpected ones) is

for wimps. If things do not turn out as expected, blame will land on those charged with delivering the policy, not on those shaping it, and anyway things may have ‘moved on’. Ex post analysis is usually only of ‘academic’ interest, or a way of generating some ammunition for a political slanging match. Learning anything other than how to improve your footwork is not cool. (As a brief aside: mantras are not confined to the public sector. ‘Growth, not profits’ played an unattractive role in the development of activities which ended in the crash of 2008, and Judge Rakoff in New York has a lot to say about failure to hold those responsible to account for their ‘misdeeds’).

I chose the quotation from the preamble to the American Declaration of Independence as my title for this article because ‘self evident’ truths should be part of the healthy body politic. But they do need to be tested, and many will over time be amended or dropped. Society’s beliefs and needs evolve. Elected politicians are vital players in that process. Policy mantras are not substitutes for intelligent and informed analysis and debate, and as a BBC commentator noted at the height of the immigration row, being caught between policy as promoted by the red tops and facts about what actually works is ‘not a comfortable place to be’ for a minister. It means that the choices exercised by politicians on our behalf focus on blame (avoiding it) and not on accountability and risk.

Alison Brimelow CBE is Chairman of the National Intellectual Property Institute. Among other roles in the UK Civil Service she was Chief Executive of the UK Patent Office from 1999 to 2003. She was President of the European Patent Office from 2007 to 2010.



Time Machinery

Edward C. Page

Back in 1977 Christopher Hood wrote 'The Machinery of Government Problem' as a presentation to civil servants at the Administrative Staff College. Two years later it was published as a Centre for the Study of Public Policy (University of Strathclyde) occasional paper. It was written just as he was starting work with Andrew Dunsire and Suky Thompson on the big study that was to produce *Bureaometrics* in 1981. Parts appeared in the first chapter of *Bureaometrics*, though modified substantially from a free-standing wider-ranging survey and commentary to something that concentrated on the task of setting up the analysis that was to follow. Many of the substantive and stylistic features that have made his work so influential and popular were clearly there in the 1977 paper, as they were in his earlier *Limits of Administration*: the tackling of big issues with clarity, flair, rigour and some humour as well his dissecting and typologising. The paper also provides a snapshot: in the foreground Hood's own ambitions for his work and in the background how social science approaches the 'machinery of government' problem.

At the heart of Hood's 'machinery of government' problem was the 'structure-performance hypothesis'; that 'performance of government is related in some way to the manner in which the bureaucracy is organized in formal terms'. Governments clearly believe that there is a causal relationship between the two when they reform structures. The 'problem' is set out as three questions: is the hypothesis true; if it is true, how are structure and performance related and, if untrue, then what explains variations and changes in structure? He divides the empirical task into exploring: the 'agency type problem' (does organizational form affect performance?); the 'allocation of portfolios problem' (does it matter what range of functions are brought

together in one organization?); and the 'task-environment-structure problem' (do the tasks of an organization and/or the features of its working environment 'require' certain kinds of structure for effective performance?).

Looking at how this snapshot stands up in 2012, we might start with its background. Much recent work on the machinery of government problem has been based on an assumption (whether explicit or implicit) that the main formal-structure-affects-performance hypothesis is either false or hard convincingly to prove. Instead of structure explaining performance, more attention has been devoted to its obverse: treating structure and its forms as the things to be explained, much as in the organizational sociology of people like Udy after the 1950s, and later on in 'contingency theory'. In the study of policy, agency type as a dependent variable has become a growth area in part because of increased attention in government to organizational forms in setting up regulatory and service-delivery agencies, and in part because of the increasing academic interest in a broad transaction-cost economics approach to organizational structures that attempts to assess and explain variation in forms and levels of 'delegation'. Portfolio allocation as a dependent variable has been regrettably and inexplicably absent from the field with the main exception of Pollitt's outstanding *Manipulating the Machine* from 1984.

Now to the foreground. *Bureaometrics* did not in the end directly solve the machinery of government problem. It had things to say about it. It was a rigorous comparative account of variations in UK government organizations, and methodologically pathbreaking. Yet in its authors' words it provided 'only one of the necessary preliminaries' for addressing

the 'structure-performance hypothesis' and showed the error of easy assumptions about it. However, the intellectual concerns of Hood as snapped in 1977 are similar to those that we might find in much of his work since. The change is in how he has pursued the structure-performance hypothesis. The big shift has been away from structure as *formal organization*, to structure as the *design principles* of organization. Such design features may sometimes be related to formal structure, but can be found in different structural forms. These include, to read backward from the present, and to cover only some of the high points of Hood's work: blame management designs, varieties of public sector bargains, performance management designs, cultural patterns of supervision and control, designs of different government 'toolkits' and cutback management techniques. His work has explored, to use Merton's terms, the impact of *latent structures* rather than formal structures alone. In some of these areas, notably performance management, he has been able to nail down more firmly the empirical effects of design features in much the way that he set up originally the 'structure-performance hypothesis'. In the others he has been able to show effects and patterns associated with design features, many of which had not been noticed before. Many had not even been conceptualised before so that these effects could be noticed. Hood has continually found fresh ways of understanding, developing and applying the structure-performance hypothesis. Such innovation is a characteristic feature of his work, and it makes it so widely used and influential in this country and internationally.

Edward C. Page is Sidney and Beatrice Webb Professor of Public Policy at the Department of Government, London School of Economics and Political Science.



Machinery of Government?

B. Guy Peters

The phrase 'machinery of government' has been one of the more commonly used phrases to describe the structures and processes within the public sector. Both academics and practitioners use this metaphor, often without thinking about its implications. The term 'machinery' implies a rather mechanistic conception of how the public sector functions, with the individuals involved – primarily civil servants – being cogs in that machine. It also appears to imply that the process of governing can be designed, very much as an engineer might design a machine, with rather predictable results.

The widespread use of this rather structural and mechanistic perspective on the public sector exemplified by the 'machinery of government' metaphor points to the two contrasting strands of thinking in public administration theory and practice. Public administration has always had one strand of thinking that assumed that if we get the structures right then government will perform well. This tradition has been seen in numerous august advisory bodies such as the Haldane Committee in the United Kingdom and the Brownlow Committee in the United States. More recently, some of the reforms of the New Public Management utilizing the efficacy of quasi-autonomous agencies in the public sector have had assumptions about the impact of structure. Public administration has always been characterized by 'tireless tinkering' hoping to produce greater efficiency and effectiveness.

An emphasis on agency and the role of individuals constitutes the primary alternative to the structuralist, 'machinery' perspective. The fundamental argument from this perspective is that the machinery only provides the framework within which individual politicians and civil servants make decisions. Individuals are assumed to bring with them a set of preferences, values and motivations when they

join the organization and utilize their involvement in the organization to enact those preferences. Rational choice perspectives on public organizations, for example, assume that individuals utilize these organizations as ecologies to pursue their own interests.

Both of these perspectives on public organizations are too simple, but they continue to hold sway over much of our thinking and writing on public administration. Both of these perspectives, however, tend to assume that we can design organizations that will produce relatively predictable behaviors. The 'machinery of government', structural perspective assumes that individuals within organizations will conform to the demands imposed by the structure. The Weberian model of bureaucracy would be the classic example of this perspective, assuming that this formalized structure would create predictable behaviors by the bureaucrats, and that the bureaucrats themselves would conform to the design imposed upon them.

The more individualist, agency perspective on public organizations appears to offer less clear design implications. If indeed individuals bring their own perspectives to the organization, then creating predictable results from the organization will be difficult if not impossible. That said, however, these values may make the behavior of individuals relatively predictable. That predictability may, in turn, make design possible. This predictability is perhaps clearest in the case of the rational choice approaches to organizations, e.g. in the work of George Tsebelis or Elinor Ostrom.

In the more individualistic approaches based on psychological or social characteristics of the individuals design may be more difficult but still not

impossible if the organization itself. At the simplest level the organization may recruit only individuals who are already committed to its goals, or who conform to its idea of the model employee. In the bounded rationality perspective, on organizations (and normative approaches to institutions), for example, the design element involves designing the ideas and the organizational cultures that will shape the behavior of the individual members of the organization. In this case the design of the organization is internalized within the individuals.

In much of his writing about the public sector Christopher Hood has warned against simplistic assumptions about design. His research and writing has tended to emphasize the unintended consequences of public action and the limits of organizational design. For example, his early book on *The Limits of Administration* demonstrated some of the difficulties involved in designing implementation structures within the public sector. A good deal of his later work has dealt with paradoxes and unintended consequences, including our joint paper on the paradoxes inherent in the New Public Management. That said, however, he has also been concerned with the implications of alternative designs, including designs for accountability systems and designs to cope with risk. This may all be machinery of government, but it may be as much Rube Goldberg as it is Steve Jobs.

B. Guy Peters is Maurice Falk Professor of American Government, University of Pittsburgh. With Christopher Hood, he has, amongst others, co-edited *Rewards at the Top* (1994) and *Controlling Modern Government* (2004)



From Machinery of Government to Government Cloud?

Francisco Gaetani

Few government metaphors are as appealing as the 'machinery of government'. It evokes the image of multiple pieces purposefully assembled and fitted into one structure – a set of mechanism(s) synchronized to achieve a single purpose. Features such as cohesiveness, rhythm, focus, precision, predictability, and reliability come inevitably to mind. The expression even gained an acronym – MoG – and its usage is widespread in the countries with a British tradition, such as Australia, Canada, New Zealand and South Africa.

MoG's popularity as a term has traveled across time, including the famous UK Haldane Report of 1918 (on the Machinery of Government), Franklin Roosevelt's 1934 speech on the Great Depression, and perspectives on Japan's legendary Ministry of International Trade and Industry in the 1980s. The issue image of a 'machinery of government' is undoubtedly effective as it fits those well-known associations with bureaucracy that emphasise stability, standards, predictability, design and 'maintenance'. As Hood and Jackson noted in *Administrative Argument*, the machine metaphor can be traced to German cameralism, Max Weber, Frederick Taylor and John Stuart Mill.

Throughout time, the machine metaphor has been used as a perception, a description, and an aspiration. The actual substance of the 'machine' did not matter. The issue of plausibility was not debated. The machine metaphor was supposed to stick, and it did. The notion of a unified state service, comparable to a well-tuned machine, has always been catchy and useful. Things changed in the last decades, however. We live in volatile times and the idea of government as an organic and living system rather than a machine seems to be on the ascendency. Social phenomena that underpin this shift include growing arguments about the interconnectedness between societies and

states, technological change leading to an acceleration of communication and subsequent 'delocation'. The relationship between labour and capital is also said to have been transformed. Governments everywhere have struggled to keep up with these phenomena, with the rise of particular demands, such as 'transparency' – and with changes in the policy agenda – such as the environmental agenda. This means that governments are supposed to tackle and accommodate key trends such as connectivity, sustainability, and real-time fluid and virtual communication flows.

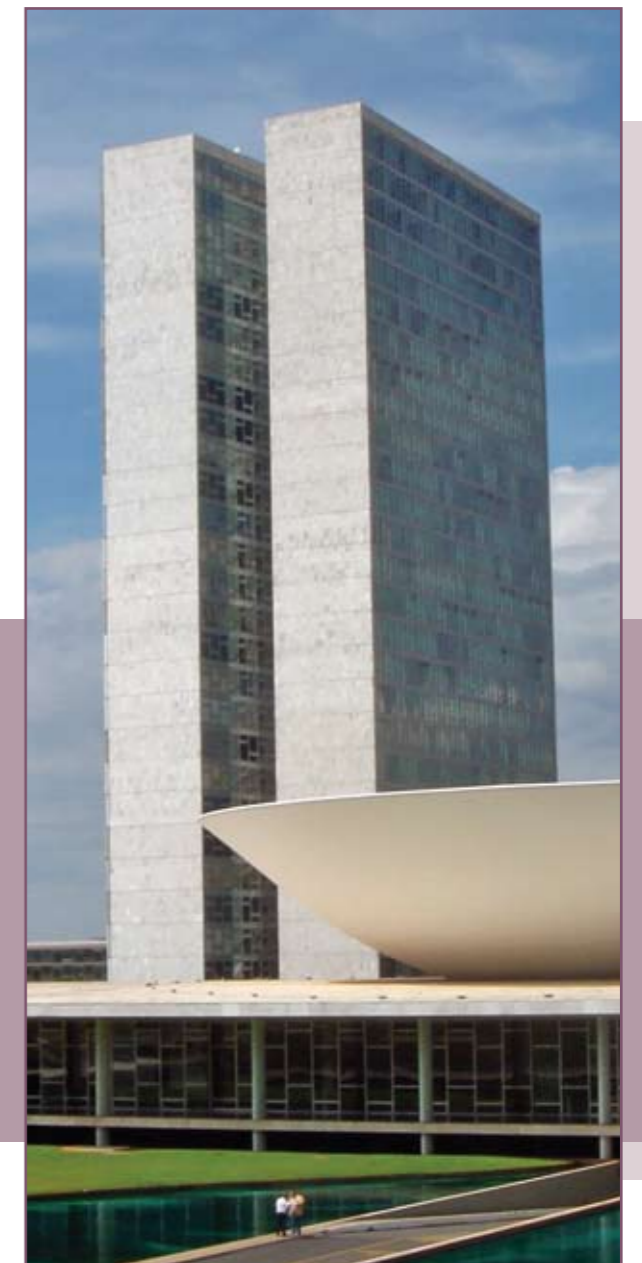
Where is the 'machinery of government' in all this? Did it disappear? Has the old machinery been replaced by more sophisticated mechanisms, a 'machinery of governance', less visible to the eye although much closer by means of a touchscreen (or a voice command)? Clearly, the 'hidden wiring' of the machinery of government is still there. Other bits of the machinery still feature prominently: Social Security, Foreign Affairs, and Law & Order. One might even suggest that the governance approach, with its emphasis on performance and governance indicators, has put the 'machinery of government' back on the front seat. Similarly, the age of austerity may require more austere 'machines' than supposedly high-intelligence 'hollowed out' governance arrangements. Traditional 'machinery'-type questions, such as 'ministerial accountability', remain pertinent. In other areas, the 'machinery' has witnessed diversification and complexification, if not hybridization, as can be seen in national innovation systems, mixed delivery systems in social policy (especially in health and education), and the growth of regulatory and executive agencies. However, at the same time, one might argue that contemporary issues and discourse of 'post-bureaucracy' have led to a decline in the currency of the old MoG metaphor. So what can be its destiny?

One future, one considered by Patrick Dunleavy and others who work on 'digital era governance', is to move from 'machinery of government' to the 'government cloud'. What is left of the government 'machinery' would be a combination of different algorithms, some democratically sanctioned, and others not.

It is unlikely that the 'government cloud' will become a universal and global phenomenon. Some of the 'old' government machinery is clearly here to stay. Across countries, therefore, contemporary debates are shaped by questions such as what 'machinery' is required for a 'government cloud', and what kind of balance between 'old' and 'new' machinery is required for dealing with contemporary uncertainty and complexity. Any move towards a 'government cloud' raises issues about forms of accountability, especially in order to handle the implications of current transformations.

Whether the move to a 'government cloud' implies a shift towards more fluid and organic understandings of government and a decline of the 'machinery' metaphor is therefore an open question. Whatever the future of 'MoG', what is certain is that governments will have to deal with a more volatile environment that places government in a network of a software of systems. Such a future most certainly will stretch our understanding of the machinery of government metaphor, and will create plenty of opportunities for a variety of metaphor possibilities.

Francisco Gaetani is Vice-Minister for the Environment in the Brazilian Federal Government. He was previously Deputy Executive Secretary in the Ministry of Planning, Budget and Management. He has a PhD from the LSE.



Lessons Learnt? Changes in the Machinery of Government in Japan

Hideki Goda

How countries search for lessons and evaluate different experiences has been one of the key interests in the study and practice of executive government. The case of Japan is a paradigm case, given the importance of 'learning from abroad' in terms of designing its executive functions and public services since the end of the Meiji regime in 1945. The following essay considers one of the more recent examples of selective 'reading across' in Japan, namely changes in Japanese government machinery. These changes involved the reshuffling of central ministries and agencies (from 21 ministries and agencies to one central office and 12 ministries and agencies (ten ministries, the Defence Agency, which subsequently became the Ministry of Defence, and the National Policy Agency)) in January 2001 on the one hand, and the introduction of the Japanese-style 'agency' (*Incorporated Administrative Agency*) in April 2001, on the other. Both of these initiatives were a consequence of the final report published by the Administrative Reform Council, chaired by then Prime Minister Hashimoto.

Reshuffling government organisations

Two principles informed the restructuring of central government ministries and agencies. One, restructuring should be oriented by the question whether particular functions should be provided for by central government, whether functions should be decentralised and delegated to local governments, or whether functions should be privatised. These guiding principles of 'from the public to the private sector' and 'from national to local' had already been articulated in the final report of the Third Temporary Administrative Reform Council in 1993.

The second principle was to separate out policy planning and policy implementation. Policy planning should remain with central ministries, whereas

implementation was to be placed with external organisations and independent administrative agencies. In addition to this 'purification' of the central ministries by concentrating their role on policy planning, an attempt was made to reduce the extent of 'departmentalism' by creating 'large' departments. This re-organisation led to the merger into one office and the 12 ministries and agencies. This re-shuffling caused organisations to be 'joined-up' according to four categories: the continuity of the nation, the expansion of national wealth, securing and advancing the well-being of the population and strengthening education and national culture.

The deliberation regarding the future shape of central government was informed by experiences from abroad, including from the UK. It was argued that the large departments reduced the costs of co-ordinating between ministries, despite the increased demands on achieving co-ordination within government departments.

Since the creation of these large central ministries over ten years ago, renewed advocacy in favour of a 'de-merging' has been noticeable. For example, the break-up of the Ministry of Health, Labour and Welfare was discussed at the Council of Economic and Fiscal Policy (and elsewhere) during 2009 due to criticism that the workload was overburdening this particular department. At the same time, the re-organisation of central government according to the idea of separating out 'policy planning' from 'implementation' is still ongoing. Eight so-called 'implementation agencies' were created in 2001 (allowing for more flexibility in internal organization structures), including the National Tax Agency and the Japanese Patent Office. Subsequently other implementation agencies were either privatised (the Social Insurance Agency), or absorbed in other organisations (the Japan Marine

Accident Inquiry Agency and the Defence Facilities Administration Agency). Debates about decentralising activities to the local government level are still continuing.

Introducing Incorporated Administrative Agencies (IAAs)

IAAs were established under parliamentary legislation (in contrast, for example, to the UK experience). Their purpose is to execute those functions effectively and efficiently that have been delegated to them. These functions are regarded as not requiring central governmental activity. However, at the same time, their sensitivity also means that these functions are seen as too important to be delegated to the private sector. Civil service status was granted to officials and employees of IAAs where any 'delay' in their functions 'would cause direct and serious problems in the stability of the lives of citizens and the social economy' (in the words of the parliamentary law). In the initial wave of IAA creation in April 2001, 57 IAAs were established, by separating their activities from ministries. Many research and examination institutes were included in this first wave of Japanese 'agency fever'. Staff in 53 of the 57 IAAs were granted civil servant status.

The introduction of IAAs drew on the experience from the UK. Members of the Diet (the Japanese parliament) and the Minister responsible visited the UK to learn about the UK experience. The selectiveness of the 'lesson drawing' is evident when considering the key differences between Japanese and UK executive agencies. In contrast to the UK experience where agency heads were granted authority in organisational and personnel management, the Japanese IAA structure did grant only limited autonomy to agency heads. This autonomy went beyond the 'normal' requirements that applied to 'normal ministries and agencies which was set out in a cabinet ordinance and

other rules and regulations. However, as the creation (and abolition) of IAAs required parliamentary laws and as most staff were granted civil service status, their employment was government by the National Public Service Act that regulated appointment, changes in employment status, disciplinary aspects and other matters.

Agency-related developments did however not stop with the initial wave of IAAs in 2001. A review of so-called special corporations transferred 32 former special corporations into an IAA-status. Other special corporations were either abolished or privatised. In addition, all IAAs have to be reviewed after a four year period. Further changes affected the status of civil servants in IAAs. In 2006, most IAA-based civil servants were transferred into a non-civil servant type employment relationship. One reason for this change was to facilitate staff interchange, involving universities and the private sector. In addition, this change in employment status also reduced the head count of government personnel.

In sum, the past decade and a half have witnessed considerable changes in the Japanese machinery of government that are still ongoing and that are characterised by contrasting arguments. Cross-national lesson-drawing features strongly in these reforms. However, this lesson-drawing is highly selective, reflecting particular domestic constellations.

Hideki Goda is Director of the First Remuneration Division, National Personnel Authority, Japan. He is an alumnus of the MSc in Public Administration and Public Policy at the LSE.



Civil Service Reform

Martin Stanley

It is now nearly 100 years since Viscount Haldane's Machinery of Government Committee took the last serious look at the relationship between civil servants and ministers. Is it time for another fundamental review of the governance of the UK? Civil service watchers will have been excited to hear that a civil service reform paper is promised for Spring 2012.

We have not been short of such papers over the last 25 years:

- 1988: 'Next Steps'
- 1994: 'Continuity and Change'
- 1999: 'Modernising Government'
- 2004: 'Civil Service Reform: Delivery and Values'
- 2009: 'Putting the Frontline First'

But all these papers concentrated, in one way or another, on the organisation and management of the vast majority of civil servants who carry out many thankless tasks around the UK. Indeed, there is little doubt that the wider civil service is now much more efficient than it used to be.

But Whitehall itself has been relatively impervious to the pressure for change. Christopher Hood has himself pointed out (commenting on the latest in a long line of initiatives including total quality management, the Citizens Charter, better consultation, evidence-based policy, and joined-up policy-making) that 'We have seen this movie before – albeit with a slightly different plot-line – with a rash of other attempts to fix up the bureaucracy, with the same pattern of hype from the centre, selective filtering at the extremities and political attention deficit syndrome that works against any follow-through and continuity.'

Ministers and others have reported deep frustration with the support they receive from Whitehall. Lord Adonis has said that 'the biggest single obstacle I faced was the weakness of the Whitehall machine'. And Philip Collins recently wrote that '... the Civil Service isn't nearly as good as it needs to be. ...The fabled independence of the Civil Service is a self-justifying myth ...The Whitehall culture is one in which caution is rewarded and risk-taking is frowned upon. The pliant progress up the ranks more reliably than the mavericks ... The anachronism of ministerial responsibility, which shields officials, should be abolished'. Lord Hennessy, rather more gently, has noted that the Mandarinate is 'much less confident than it was when I was first watching it in the 1970s.'

Some senior officials – and especially retired Knights of the Realm – have reciprocated, particularly by criticising the Mr Blair's 'sofa government'. More prosaically, can ministers entirely escape censure for e.g. the decisions that led to the widespread breakdown in the provision of HMRC's basic services? But putting this mutual recrimination on one side, neither ministers nor officials can be proud of the decision-making, or lack of it, evidenced for instance in:

- the run-up to the invasion of Iraq,
- the preparations for the introduction of greater competition in the NHS,
- the procurement of aircraft carriers,
- the fire control project,
- the privatisation of forestry,
- the promotion of the Big Society, and
- the waste of what the PAC described as 'obscene' amounts of money on information technology.

One is, therefore, forced to ask whether it is still sensible to hold ministers to account for the wide range of expertise-based decisions that are now taken by government. Is it not time for officials to take their proper share of the credit and blame for policy successes and failures? Is the country is still best served by the constitutional assumption that ministers provide authority, leaving officials to provide expertise, and to 'speak truth unto power'?

More broadly, one might also consider whether officials might not have greater freedom to innovate and respond to local needs? Indeed, do we still need a 'civil service' that is managed and rewarded quite separately from the other 90% of the public sector?

It will therefore be interesting to see whether the present or a future Government will decide to launch a 21st century Haldane Inquiry. There would probably be resistance from the Mandarinate itself – much preferring to continue to operate almost entirely behind the scenes. Ministers, too, are likely to be reluctant to abandon the pretence that they are taking all the key decisions, even if that leads to their taking too high a share of the blame. And there is unlikely to be much pressure from MPs and the media, who lazily prefer to be able to criticise a small number of ministers, rather than dig deeply into the complex reasons for policy failure. Nevertheless, whether or not these issues are tackled over the next few years, future academics will surely enjoy identifying and analysing those forces that have so effectively resisted even a cursory examination of options for change in the face of so much evidence that change is overdue.

Martin Stanley is a former senior civil servant and public sector chief executive. He is the author of the websites civilservant.org.uk and regulation.org.uk.



Golden Pheasant Insignia, Second Rank Civil Servant. China, Qing Dynasty. Denver Art Museum; Neusteter Textile Collection: Gift of James P. Grant & Betty Grant Austin.

The Tools of Government

Helen Margetts

Almost 25 years ago Christopher Hood wrote *The Tools of Government* proposing that for any policy decision, there are four basic 'tools' or resources that are at government's disposal. Summarized as 'NATO', these are nodality, the property of being in the middle of information networks; authority, the possession of legal or official power; treasure, the stock of moneys or 'fungible chattels'; and organizational capacity, in terms of people, land, buildings and equipment. This small book was for many years out of print, until Christopher invited me to collaborate with him on a new version, *The Tools of Government in the Digital Age* eventually published in 2007. Having declared an interest, I can now proclaim an ardent belief in the supremacy of Christopher's concept as the most simple and elegant – and most valuable – exposition of the 'Tools' approach across previous and future work. He would be too modest to argue this case himself, so I will do it for him.

Many scholars have proposed a 'Tools' or 'Instruments' framework to break down public policy or governance into basic elements available to policy-makers in developing a policy initiative or change. In a 2007 *Governance* article, Christopher himself traced the origins of the 'Tools' approach back to the 18th century and even the 1530s, as well as identifying it as a central theme of the Scottish enlightenment and the work of Jeremy Bentham on government, penal and welfare policy. What distinguishes 20th century approaches though, he argues, is the 'attempt to produce parsimonious and comprehensive or generic classifications that allowed comparisons across time, area and policy domain.' Actually many well-known examples jettison parsimony; Salamon's 2002 edited work *The tools of government: A guide to the new governance* has 13 elements, while Osborne and Gaebler's popularly influential *Reinventing Government*

in 1992 had thirty-six, both well beyond the 'magic number' of items the average human can hold in working memory.

As Christopher himself put it, his analysis was deliberately limited to treating government as a single undifferentiated actor (as pre-World War II economists treated the theory of the firm), looked only at the point at which government (in all its various institutional forms) came into touch 'us' – citizens at large. He deliberately excluded all the intermediate activities and associated instruments that form the 'production function' of much of policy-making – and the basis for many of the other works in this area. With typical modesty, Christopher spends much of the *Governance* article discussing the complementarity of all the other more complex schema, the 'instruments as institutions' and 'politics of instrumentality' of Peters and Van Nispen (1998) or Lascoumes and Le Gales (2007), for example, and congratulates his own approach merely for being less outdated and more robust than might be thought.

However, the simple elegance of the four NATO tools far outweighs its modest 708 citations on Google scholar over 25 years (but remember for some of these it was out of print), compared with, for example, the 737 citations for Salamon's 10 year-old tome. Its influence on innumerable researchers and graduate students, in terms of helping us *think* about public policy is incalculable. The schema is 'technology' and 'institution' free. But that means it lends itself perfectly to thinking about any policy in terms of the relationships between institutions, or technologies, and the options that are available to policy-makers in given contexts by asking questions such as 'what is the dominant tool of an institution?' or 'which tools are facilitated by a technology, which are hindered?' For example, it is so much cleaner to think separately about

the influence of the Internet on nodality than some more generalized policy-technology relationship, and indeed such an endeavour highlights the challenges for government (particularly those agencies with limited supplies of anything but nodality, such as foreign offices) in maintaining this resource as society moves online, as we did in the *Tools of Government in the Digital Age*.

This later book has a section that put forward a number of ways in which the Tools approach might be used; comparing the way that governments use these tools against other institutional actors; comparing use of the tools across different governments and levels of government; and tracking their use over time, including some proposals for how they might be measured quantitatively as well as qualitatively. Such comparisons can make stark the trade-offs and moral choices that policy-makers have to make, for example, in terms of a tool mix that minimizes 'trouble, vexation and oppression of citizens'. Christopher embarked on this part with reluctance, arguing that we should not pack a suitcase for a journey we were not going to travel. But I remain hopeful that future researchers, from the many acolytes of Christopher's work, through public policy makers and analysts, to those from other disciplines wishing to analyze some public policy development in simple analytic terms, might use and develop the NATO tools like this, retaining the simplicity and parsimony – yet developing ways to take this particular *Tools of Government* approach into the 21st century.

Helen Margetts is Professor at the University of Oxford and Director of the Oxford Internet Institute. With Christopher Hood, she co-authored *The Tools of Government in the Digital Age* and co-edited *Paradoxes of Modernization* (with Perri 6). She was a PhD student of Christopher Hood at LSE.



Regulating the Public Sector: Towards a New Paradigm for Governing Governments

Colin Scott

Christopher Hood's remarkably varied oeuvre of research outputs have combined interests in control with concerns to develop classifications and frameworks which address mechanisms of implementation and their trajectories of change. His work has always exhibited a dissatisfaction with the merely theoretical, which has frequently led him into large-scale empirical projects. The work has always been playful – neologisms and epigrammatic titles are amongst his many calling cards. The commitment to theorising changes in the management of public administration and interest in rich empirical discovery are exemplified in projects which involve counting phenomena and attempting to understanding the significance in changes in the underlying numbers (and later work has emphasised the risks of gaming associated with the measurement of performance as an aspect of governance). If the ideas behind his joint work with Andrew Dunsire on *Bureaometrics* (1981) did not ever become entirely mainstream, the path that was plotted in that research has led on to substantial empirical and theoretical contributions linking ideas of control and culture to changes both in public management and the nascent field of regulation. Christopher's own wry reflections on the shelf-life and impact of his ideas are also a particular pleasure.

Coming to Christopher's contribution from the interdisciplinary field of regulation, I see the influence of his delving into the field of cybernetics, the science of control systems, as a key underpinning. Problems of public management are identified as problems of control which engage both the potential and the limits of administration. The analysis has found immense influence when applied to forms of public governance which were, increasingly, seen to involve external,

arms-length oversight by reference to rules. Whilst regulatory scholars had long noted the tendency to introduce new norms or standards without an appropriate set of mechanisms for enforcing or implementing the norms, Christopher's work in *The Tools of Government* (1983) and later *The Government of Risk* (2001) now constitutes a standard analytical frame for identifying viable systems of regulation or control as comprising some norm, rule or standard, some mechanism of feedback or monitoring, and the means to correct deviations from the norm through enforcement or other methods.

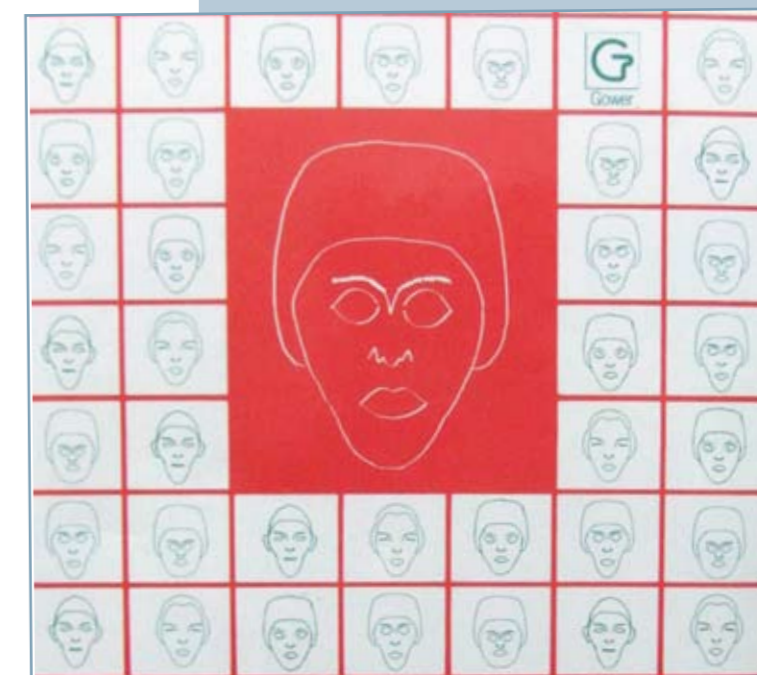
Not only does this cybernetics-informed approach offer much to the analysis of formal regulatory regimes, often comprising dedicated agencies, and monitoring and enforcement powers, but it has also assisted scholars and policy makers in seeing that many alternative modes of control operate (whether set in place by government or not) and are available to address public policy concerns. The identification of the 'cybernetic trio of detectors, directors and effectors' has supported analyses which demonstrate the frequency with which the functions are split between different forms of organisation (legislatures, ministries, agencies, courts, self-regulatory and standards bodies, and so on). On this view the kind of comprehensive US agency, combining all the elements of a control system in a single body is the exception rather than the norm. This observation in turn has implications for the limits of regulation since, for example, legislatures, agencies and courts, each charged with administering different elements of the control system, are unlikely to exhibit similar rationalities in respect of the objectives of a regulatory regime.

The potential for combining the concerns of public management with those of regulation is well demonstrated in Christopher's collaborative research on the regulation of the public sector in national and comparative projects undertaken at LSE in the late 1990s and early noughties. Turning to the variety in the modes of control led Christopher to examine the range of viable ways of government from the perspective of the grid-group cultural theory in his *The Art of the State* (1998). This same framework was applied to the project of identifying the range of regulators of public sector bodies, examining their growth trajectories and their methods of regulation by reference to distinct ways of life based in hierarchy, egalitarianism, individualism and fatalism. The first three of these ways of life map broadly onto well accepted governance modes rooted in public and the legal, social and the community based, and competition and market-based controls respectively. Christopher asserted that fatalism also mapped onto an active mode of control which he referred to as 'contrived randomness', under-deployed but capable of being observed in many systems involving, for example, the random reassignment of tax officials and snap inspections of regulated facilities such as schools and prisons.

The immense contribution of Christopher's work cannot be briefly described. He was a central figure in establishing the interdisciplinary MSc programme in Regulation at LSE in 1996 and through both research and teaching facilitated the reading across between socio-legal and political science approaches to regulation which significantly enriched both sub-fields. Even as the ink was drying on the outputs from the national study of regulation inside government, the channels to government established within the ESRC Whitehall programme, of which it formed part,

contributed to a recognition that it was not only businesses that could be subjected to unnecessary red tape. A Public Sector Team was established within the better regulation apparatus of the Cabinet Office charged with addressing excessive regulation of such public sector activities as policing and education. This innovation was noted within the OECD's advice to governments on the parameters of better regulation programmes. A 'tombstone moment', as Christopher put it.

Colin Scott is Professor of EU Regulation and Governance at University College Dublin. With Christopher Hood, he co-authored/co-edited *Telecommunications Regulation* (with Clare Hall), *Regulation Inside Government* (with Oliver James, George Jones and Tony Travers) and *Controlling Modern Government* (with Oliver James and Guy Peters).



The Regulation and Control of Public Services

Tony Travers

It is impossible to be certain that the scale and pace of public service reform in Britain is faster or more extensive than in comparable countries. But there can be no doubt that there have been continuing efforts by successive UK governments, certainly since the late 1970s, to improve the quality and efficiency of public provision. The reasons for these efforts are many and complex. Public service reforms and their underlying objectives have created fertile intellectual territory for academics such as Christopher Hood and other commentators.

Public expenditure as a proportion of GDP averaged about 25 per cent between the two world wars, then about 35 per cent from the end of World War 2 to the mid-1960s. Thereafter, the percentage grew to almost 50 per cent at the end of the 1970s, before falling back to an average of 42-43 per cent (HoC Library, 1999). The growth of the State, particularly the expansion of welfare services such as education, health, social care and council housing, led to raised expectations about the improvements such spending would bring, for example, reduced inequality and higher economic growth.

By the late 1970s, there was palpable disappointment that the rapid increase in public spending had not led to commensurate public benefit. Prime Minister James Callaghan famously gave a speech at Ruskin College in 1976 where he claimed that the country's approach to education was inappropriate for the nation's requirements (Travers 1989). Similar sentiments were voiced in relation to council housing. Mrs Thatcher's government attempted to 'roll back the frontiers of the State' as part of a wider attempt to make government smaller and more efficient.

The Callaghan and Thatcher governments created a new institution for the delivery of social housing (housing associations) and began to explore possible

reforms such as a more centralised funding model for schools. In the early 1980s, the Audit Commission was created to undertake value-for-money studies of local government. Sir Derek Rayner, a business executive, was appointed to seek out efficiencies across Whitehall. A process had begun which continued under the governments of John Major, Tony Blair and Gordon Brown. Regulators (such as the schools' inspectorate) were reformed and new ones created. The Major government introduced the extensive use of performance indicators.

However, it was Tony Blair's long period of power that saw the culmination of the processes set in train by his predecessors. In an attempt to distance Labour from accusations of waste and inefficiency, the Blair government embarked on a massive programme of public service reform. A substantial part of this process involved the expansion of regulation, performance indicators and audit. In addition, thousands of targets were set to incentivise performance. A series of initiatives were put in place to deliver annual efficiency targets. Units were set up within Downing Street and the Cabinet Office to coordinate performance and delivery. By the end of Labour's period of office, there was a widespread belief the process had become cumbersome and costly.

A powerful analysis of the topsy-like growth in regulation was coordinated by Christopher Hood (Hood et al. 1999). This study listed and analysed the impacts of the dozens of public sector regulators that had prospered under Major and Blair. The book showed there had clearly been a rapid expansion in the number and 'reach' of auditors and regulators. Many of these bodies made claims about the improvements they delivered, but often had little idea about the costs they imposed on the institutions for which they were responsible.

Institutional reform has been a wider phenomenon in the last 40 years. The NHS, local government, schools, universities, further education, housing and other services have either been substantially reorganised (often several times) or subjected to radical reform of their governance. 'Quangos' have flourished, creating an appointed magistracy alongside Whitehall and councils. There has been a move from traditional top-down control by central departments and local authorities to a more dispersed forms of accountability. Successive governments have experimented with quasi-market mechanisms (see, for instance, Le Grand 2000).

This process of institutional and public service management reform have changed again since the Coalition government took office in Britain in 2010. The NHS and schools face further radical changes, though there has been a step away from regulation and oversight. The Audit Commission is to be abolished, while some other regulators have also been abolished or merged. Targets have largely been abandoned, though some remain. It is important to note that England has, since devolution in 1999, followed a different (and more radical) path from Scotland and Wales.

It is hard to be certain why so much effort has been made to deliver public service control, reform, efficiency and effectiveness in Britain. One possibility is that demands for a full-scale Welfare State co-exist with an apparent unwillingness to pay taxes at the higher levels set in many other European countries. Governments come under pressure to deliver the scale and quality of services found in Sweden and France with the tax levels of the United States. The regulation and control of public services is an attempt to achieve this apparently impossible objective.

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- Tony Travers is Professor in the Department of Government, London School of Economics. He was one of the co-authors of *Regulation Inside Government* (with Christopher Hood, Oliver James, George Jones, and Colin Scott; Oxford University Press, 1999).



Auditing the Performance of Government: Changes in Style and Substance

Jeremy Lonsdale

A decade ago, Christopher Pollitt argued that in the 1990s performance audit had become 'a familiar presence in the process of governance' (Pollitt 1999). It had developed, initially in North America, Europe and Australasia during the 1970s and 1980s, as auditors widened their view from whether public money was spent as intended, to broader considerations of whether it had been spent efficiently and, even more challengingly, used to good effect.

A recent examination (Lonsdale et al. 2011) shines a light on developments in the past decade. Based on a series of case studies and a literature which has grown considerably in that time, it concludes that overall, performance audit (usually referred to as value for money audit in this country) is now a stronger discipline in an increasing number of countries, able to draw on wide statutory powers, and with a growing track record of influence and impact. Often, but not always, performed by state audit institutions (SAIs) such as the NAO in the UK, performance audits now examine a wide range of important, complex and pressing subjects, most recently government responses to the economic downturn. The work has drawn on other fields of inquiry to become a more rigorous activity and has developed quality assurance arrangements at least the equal of other forms of evaluation. Performance auditors appear more alert than they were to the risks and possible downsides of their practices, and are a more diverse community, drawing on a richer set of skills and professional perspectives than in the past. More specifically, the book highlights:

A growth in the scale and intensity of performance audit, with more SAIs undertaking more studies, often involving substantial evidence gathering, and performance audits appearing at regional and local level.

Distinctive approaches in different countries, driven in part by the needs and requests of legislatures and governments, and the differing philosophies of audit bodies.

A broadening of methods used, fuelled by varied recruitment practices and training regimes, as well as constraints of time and cost, and evidence expectations.

The pursuit of higher standards, with SAIs seeking to codify, standardise and communicate the expectations to which they work.

Increased interaction with the 'outside world', in particular, work with a range of external collaborators including academics and contractors, but also in the form of greater efforts to explain how they work or share their findings.

Greater complexity of subject matter, including audits examining emerging forms of government activity and addressing more challenging subjects.

The book also notes that there has been relatively limited study of the impact of performance audit. Much of the literature – academic and practitioner – has focused on the practice of audit, rather than its effects, a more complex subject for examination. What there is suggests, perhaps unsurprisingly, a mixed picture – often 'slow and subtle', at times quick and explicit, and sometimes, hardly noticeable – shaped by different pressures. Factors that seem to determine the likelihood of impact include the nature of the relationship between auditors and auditees; the timeliness and relevance of results; the influence of third parties such as parliaments and the media; the evaluation culture within the audited body; and the coincidental timing of audits with reform programmes.

The study concludes with an agenda for the future which reflects some of the issues arising in what is still a developing discipline. These arise because of the growing demands on SAIs to contribute to making government more effective, and follow from the emerging understanding of the impacts of audit.

- 1 **Define what performance audit is and stick to it.** The particular focus on resource use makes the work unique, especially when much evaluation is relatively light on costs.
- 2 **Improve the theory and practice of performance audit.** It is a practical activity, but must draw on emerging intellectual and methodological developments.
- 3 **Develop the ability to assess and measure the impact and influence of performance audit work in more sophisticated ways.**
- 4 **Tackle the downsides associated with the work.** These include the cost of complying with recommendations, and possible 'gaming' and risk aversion.
- 5 **Improve the role of performance audit in respect of learning.** Requiring more explicit attention to understanding the evidence base behind 'good practice' material generated by audits.
- 6 **Continue to increase the responsiveness of SAIs.** Involving, for example, new ways of working to reduce the time taken to report, and new styles of reporting to assist decision makers.
- 7 **Strike a balance between supporting accountability processes and generating learning.** For example by:

- Focusing beyond individual organisations to pick up cross-government and systemic issues.

- Contributing to well informed public debate and championing transparency – for example, by producing work that improves understanding of where public money is spent, and explains systems and processes that currently confuse and alienate, as well as reporting in language the lay reader can understand.
- Supporting democratic citizenship – by generating well informed and balanced discussion about government performance.

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Jeremy Lonsdale is Director-General, Value for Money Audit at the National Audit Office. He is co-editor of and contributor to *Performance auditing: Contributing to Accountability in Democratic Government, 2011*, and of *Making Accountability Work: Dilemmas for Evaluation and for Audit, 2007*. He is a Visiting Fellow at CARR at LSE.

Understanding the Performance of Public Organisations: The Contribution of Regulation inside Government

Oliver James

The enduring relevance of Christopher Hood's research on the performance of public organisations, which itself sits within a substantial broader contribution, is evidenced by the continued use of much of his work from the 1970s and 1980s. The publications on administrative argument, measurement of bureaucracy and budget cutback management merit their places on contemporary reading lists. His book on cutback management (with Andrew Dunsire, 1989) particularly chimes with contemporary concerns and was reprinted in 2010. His 1991 article on 'New Public Management' has helped set a major research agenda and has become one of the most cited pieces in public administration/management research over the last two decades. More recent work has been on the problems of performance targets and the role of transparency and blame in performance assessment. Beyond these outputs, he has also played a major part in the successful ESRC Public Services Programme as Programme Director from 2004 to 2010. Space precludes a fuller discussion so this note concentrates on one strand of his work, that of 'regulation inside government', with which I'm especially familiar as a research collaborator, enabling me to provide a partly biographical perspective.

The key contribution of regulation inside government was to recognise that rule-based public authority embodied in rules and related standards is important within the public sector, not just in government regulation of private bodies. Regulation inside government suggests that the rise of the regulatory state and associated issues of regulatory burden and better regulation are important in what government does to other publicly owned and/or funded bodies. A research project in the mid-1990s, led by Christopher

and funded by ESRC, mapped out the growing army of regulators of publicly owned and/or funded organisations. As well as the £1 billion per year direct costs spent by regulators themselves the project estimated a similar magnitude of hidden 'compliance costs' for regulated bodies incurred simply by having to exchange information and prepare for inspections and audits.

The regulation inside government framework noted similarities in the activities of standard setting, monitoring and enforcement across a range of 'regulatory' bodies hitherto largely considered as separate types. The framework recognised notable convergence between the Audit Commission and the professional inspectorates which was later taken further by merger of some inspection activities into the Commission. Ombudsmen's activities in drawing general lessons and commenting on standards was a further example of convergence, moving them closer to these other types of body than their traditional case by case adjudication role. The oversight activities of government departments on executive agencies and other public bodies, including local government, were also subject to scrutiny as a form of regulation. A major contrast in styles was apparent between less formal regulation within the Whitehall village and a much more legalistic approach to local government, leading us to question why more rigorous performance reporting was not more widespread in central government. Through interaction with more than two dozen regulators and in a major policy conference the project was able to introduce more active reflection and sharing of experiences across both regulators and regulated, particularly about how to reduce compliance costs.

Within the research community, *Regulation inside Government* has been influential, becoming one of Christopher's most cited pieces of research. The regulation framework has been used by other scholars to analyse a range of activities including education, local government services, housing, prisons and regulatory practice across the devolved UK administrations. An international collaborative project and book, *Controlling Modern Government* showed that the increase in formal rules is not inevitable, as systems that rely more on professional norms attest. Involvement in the work on regulation has also influenced my recent research on how regulators provide trusted information about public service performance to help guide user choice in public services and to inform citizens' democratic control of public services. Whilst some of this information has been cut back, partly because of concern with regulatory costs, it seems likely that many measures will endure. The regulatory drive towards more transparency is even being extended in some areas, for example in collection of information about university course quality to inform student choice. The value of the regulation inside government perspective, like so much of Christopher's research, is likely to have a lasting impact.

Oliver James is Professor of Political Science at the University of Exeter. He was co-author on the *Regulation Inside Government* and *Controlling Modern Government* projects.



Responding to Market Signals and Complying with Public Sector Bureaucratic Requirements – the Dilemma of Residual State Owned Enterprises.

Ansord E. Hewitt

As the story goes, privatisation and its fellow travellers: divestment, deregulation, and decentralization have won the day triumphing in developed and developing countries. In the result, there is but a mere residue of agencies and activities that can still be designated state owned enterprises (SOE).

It is also received wisdom among New Public Management (NPM) proponents that where public ownership still obtains, the solution to making the entities work in the public interest (read efficiency) is to subject them to private sector norms (read market signals). Simultaneously, NPM proposes an array of administrative requirements for SOEs and public bureaucracies in a bid for greater accountability, transparency, participation and responsiveness to citizens.

The irony of the above developments has not been lost on academics such as Christopher Hood who underscores the resulting virtual explosion in the growth and application of regulation not only by government to the private sector but also by government to government. Hood et al. note that in the UK, public bureaucracies are subjected to scrutiny by a 'growing army of waste-watchers, quality checkers, sleaze busters and other regulators' (Hood et al. 1999).

This observation appears equally applicable to countries like Jamaica where the pursuit of a market economy has seen the establishment of an array of regulatory agencies, standard setting bodies and other public bureaucracies with tentacles reaching into both private and public sectors. They include the Office of Utilities Regulation (OUR), the Financial Services Commission, the Fair Trading Commission, the Commission for the Prevention of Corruption and the list goes on.

Public bodies are not just subject to these regulators, but they are also overseen by an assortment of statutory and administrative rules: the provisions of the Contractor General Act and rules of the National Contracts Commission governing public procurement and tenders, the Corruption Prevention Act, the Access to Information Act, the Finance and Administration Act, the Public Bodies Management Act (PBMA) and the stipulations regarding Citizen's Charter.

Hood et al. (supra) seem to suggest that the effect of the combined requirement of subjection to the same rules as the private sector plus public bureaucratic requirements represents an imposition of a greater burden on these entities. Without pretence to novelty, I suggest that there are at least two other concerns.

Firstly, it inhibits the ability of such enterprises to respond with the same dexterity and alacrity to market impulses as their private sector counterparts. Secondly, wholesale adoption of NPM continues the perennial approach of treating such agencies homogenously and giving credence to the oft repeated witticism that *"When your only tool is a hammer, every problem looks like a nail."*

Observations from Jamaica, albeit anecdotal (hypothetical and actual), illustrate the dilemma that the confluence of market ideology and Public Management doctrine poses.

The Petroleum Corporation of Jamaica (PCJ) is a state-owned holding company for energy enterprises. Petcom (a PCJ subsidiary) operates in the petroleum retail market competing with privately owned retailers. As a SOE, Petcom must conform to rules relating to public tender, recruitment, budgeting and borrowing. This raises the question does adherence to

tender rules, public sector recruitment practices and borrowing requirements place Petcom at a competitive disadvantage with private sector competitors in terms of speed of response to market opportunities, competing for the best personnel and operating flexibly in the capital market?

To cite an actual example, Petrojam Limited (a sister subsidiary) operates a local refinery for petroleum products. Petrojam claims that for the last five years it has had a feasible plan to expand the refinery, a joint enterprise between the Governments of Jamaica and Venezuela but has not been able to go to market to raise the required capital because of Jamaica's public debt constraints.¹

OUR's experience provides an example of the homogenous rule being applied to the point of absurdity. The OUR is required to conform to the requirement of the PBMA which curiously assumes that all agencies to which the Act applies have a board. All public bodies must establish an Audit Committee² comprised in part by board members but the OUR has no board so it is not compliant. An attempt to comply by appointing a committee comprising independent persons to carry out the functions stipulated in the PBMA has been rebuffed as contrary to the exact PBMA stipulations; the suggested solution from the Ministry of Finance, 'change the OUR Act'.

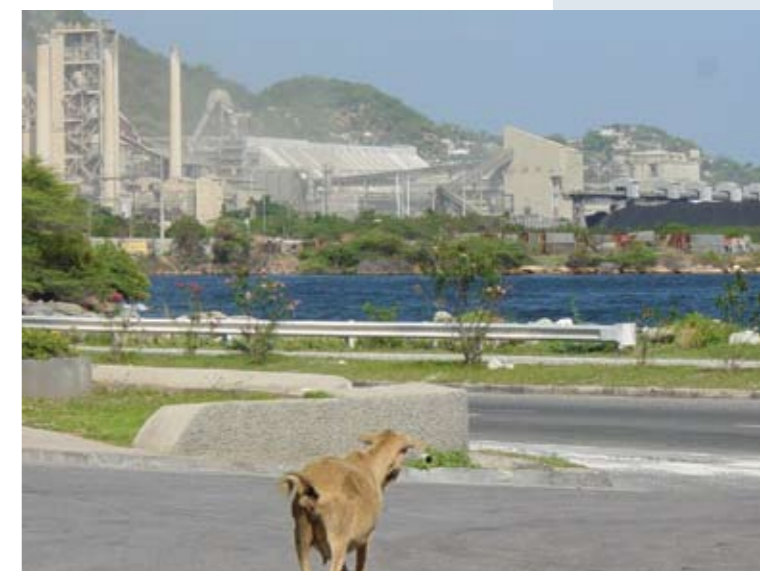
In a strange way, the adoption of NPM norms by residual SOEs may make them less capable of responding to market impulses suggesting that the drive to privatisation may be more at conflict than in

complement with NPM. If true, I am prepared to wager that it would hardly come as a surprise to Christopher Hood.

Reference

Christopher Hood, Colin Scott, Oliver James, George Jones and Tony Travers, *Regulation inside Government: Waste-Watchers, Quality Police and Sleaze-Busters*, Oxford, OUP, 1999.

Ansord Hewitt is with the Office of Utilities Regulation in Jamaica. He is an alumnus of the MSc Regulation at the LSE.



¹ This reflects the commitment given by the Government of Jamaica to the International Monetary Fund

² Notably, this accords well with Public Management norms of transparency and accountability but does not fit well with the legal responsibility accorded the Office (Director General and Deputy Directors General) to make independent regulatory decisions.

From Abstract Models to the Real World: Living with the Limits of Regulation

Sharon Gilad, Martin Lodge and Lindsay Stirton

Much has been said about the 'crisis of the regulatory state'. The global financial crisis has highlighted the weaknesses in firms' and regulators' risk assessment and risk management technologies and the limited reach of national regulatory systems. In other public services, too, regulatory approaches have been questioned, e.g. nursing homes, food safety, and the effectiveness of health interventions.

All this leads to an overall impression that the high-intelligence and supposedly low-cost regulatory approaches of the early 21st century may not fit very well with the habitat of the 2010s. In general, future regulatory approaches need to cater for societal needs in the coming age of austerity, while being realistic about the limitations of regulators and their technologies. This age of austerity is not just about tighter regulatory oversight with fewer resources given the parlous state of public finances. This coming age is also about regulating public services in an age of an ageing population and increased concern about the implications of climate change. This raises issues about the revenue-base of states and their regulatory capacities, as well as about the availability of private providers for particular public services.

It is therefore disappointing that contemporary debates about the future of regulation are largely in denial about the failures of the past, albeit not about the failings of individual regulators. So how should one think about regulatory reform? Building on the various contributions by Christopher Hood to the study of regulation, we emphasise three key components of such a debate:

Taking the 'administrative factor' seriously.

Doing something about a particular regulatory 'problem' requires not just some definition of the problem at hand, but also a set of administrable categories that correspond to the 'task environment'. Hood's at-the-time hypothetical example of a tax on pedigree and non-pedigree dogs (in *Administrative Analysis* 1986) took on real-world relevance with demands for control of dangerous dogs in the 1990s. With reports of animal attacks patchy, defining breed characteristics alterable by creative breeding and 'dangerous dog' types rarely feature among the Kennel Clubs' recognised breeds. While the UK's Dangerous Dogs Act 1991 was for many a paradigmatic example of regulatory failure, for Hood (and co-authors) it illustrated the age-old administrative problem of categorising and controlling moving regulatory targets.

Taking 'regulatory regimes' seriously. One way of getting an administrative 'handle' on regulatory problems is by 'enrolling' a wider range of actors—a perennial theme of the regulation literature in the 1990s and 2000s. By taking regulatory regimes seriously, Hood's work sheds light on what makes such attempts succeed—and fail. First, drawing on the essential features of any control system, regulatory regimes incorporate three elements: standard-setting, information-gathering and behaviour modification. The effectiveness of a regulatory response depends on how these components work together, a particular challenge when these different activities are conducted by different (sets of) organisations at different levels within—and beyond—government. But in order to enrol the capacities of non-state actors, governments themselves need new capacities of boundary- and system-spanning. A second challenge concerns

how to exploit non-state standard setting institutions, without diluting regulatory aims and objectives. Third, the capacity and motivation of regulatees to comply with demands for information in 'targetworld' (and the diversity therein) is crucial. Part of the orthodoxy of the 1990s and 2000s was the need for 'responsive' regulatory approaches and sanctions. Yet diverse set of cultural contexts and worldviews lies behind regulatees' non-compliance with regulation, for example whether it is risk-minimising or outright regulation avoiding. Indeed, what is seen as 'cheating' or gaming could be culture-specific. Such cultural factors could seriously complicate the apparently simple doctrine of responsive regulation.

Taking contestation about regulatory design seriously. A third theme is the need to accommodate competing worldviews, and the inevitability of 'surprises' to established regulatory approaches. Traditionally, advocates of particular reform inevitably point to the supremacy of the advocated solution over earlier 'dinosaur' approaches. Hood emphasises the rhetorical context of such claims, encouraging a degree of scepticism, and challenging the 'newism'-bias of the literature with a rich awareness of historical examples. Thus in *Explaining Economic Policy Reversals*, Hood reminds us to ask the question, 'Are the dinosaurs really dead?' Even in the pro-privatization 1990s the creation of Pool Re, a reinsurance company dealing with terrorism risks backed by the Treasury showed that direct government involvement in industry was never completely off the agenda, something confirmed by the 2008 nationalisation of Northern Rock. The success of particular doctrines owes much to the ideational context in which they were received: in practice, all such doctrines had their potential limitations, and historical awareness showed their tensions and side-effects, their blind-spots and Achilles' heels.

Such an agenda is highly demanding and goes beyond the 'one more heave' discussions that feature in much of the technocratic debates about 'better' or 'high quality regulation'. It stresses the value and challenges of redundancy, contestation and partnership among actors, objectives and worldviews within regulatory regimes as a means for alleviating the problems of 'rational' ignorance.

Sharon Gilad is at the Hebrew University of Jerusalem, Martin Lodge is at the LSE, and Lindsay Stirton is at the University of Sheffield. All three were doctoral students of Christopher Hood at the University of Oxford and the LSE.



The Tombstone Effect: Long Shadows and the Pursuit of Comfort

Mary Dixon-Woods

Among Christopher Hood's many talents is a knack for turning a perfect phrase and for coining an apt metaphor. One vivid example is that of the tombstone effect. It describes the construction of procedural rituals or regulatory requirements in response to high profile scandal or failure. The purpose of these measures is always, ostensibly, to guard against a future similar fiasco. Hood's insight is in identifying their latent function as memorials that commemorate disaster. The tombstones Hood identifies are organisational and institutional symbols of mourning and reparation, erected to signal the seriousness of the events, the respect due to victims, and the determination to prevent a repeat of suffering. They help complete a narrative arc of wrongdoing or failure, punishment or retribution, and restoration. More than that, these memorials serve an important role in the blame game, helping to organise responsibilities and arrange what Hood calls 'procedural armour' against the next catastrophe. Tombstones, in short, seek to recognise the ordeal endured by the victims, avenge the perpetrators, satisfy those whose most ardent wish is that no-one else will go through the same trouble, and provide a way of distributing blame if a repeat does occur.

But such tombstones often become millstones. Rushed through parliament or organisational processes, they are often designed with too little thought other than demonstrating that something has indeed been done, and become hard to dislodge once put in place. Hood's brilliant analysis of the Dangerous Dogs Act 1991 – conducted with Baldwin, Rothstein, and Lodge – shows how the regulatory tombstone was hastily drafted in response to public outcry following fatal attacks by dogs, but then turned out to be remarkably difficult to enforce. Tombstones in the form of procedures are much more common, but are often similarly poorly designed. Finding a way to ensure that no patient is murdered by their family doctor is a noble aim, but

making doctors phone bereaved relatives to check that they have no grounds for suspicion before they sign cremation certificates can be distressing for all concerned, and is unlikely to provide an effective safeguard against another Shipman.

Christopher Hood shows how the preoccupation with blame avoidance means that tombstones do always not work well even as memorials. The events they commemorate may fade from the collective memory, leaving behind what may easily appear to be an inexplicable, irrational, or wasteful procedure or system. Tombstones may cast long shadows over organisations, persisting for many years. They may require daily memorials in the form of paper trails and documentation, to the extent that goal displacement frequently occurs. Hood points out, for example, that formalising the procedures for risk assessment of sex offenders functions as a way of limiting blame and giving agencies a procedural excuse if further offending occurs. But it may provide little guarantee that it reduces risk.

Getting rid of tombstones is – like disposing of any shrine – deeply fraught. R.K. Merton notes that many social practices persist even when their manifest purpose is clearly not achieved. Often, it is because that practice serves important latent functions. The collective memory may fail to remember why the tombstone is there, but individuals may find reassurance and comforts in its existence and in the performance of ritual. Compliance may easily become institutionalised as a means of self-preservation: filling in that form, or taking that procedural precaution, or documenting that process may all provide a defence against anxiety. Taking away the opportunity to comply may induce a shivering fear of exposure, and temptation to construct new rituals to fill the void – to re-engineer the blame prevention processes once again.

Memorialising disaster plays an important social function. But commemorative devices must be well chosen, and avoid becoming dreary monuments. Once they become entangled in blame deflection dynamics, the risk of a tombstone effect becomes more and more pronounced. One of Hood's key achievements is to show that the tombstone pattern is by no means inevitable or inescapable, and that risk regulation regimes can be designed more optimally. His work has made a unique and frankly astonishing contribution to understanding how this can be done.

Mary Dixon-Woods is Professor of Medical Sociology at the Department of Health Sciences, University of Leicester. She held an ESRC Public Services Programme fellowship (2008-09) and co-edited a special issue of the *Journal of Health Organization and Management* in 2010 that featured research on medical regulation from the Programme.



The Risk and Blame Paradox

Will Jennings and Raanan Sulitzeanu-Kenan

The past half century or so has observed relentless pressure on prevailing ways of governing in western states, leading to extensive reconfigurations of political institutions. In this, themes of performance and risk are integral to the recasting of modern politics and government, with the central role of blame providing further insights into these developments.

Firstly, a succession of innovations have sought to improve the performance of the modern state, such as in the emergence of the 'regulatory state', the spread of 'New Public Management', and the creation of new target-driven regimes to deliver public services. Secondly, the institutions and policies of the modern state have increasingly been geared around the assessment and management of risk. Thirdly, the observation of the inclination of individuals and institutions to give priority to avoiding blame over claiming credit, has inspired an interest in questions regarding the implications of blame avoidance motivation in executive government.

Performance

Since the 1970s in particular, there has been growing disillusionment of policy makers and publics with 'ungovernable' features of the state and crises of the manageability of its macroeconomic policies and social programmes. Such existential concerns about the viability of the state returned with a vengeance in the aftermath of the global financial crisis and its mutation into a sovereign debt crisis that has led to imposition of the tough medicine of austerity. Earlier difficulties of administering public policies were documented in Pressman and Wildavsky's (1973) *Implementation* and Hood's (1976) *The Limits of Administration*. The subsequent 'rise' of the regulatory state saw an increased use of privatised or outsourced ways of delivering public services. The institutions of government were expanded through the creation of a

burgeoning army of 'waste-watchers, sleaze-busters and quality police' (the subtitle of Hood et al.'s *Regulation Inside Government* of 1999).

Risk

Another prominent movement during this time period is the prevailing influence of policies and institutional arrangements oriented around risk. Risk has become a feature across a wide range of domains, such as in health and safety standards, the regulation of environmental health and national security. The performance of the modern state has thus is judged according to the composition and effectiveness of its regulatory regimes in mitigating risk (a theme in Hood et al.'s *Government of Risk* of 2001). Furthermore, there has been a simultaneous drive for 'risk-based' policy making. One of the essential questions is, therefore, how decisions are taken under conditions of uncertainty and fear of post mortems. The fallout from failures of risk regulation, such as the mad cow disease (BSE) crisis and the global financial crisis, have brought post mortems seeking to assign blame to a diverse case of actors and institutions – such as bungling ministers, departments that are 'not fit for purpose', regulators asleep on the job and greedy bankers. The prominence of blame in the aftermath of risk regulation failures strongly indicates its important ex-ante role in shaping institutional and policy choices.

Blame

The third, and final, theme in the study of contemporary politics and government therefore relates to concern of policy-makers with the avoidance of blame. The notion of blame avoidance itself has become indelibly linked with the rolling back of the (welfare) state during the 1980s and 1990s. At the same time, blame avoidance is an influential motivator in government decisions about whether or not to regulate certain hazards. Questions of performance and risk therefore shape the attribution

of responsibility and blame when things go wrong. This provides an important lens for understanding public policy and administrative performance, as well as the variable implementation of principles of governance such as transparency and post-crisis inquiries.

From this perspective it becomes clear, however, that performance (and blame) matters more in some contexts than others. For example, in Britain the attribution of blame has been a recurring feature of school exam fiascos, failures of child care and social work authorities and breakdowns in the criminal justice system. Likewise, propensity of some risks to generate public blame also varies and is not always related to their concrete implications for the wellbeing of society. Low risk eventualities can therefore become major priorities for decision-makers preoccupied with the management of public opinion, at the expense of much more probable hazards. As such, blame has emerged as political criterion for the design of institutions and public policy.

The three trends highlight the relationship between institutional design, risk regulation, performance management, and blame. They further reveal an essential paradox of the rhetoric and institutional patterns of risk and blame aversion (such as in the preference for low blame and low risk configurations of institutional delegation and policy choices), with often 'risky' policies and ventures (such as megalithic financial service industries that are 'too big to fail' and the paradoxical pursuit of large scale 'mega' construction and procurement projects renowned for their poor track records), and the controlling tendencies of the modern state (such as target-based performance regimes and the turn towards 'regulation' as a mode of governing). These underlying tensions and countervailing forces, have parallels both with the strengths and weakness of particular 'ideal' types

of administration, and with accounts that depict the unstable dynamics of political systems and institutions. One of the pervasive features of contemporary political and administrative life, then, is an uncomfortable tension between over-confidence in planning and managerial systems of measurement and control, combined with the acute sensitivity of decision-makers and institutions to risk and blame. One of the defining questions for the twenty-first century study of government is the degree to which aversion to risk and blame in a wide range of political settings – ranging from the financial sector to health services – can be reconciled with improvements in performance. The pressure for resilience and security combined with pressure for control and performance – and the concern to avoid blame – all at low cost, is prone to eternal disappointment.

Will Jennings is Senior Lecturer at the University of Southampton. Raanan Sulitzeanu-Kenan is Lecturer at the Hebrew University Jerusalem. Both were supervised by Christopher Hood for their doctoral studies in Oxford.



On Transparency

David Heald

In a higher education sector, where labels such as 'world-class' and 'world-leading' have been brought into disrepute by indulgent use, we can celebrate the indisputably world-leading contribution of Christopher Hood on his 65th birthday. Christopher genuinely has 'followers' that he is 'leading', as evidenced by the penetration of his work across the social sciences in an age otherwise characterised by specialisation. He has been justly rewarded with chairs at Sydney, the London School of Economics and Oxford.

It has been a privilege to teach with him at Glasgow and the LSE and to co-edit *Transparency: The Key to Better Governance?* (Hood and Heald, 2006). I have been struck by: his unparalleled framing skill; the durability of his writing; his astonishing breadth of knowledge and reading, often to my disadvantage when arguing with him; and his constructive use of status as book editor to ensure that chapters achieve the quality that would derive from a thorough journal refereeing process.

Our collaboration on transparency has an interesting origin, about ten years ago over coffee in the Gordon Arms Hotel, Huntly. Christopher has strong family links in Moray, making the historic Aberdeenshire town of Huntly a convenient half-way point to Aberdeen. He had recently written his encyclopaedia entry on 'Transparency' (Hood, 2001) and I wanted to discuss a proposed article on fiscal transparency, then still largely in the form of diagrams I had used for teaching (later Heald, 2003). Subsequent meetings at the same venue led to a 2005 British Academy workshop and then the 2006 book on the generic topic of transparency.

While writing this tribute, I re-read that encyclopaedia entry and his two chapters (Hood, 2006a, b) in the 2006 book. There was much that I had remembered being there, but much more that I had no longer consciously linked to those publications. This reinforced my view that his writings stand the test of time and that his mastery of exposition and synthesis are key reasons for that.

After the huge effort that went into the 2006 book, our substantive academic interests have taken our transparency work off in different, but linked, directions. Transparency has been a theme in my research on Public-Private Partnerships, Whole of Government Accounts and conceptual work on fiscal transparency. Undoubtedly, my analytical framework for thinking about 'technical' issues owes much to Christopher's work, including 'regulation inside government', his historical tracing of transparency ideas back to Jeremy Bentham, and his discussion of the architectural metaphor of glass (which led to the magnificent night photograph of the Flemish Parliament being used on the jacket cover of the 2006 book).

Meanwhile, Christopher has focused on executive government. He explored the doctrine of transparency as a route to good governance, illuminating the tensions between various formulations of transparency and the behavioural imperative of blame avoidance (Hood, 2007). He then questioned how transparency and accountability – often linked together as are transparency and openness – relate to each other, drawing upon cultural theory and generating insights that can help structure empirical work (Hood, 2010).

Both of us might reasonably be described as 'transparency sceptics', though part of that stems from the uncritical appeal that transparency claims have acquired in public discourse. My own technical work on accounting and public expenditure has made me more of an insider, leading to some tension between my caution about transparency and my enthusiasm for methods of reporting and disclosure now clearly under the transparency banner. Strikingly, neither of us has been centrally involved in transparency as a corruption-reduction device, perhaps reflecting the institutional focus of much of our empirical work on the United Kingdom.

I first heard about Christopher when a mutual friend enthusiastically told me about the publication of *The Limits of Administration* (Hood, 1976), before we became colleagues at the University of Glasgow in 1978. His career has brought distinction to himself and great benefit to the worlds of knowledge and of public policy. He should note that his admirers insist that his contribution should continue long into the future, past the bureaucratic landmark of 65.

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David Heald is Professor of Accounting at the University of Aberdeen.

Performance, Risk and Blame

Henry Rothstein

On retiring as the head of the civil service, Sir Gus O'Donnell echoed a commonly heard complaint when he argued that the civil service should 'be prepared to take more risks'. 'In a media environment where failure is punished much harder than success is celebrated...' he continued, '...taking risks means having a grown-up approach to failure.' Of course having a 'grown-up' approach to failure is rather easier said than done, particularly when the hard-wired negativity bias of the media, the litigation of no-win no-fee lawyers, or the uncomfortable glare of Brandeis' famous 'disinfecting sunlight' of greater openness helps point the finger of blame.

In his recent book *The Blame Game*, Christopher Hood, with typical clarity and insight, puts blame avoidance centre stage as a means of explaining the often mystifying organisational design and function of government and public services. As we found in our joint earlier research (with Rob Baldwin) for *The Government of Risk*, if one wants to understand what makes risk regulation inflexible and sometimes perverse, or why responsibilities so regularly seem to fall between organisational gaps, then one needs to look at the way that blame is managed. Indeed, as Christopher argues in *The Blame Game*, 'there is even a kind of beauty – albeit perhaps a chilling one – in blame avoidance ... reflecting a logic of design utterly different from the conventional clichés of good regulation, risk management and organizational design'.

Many years ago, Mary Douglas argued that routines of responsibility and blame attribution reflect and reinforce the way that organisations and wider society are organised and their systems of justice. Hierarchical cultures, for example, explain failure through rule

transgression. By contrast, individualistic cultures tend to blame those who aren't up to the mark or, indeed, the victim; be it those who buy dodgy takeaways after a night out, or poor retirees that chose the wrong pension plan.

But blame attribution is also a means of blame management. As Christopher Hood points out, for those seeking credit for success, comes the Machiavellian dilemma of how to avoid the blame for failure. He sets out three distinct strategies by which decision-makers seek to avoid blame, that are depressingly familiar across a wide range of societal contexts.

First-up are 'presentational strategies', such as gaming hospital waiting lists to meet tough targets; infamously using 9/11 as a 'good day to bury bad news'; or clumsily playing duck and cover, such as when thousands of French women were recently told their breast implants were faulty just as doctors and officials were leaving for their Christmas holidays.

'Agency strategies' are commonly used to create 'blame architectures' that variously pin the blame on the weakest in the chain of command; that launder blame amongst baffling organisational arrangements – remember how difficult it was to sort out responsibility for train accidents post-privatisation; or that lead to a blame dead-end, such as asbestos companies that declared themselves bankrupt to avoid their liabilities.

Finally, 'policy strategies' can be used that entail variants of the 'operation was a success but the patient died'. Examples include protocolised procedures that demand rule following at the expense of outcomes; decision-making displacement activities,

such as filling out child protection risk assessment forms instead of making stressful home visits; or designing caveat laden policies such as approval of pesticide sprays that require farm workers – with often little English and enthusiasm to demand their rights – to wear spacesuits in the heat of summer.

Of course, as Christopher Hood shows, blame management does not have to be at the expense of policy goals; indeed, the threat of blame can assist in achieving them. Sometimes 'information management' can enhance public debate; organisational architectures can incentivise the behaviour of those best placed to take action; and policy strategies can increase public protection. But striking a balance reaches deep into the way that organisations and societies work, and study of the underlying logics opens up new areas for research.

For example, my recent research suggests that it is no surprise that in an era of heightened accountabilities, 'risk' has emerged as a key organising concept of governance in the public and private sectors. In principle, risk management could provide Sir Gus's 'grown-up' solution for decision makers to lessen the fear of blame for poor performance. After all, what is an 'acceptable risk' other than a euphemistic boundary between *acceptable* and *unacceptable* failure?

All too often, however, risk management gets decoupled from policy if decision-makers fear that ex ante rationalisations of the limits of governance will not align with ex-post judgments of failure. Indeed, ideas of risk, so often touted in the Anglo-Saxon world as a rational solution to the inevitable limits of governance, may not travel so well in those polities where entrenched norms and values find it difficult to tolerate the idea that the State can sometimes fail.

Such research suggests that thinking about the way we manage failure is at least as important as the way we try to direct success, and opens up a new way of thinking about important puzzles of political and organisational life.

Henry Rothstein is Senior Lecturer in Risk Management at King's College London and, with Christopher Hood and Robert Baldwin, co-authored *The Government of Risk*.



I Blame the Parents

Michael Thompson

Blame, cultural theorists have repeatedly shown, can be pinned pretty well anywhere within 'The Pale of Uncertainty'. The 2007/8 financial crisis is a good example: actors from the various solidarities have pointed their fingers (as predicted by the theory) at greedy bankers, lax regulators, debt-addicted householders, the capitalist system and so on. And any of these could indeed be the culprits, given the vast uncertainties involved. However, only if there were no limits – no certainties that were 'beyond The Pale' – could these mutually contradictory social constructions be totally unconstrained. Sheila Jasanoff, for instance, made that 'unconstrained assumption' when, in reference to my (and Michael Warburton's and Tom Hatley's) work on Himalayan deforestation, she said that we had shown that the problem could be constructed any way at all (Jasanoff 1992). What we had actually shown was that it could not: that one particular construction was being clung to, unchallenged, when it was in fact way outside The Pale. Yes, we said, there is wide uncertainty as to what the problem is, but we can be certain that it is not what it has long been asserted to be!

In saying that we were causing offence to both of the upbringings currently available to young social scientists: *post modernism* (which insists that no social constructions can be ruled out) and *rational choice* (which insists that only one social construction can be valid).¹ Nor was this just a storm in an academic teacup. Many self-professed 'hard' scientists (natural and social) had been involved in delineating and elaborating this particular definition of the environment-and-development problem, and millions of dollars of international aid had been poured into programmes and

¹ Behavioural economics is no different, in that it too assumes uni-rationality. It is just that we (behavioural economists excepted) are incapable of acting rationally, and so will have to be "nudged" or otherwise guided [shades of hierarchy] towards the desired behaviour).

projects aimed at solving that problem (see Thompson et al 1986/2007; Ives and Messerli 1989; Ives 2004).

This invalid (ie beyond The Pale) construction – it is now called THED: the Theory of Himalayan Environmental Degradation – blamed it all on the *ignorant and fecund peasant*. It was his axe-wielding zeal, together with his inability to apprehend the environmental consequences of all the extra mouths he was begetting, that was removing Nepal's forests, carving terraced fields, out of ever-steeper hillsides and provoking more and more erosion and landsliding, thereby undermining his already precarious resource base and, by propelling ever-increasing quantities of precious soil into the monsoon-swollen torrents, filling up the dams, clogging the turbines of hydroelectric stations and worsening the flooding in the downstream countries: India and Bangladesh. Well, this certainty and the theory on which it was based are now completely demolished, thanks to the collaborative efforts of a number of scientists (both natural and social) who had been finding it increasingly difficult to get their data to line up with this 'environmental orthodoxy'. Yes, we can construct the world this way and that, but Mother Nature can't always comply!

There are, therefore, two *governance* sins: one of commission, the other of omission.

- Refusing to countenance certain constructions that are demonstrably within The Pale.
- Failing to ensure that constructions that are outside The Pale are challenged.

The Himalayan science-cum-policy *débaclé* was, of course an instance of the second sin. A classic example of the first sin was the treatment meted out

to John Adams who, in the run-up to the House of Commons vote on legislation to make the wearing of car seat belts compulsory, argued that, far from saving 'a thousand lives a year', it would simply re-distribute a tranche of the current level of fatalities from vehicle-occupants to other road-users: pedestrians and cyclists. This argument (part egalitarian, part individualist) stems from the *risk compensation* hypothesis: when drivers perceive themselves to have received an increase in safety they will 'consume' that increase by driving faster, braking later and so on. This is a perfectly plausible hypothesis – indeed it is close to many an economist's heart, and it had already been quite well supported empirically – and it has now, thirty or so years later, gained general acceptance (it is, for instance, the justification for all those traffic-calming interventions: chicanes, 'sleeping policemen', walkable cities and so on). But it was not entertained by the legislators:

- 'I have had correspondence with many parts of the world from people who wish to prove, as I hope to prove to the house, that that piece of work [Adam's paper] was, as I have said before, bogus'. (David Ennals, former Secretary of State for Health. *Hansard*, 28 July 1981).
- '... the so-called new evidence of Mr Adams ... He has produced an eccentric paper and has made the preposterous suggestion that wearing belts encourages people to drive more dangerously' (Roger Moate. *Hansard*, 28 July 1981).
- 'Those who have attempted to look at the problem seriously find the evidence in Dr Adams' paper highly spurious and bogus'. (Roger Stott. *Hansard*, 28 July 1981).

The trouble is that, even to recognize the existence of these two sins – a pre-requisite, surely, for doing something about them – you have to have the notion of The Pale of Uncertainty (Thompson 2002), and that is something that neither postmodernism nor rational choice can provide us with. The first denies that there are any constraints on the proliferation of social constructions; the second refuses to countenance the plurality of rationality that generates those contending (but constrained) social constructions.

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Michael Thompson is at the International Institute for Applied Systems Analysis (IIASA) in Vienna and author of many books and articles developing grid-group cultural theory, especially in areas of risk.



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