

## **Critical Junctures and the Department of Finance: From DPS to DPER**

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**Tom Ward**

*tom.p.ward@gmail.com*

### **Abstract**

Critical junctures are an enduring and important concept in the study of institutions and institutional change. Despite this, the literature on the concept prompts a certain amount of definitive ambiguity around what a critical juncture is, what it relates to, and how best we should approach describing and explaining these rare instances of significant institutional change. With a view to generating greater clarity around the concept, this paper presents and utilises a renewed critical juncture framework, which incorporates Historical Institutional and Discursive Institutional concepts. The framework helps to explore the role of context, openings, institutions, ideas, agents and discourse in these significant change events. The framework is then utilised in relation to the Irish Department of Finance (DoF), which is, and has always been, a pivotal institution at the heart of the Irish system of government and public policy. But the Department's position and influence in government has arguably been impacted to an extent by institutional tinkering over the last number of decades. One example of this relates to its Public Service Management function, which was carved away in 1973 with the establishment of the Department of the Public Service (DPS). It returned in 1987 following the disbandment of the DPS, but the function and personnel never fully re-integrated back into the DoF, leaving a less than cohesive policy actor. This, alongside other factors, led to the most recent change in 2011 with the establishment of the Department of Public Expenditure and Reform (DPER). Given the dearth of scholarly attention on the Department of Finance, the paper places some much needed focus on this key governing actor, these key junctures, and the changing Irish core executive.

**Keywords:** Institutional Change, Critical Juncture, Path Dependence, Department of Finance

## **Introduction<sup>1</sup>**

Critical junctures are an enduring and important concept in the study of institutions and institutional change. Despite this, the literature on the concept prompts a certain amount of definitive ambiguity around what a critical juncture is, what it relates to, and how best we should approach describing and explaining these rare instances of significant institutional change. With a view to generating greater clarity around the concept, this paper explores the literature on critical junctures and presents a renewed critical juncture framework, which incorporates Historical Institutional and Discursive Institutional thinking, and has both descriptive and explanatory power. The framework helps to explore the role of context, openings, institutions, ideas, agents and discourse in these significant institutional change events.

The renewed critical juncture framework is then utilised with respect to the Department of Finance (DoF), which is, and has always been, a pivotal institution at the heart of the Irish system of government. By virtue of its role and involvement in key areas of public policy, be it economic and budgetary policy, banking policy, and (until mid-2011) public service organisation, pay and reform, the Department, its officials and its Minister wield significant influence across government. Indeed the Department has traditionally occupied an enviable position alongside the Department of the Taoiseach within the Irish ‘core executive’ (Rhodes, 1995).

Despite its enduring importance and influence, the Department has attracted limited scholarly attention<sup>2</sup>, as is the case with the wider core executive. This paper will help somewhat to address this anomaly, in exploring the impact of institutional tinkering on the Department, specifically with regard to its Public Service Management (PSM) function. The paper utilises the renewed critical juncture framework to explore the establishment of the Department of the Public Service (DPS) in 1973, when the PSM function was carved away, and the legacy of this change. It considers the new path which was set thereafter, the subsequent change in 1987, when the PSM function was returned to the DoF, and in 2011, when it was carved away again in the establishment of the Department of Public Expenditure & Reform. The paper briefly considers the constant causes, or mechanisms of reproduction (Schwartz, 2004), which helped to sustain the institutional changes over time, and concludes by considering the linkage between these three change events, with the latter two instances arguably flowing from the initial change in 1973.

## **Neo-Institutionalism and Institutional Change**

The dynamics of institutional change has provoked a rich stream of literature and debate within the theoretical space occupied by the variants of ‘new’ or neo-institutionalism. The original variants, Historical Institutionalism, Rational Choice Institutionalism and Sociological Institutionalism (Hall & Taylor, 1996) have been

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<sup>1</sup> Thanks to John Hogan (DIT) for his helpful comments and suggestions on an earlier draft of this paper. Thanks also to Séin Ó Muineacháin for his useful observations on a previous draft. Any errors in this paper are exclusively my own.

<sup>2</sup> For exceptions, see Fanning (1978), Whitaker (1954, 1983) and Considine & Reidy (2008, 2012). The paper emanates from research on the Department of Finance, which included primary data elicited through elite interviews with former cabinet members, senior officials and special advisors. The resulting monograph is due to be published in 2015 (Ward, 2015).

joined by multiple other variants (see Peters, 2012), including more recently constructivist institutionalism (e.g. Hay, 2006), discursive institutionalism (e.g. Schmidt, 2008), and evolutionary institutionalism (e.g. Bochmann, 2012).

This paper sits broadly within the theoretical space offered by Historical Institutionalism (HI), while seeking to enhance its explanatory capabilities – in relation to institutional change – through deploying some key Discursive Institutionalist (DI) concepts.

Historical Institutionalism places particular emphasis on the system of institutions and how it structures power and influence, and creates distinctive outcomes (Hall & Taylor, 1996). At its core is the contention that history matters; that understanding institutional configurations today requires consideration of past events (Pierson, 2004). Key to this are the concepts of critical juncture and path dependence, and how those junctures, in which a particular option is chosen, create a distinct branching point or pathway which ‘funnels’ an institution in a particular direction (Mahoney, 2003:53). HI therefore allows for the consideration of institutional *development* over time and ‘moving picture’ rather than ‘snapshot’ analysis (Immergut & Anderson, 2008).

Discursive Institutionalism offers an interesting and complementary framework with which to consider the role of ideas in institutional change, an area of perceived deficit in Historical Institutionalist analysis (Schmidt, 2010a, 2010b). Schmidt argues the inherent importance and role of ideas and ideational discourse in understanding the origins of institutional and policy change – how individual thought becomes and legitimises a collective or public action. But she also acknowledges that power, position and structure must also be considered when seeking to better understand change.

### **Critical Junctures and Institutional Change**

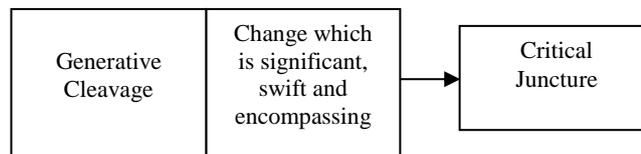
Critical junctures are an enduring and important concept in the study of institutions and institutional change, which see periods of stability – or relative stability – punctuated on rare occasions by exogenous shocks which can precipitate significant change. The exogenous shock creates a rare rupture or opening, during which options are available which are not ordinarily available during more ‘stable’ times. This being so, decision makers do not begin with a blank slate. Extant institutions and antecedent conditions constrain the range of options available, but do not determine the option chosen (Capoccia, 2015:6-7). Thereafter, the ‘opening’ closes-off and the chosen option creates a distinct and durable institutional legacy and path – upon which development continues (Mahoney, 2003:53). As such the critical juncture is a ‘formative moment’ in institutional development, and highlights the significance of the past in explaining the present (Pierson, 1993:602).

Assessing ‘candidate’ critical junctures requires clarity of definition and criteria. One of the seminal definitions, offered by Collier & Collier (1991:29), defines critical juncture as ‘a period of significant change... which is hypothesised to produce distinct legacies.’ But Collier & Collier and others (e.g. Mahoney, 2001) argue that a critical juncture can constitute an extended period of significant change, lasting years or even decades. In this case, crisis prompts an extended period of

reorientation or institutional flux. But change during an extended period of time arguably represents an instance of gradual change (Hogan, 2006), whereas critical juncture is associated with significant, punctuated change (Mahoney, 2011; Baumgartner & Jones, 1993, 2014<sup>3</sup>). In addition, a critical juncture must constitute more than a period of time or ‘time event’. A period of time, marked by crisis for example, and during which there is a heightened opportunity for change, represents a ‘generative cleavage’ (Hogan, 2006) or ‘window of opportunity’ (Kingdon, 1995). To label this a critical juncture renders the concept somewhat ambiguous and would invariably fail to account for why some institutions and decision making areas within the system are unaffected during such a juncture (Streeck & Thelen, 2005:8-9). Rather, the analysis is focused on an ‘institutional event’; on a unit or units, of analysis, with the initial question being: ‘a critical juncture in the development of what?’ (Capoccia, 2015:26).

In an effort to bring greater clarity to the concept, Hogan (2006:664-666) usefully offers the ‘remoulded critical juncture’ framework, with four dimensions or building blocks, for assessing critical juncture – 1) it entails a generative cleavage such as war, economic crisis or even political landslide; 2) the change must be significant; 3) the change must be swift (otherwise it is incremental or gradual); and 4) change must be encompassing, affecting all or the majority of those with an interest in the institution, or the institutions it is impacting upon (Figure 1).

**Figure 1 – ‘Remoulded’ Critical Juncture Framework**



Source: Hogan (2006)

Alongside co-authors, Hogan has since reframed his critical juncture framework for analyses of policy change, contending that critical juncture entails a crisis, ideational change and radical policy change (Hogan & Doyle, 2007); and again more recently, with respect to macro-economic policy change, that critical juncture comprises an economic crisis, ideational change, and the nature of policy change – with the latter employing Hall’s (1993) three orders of policy change (Donnelly & Hogan, 2012; Hogan & Timoney, 2015).

While being a positive addition to the literature, the critical juncture theory is arguably more suited to the policy sphere. Significant institutional change does not necessarily require a crisis per se, in so much as a political landslide, for example, is not necessarily a ‘crisis’. But Hogan is right to highlight the importance of ideational change and the discursive process.

Equally, a case can be made that the remoulded critical juncture framework has significant descriptive power, but limited explanatory power. As such, there is scope to build on and enhance Hogan’s 2006 framework to take account of more recent concepts in the literature, particularly those relating to ideas and discourse, as

<sup>3</sup> With Peter Mortensen

contained in the increasingly important subfield of discursive institutionalism<sup>4</sup> (Schmidt, 2010a, 2010b; Carstensen, 2011).

For example, Soifer (2012) seeks to address what he believes is a deficient focus on the critical juncture itself, whereas attention, he argues, is invariably placed on the ‘criticality’ of the juncture in the development of institutions. He contends that analysis of critical juncture candidates must consider ‘the *permissive conditions* that represent the easing of the constraints of structures and make change possible and the *productive conditions* that, in the presence of the permissive conditions, produce and shape the outcome’ (2012:1573). For Soifer (2012:1573), a critical juncture ‘is marked by the emergence and disappearance of a set of permissive conditions’ (see also Mahoney, 2011), but the existence of such conditions is not in of itself sufficient to prompt a critical juncture.

In the space, or opening, offered by permissive conditions or a window of opportunity (Kingdon, 1995), Soifer (2012) argues that *productive conditions*, such as agency (Carstensen, 2013, 2016) or contingency will shape the outcome of the critical juncture. Again, in of itself, productive conditions will not prompt a critical juncture so the key relationship is between the permissive and productive conditions.

The opening and actions taken therein are not without constraint or influence. Soifer (2012) rightly points to the role of *critical antecedents*, defined as ‘factors or conditions preceding a critical juncture that combine in a causal sequence with factors operating during that juncture to produce a divergent outcome’ (Slater & Simmons, 2010:889). Likewise, Capoccia (2015:6-7) refers to the ‘antecedent conditions’, which act to ‘define the range of alternatives available to decision makers, but do not determine the alternative chosen’ (Mahoney, 2015:6-7). These antecedents pre-exist the juncture and should not be confused with permissive conditions, although they can influence the productive conditions.

Figure 2 illustrates an enhanced or ‘renewed’ framework for critical juncture, which uses Soifer’s (2012) framework to build on the work of Hogan (2006) and bolster its explanatory capability. In this case the generative cleavage and permissive conditions can be considered one and the same. From a descriptive point of view, the change must be significant, or primary, in nature. Primary change is high-level change. It is rare and exogenously catalyzed. It involves a ‘formal’ institution, which is explicit, prescribed, and communicated officially (Carruthers, 2012), and change occurs in a punctuated manner, as distinct from occurring over a prolonged period of years. Outside of these ruptures, and on the basis that the primary institution remains nominally intact, second order changes may occur through incrementalism or gradual change, which is exogenously or endogenously catalyzed. And by its very nature – a ‘critical’ juncture – the change must endure over time.

From an explanatory viewpoint, the nature of the change requires consideration of agency at play. If critical junctures reflect ‘choice points’ (Mahoney, 2002), we need to understand how those choices are shaped and dealt with by agents. As Capoccia & Kelemen (2007:348) write, critical junctures are ‘relatively short periods of time

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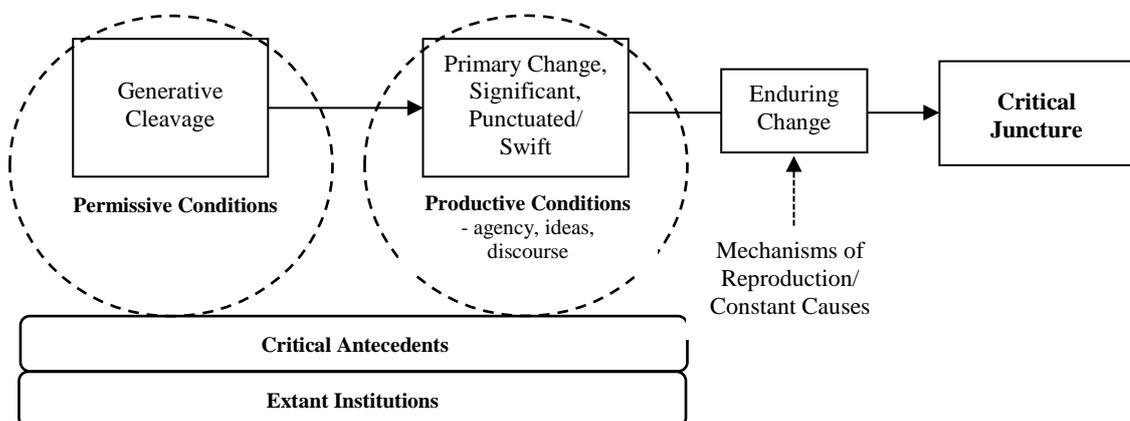
<sup>4</sup> Which Hogan et al integrate into the critical juncture theory for analyses of policy change.

during which there is a substantially heightened probability that agents' choices will affect the outcome of interest.'

Depending on the particular nature of the opening or rupture, choices in the form of ideas may be proposed by 'outside influencers' (e.g. media, OECD, IMF) and 'policy entrepreneurs' such as civil servants, economists and academics who engage in policy innovation by way of generating, coalescing around and advocating new policy ideas to address policy failures, particularly where they perceive an extant paradigm is no longer adequate (Donnelly & Hogan, 2012:11-12). The most important agents, 'political entrepreneurs' or elected politicians pick from the options available or proposed and introduce and drive the idea through the decision making process - crucially acting as a bridge between advocates and the political institutions (Hogan & Timoney, 2015:3). This overall process will entail 'co-ordinative discourse' behind the scenes between these agents in the formulation stage, and 'communicative discourse' to policy makers (in parliament), 'policy takers' and the public (or markets) by the political entrepreneurs (Schmidt, 2014).

Of course, institutions exist *a priori* such change and can act as a constraint in terms of options available. As with antecedent conditions, actors do not begin with a blank slate or have a blank canvas. They are constrained and influenced by extant institutions, context and ideas. Indeed Carstensen (2013) argues that entrepreneurs struggle at times of crisis to unlock complex problems. As such, the search for new ideas, or solutions, invariably ends with previously used or borrowed ideas from pre-crisis times, which are put together and adapted to address current problems, in processes of 'bricolage' (Campbell, 2010; Carstensen, 2011).

**Figure 2 – A 'Renewed' CJ Framework**



### Post-Critical Juncture – Mechanisms of Reproduction

Part of the reason critical junctures are an enduring and intriguing concept in institutional analyses, and a key component of Historical Institutionalist analysis, is their formative capabilities, the paths they create for institutional development. Indeed, these junctures are 'critical' because 'the outcomes generated in one historical moment persist over time' (Soifer, 2012:1577). Just as there are mechanisms of change, so too there are mechanisms of stability, or constant causes (Schwartz, 2004), which require attention. It is rightly argued that there is a need to differentiate between mechanisms which prompt critical junctures, the 'mechanisms

of production’, and those which underpin post-critical juncture stability, the ‘mechanisms of reproduction’ (Collier & Collier, 1991; Schwartz, 2004). The latter are important ‘to keep an outcome in place after the factors that produce it have disappeared’ (Soifer, 2012:1577). After all, as Pierson points out (2004:11), ‘[institutional] dynamics triggered by an event or process at one point in time reproduce themselves, even in the absence of the recurrence of the original event or process.’

The mechanisms of reproduction include ‘lock-in’, ‘increasing returns’ (Pierson, 2000), and ‘positive feedback’ (Table 1). Page (2006:90) adds to these ‘negative externalities’, being any kind of constraint, such as spatial, budgetary or even cognitive constraints. While Mahoney (2000) adds, *inter alia*, ‘functional’ mechanisms, which sees an institution reproduced due to its function in the overall system, and power, whereby the institution empowers and is protected by an elite group. Indeed, Mahoney’s (2000) seminal framework for path dependent analyses pointed to two types of path dependent sequences; *self-reinforcing* and *reactive* - the former seeing an institutional pattern, once adopted, delivering increasing benefits over time with continued adoption, thus proving difficult to change; and the latter seeing each event within a sequence as a reaction (or backlash) to a prior event and the chain of events leads to a final event or outcome.<sup>5</sup>

**Table 1 – Constant Cause Mechanisms**

| <b>Mechanism</b>              | <b>Characteristics</b>                                                                                               |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Lock-in</b>                | Chosen institutional option deemed better; sufficient number have made/support the choice                            |
| <b>Increasing Returns</b>     | The more an institutional choice is made (or more it delivers), the greater the benefits                             |
| <b>Positive Feedback</b>      | Akin to Increasing Returns, but returns less smoothly accumulated                                                    |
| <b>Self-Reinforcement</b>     | Chosen institutional option bolstered by set of complementary forces or institutions, encouraging it to be sustained |
| <b>Negative Externalities</b> | Institutional choice sustained due to constraints such as budgetary and cognitive                                    |
| <b>Functional</b>             | Institution reproduced due to its function in the overall system                                                     |
| <b>Power</b>                  | Institution empowered and protected by an elite group                                                                |

Based upon Page (2006), Pierson (2000) and Mahoney (2000)

While acknowledging the importance and value of interrogating institutional stability and mechanisms of reproduction, the primary focus of this paper is placed upon the renewed critical juncture framework and its usage in relation to the three institutional events involving the Department of Finance, in 1973, 1987 and 2011. Each are now considered in turn below.

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<sup>5</sup> While recent scholarship has sought to distance itself from path dependence (PD) and the notion of institutional ‘stability’, with, for example, increasing explorations of mechanisms of non-punctuated change, such as layering or conversion, through incremental or gradual change (Streeck & Thelen, 2005; Mahoney & Thelen, 2010; Mahoney, 2011), a refined version of path dependence which recognises different grades of change within a PD framework is arguably possible (see for example, Boas, 2007).

## **The Establishment of the Department of the Public Service**

The Department of the Public Service (DPS) was established on 1 November 1973, following the enactment and coming into force of the Ministers and Secretaries (Amendment) Act 1973. Its establishment practically involved the carving away and transfer of the Department of Finance's (DoF) traditional public service management function and associated personnel to the new Department, which would be responsible for public service organisation, pay and reform. While the underpinning legislation provided that the position of Minister of the new Department be held by the Minister for Finance<sup>6</sup>, the change brought significant long-term repercussions. This was despite the fact that the DPS was abolished in 1987<sup>7</sup> and its functions were nominally transferred back to the Department of Finance. As such, DPS' establishment in 1973 suggests itself to be a 'candidate critical juncture' for the Department of Finance.

In seeking to understand DPS' establishment, and whether it constituted a critical juncture, it is necessary to first consider the generative cleavage or permissive conditions. On the face of it, the generative cleavage was a change of government following the General Election in February 1973. Heading into the election, the incumbent party in government, Fianna Fáil (FF), led at the time by Jack Lynch, had been in government for a sixteen year period of unbroken rule, stretching back to 1957, and including four successive general election victories. FF had been the dominant party in the Irish party system since 1932.<sup>8</sup> Realising that a different approach would be necessary in order to win the election and form a government, the two main opposition parties, Fine Gael (FG) and Labour, formed a pre-election pact. The approach, arguably coupled with voter fatigue with FF (and coming shortly after the Arms Trial), proved successful with FG and Labour cumulatively gaining five seats, while FF lost six seats (despite a 0.5% vote gain). While the figures did not constitute a dramatic political landslide per se, given the duration of FF's prior unbroken tenure in government, the result arguably provided for an equivalent outcome. FG and Labour thus formed a 'national coalition' government.

With the election held on 28 February 1973 and the Dáil due to reconvene on 14 March 1973, the 'Taoiseach-elect', Liam Cosgrave, had a limited window of opportunity (Kingdon, 1995) in which to form a new government, including his cabinet and their respective portfolios. While reshuffles are a Taoiseach's prerogative between elections, significant portfolio and departmental realignment is arguably confined to the point of initial government formation (Uí Mhaoldúin, 2007). As such, it was in this window that Cosgrave decided to appoint a Minister for the Public Service and establish a supporting department of state.

What of the 'critical antecedents', if any, which preceded the juncture and combined with factors operating in the juncture to produce a distinctive outcome? (Soifer, 2012:1576). One such critical antecedent and ideational factor (a productive condition) at play in the decision by Cosgrave to establish DPS was the prior

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<sup>6</sup> There were some exceptions to this in the 1980s when the role of Minister for the Public Service was held by the Minister for Labour.

<sup>7</sup> Under the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987

<sup>8</sup> Being out of power only between 1948-1951 and between 1951-1954

recommendation to do so, contained in the Report of the Organisational Review Group (1969) – hereafter referred to as the Devlin Report, after the Group’s Chairman. Devlin had led a major review into the organisation and workings of the departments of state and public service, beginning in 1966. The review was first announced by the then Minister for Finance, Jack Lynch, in his budget speech in March 1966. Lynch (1966) told the Dáil that attention needed to be placed on the ‘efficiency and economy in [public] administration’, particularly given the ‘constantly increasing range and complexity of the services required by the modern community’. In addition, Lynch (ibid) acknowledged that it had been ‘a long time since any general look was taken at how the civil service is functioning in a changing world’. Browne (1982) suggests that the broader impetus of the report was the view that administrative reform was ‘an essential corollary to the earlier economic programmes of the Lemass Government, particularly as the existing organization of the public service was considered inappropriate for the management of the state’s economic development’. Devlin’s 1969 report recommended a number of changes, including the establishment of a new Department of the Public Service, tasked with the role of coordinating and driving the implementation of its recommendations.

As such there had been ‘co-ordinative discourse’ (Schmidt, 2010a, 2010b) about the establishment of DPS for some years before 1973. The Organisational Review Group itself comprised of outside influencers (from the private sector) and policy entrepreneurs (in the form of current and former senior officials), with consultation a feature of the review process. On the face of it, post-publication (in 1969) there was a political entrepreneur in the form of the Taoiseach of the day and his government, which engaged in ‘communicative discourse’ about the proposal. On 1 April 1971, the Fianna Fáil led government initiated the first stage of the legislative process for the Ministers and Secretaries (Amendment) Bill. However, and curiously, the Bill did not progress any further for the remaining tenure of that government – almost two years. When asked on 6 July 1971 why the Bill had not progressed at that time, the Minister for Finance, George Colley, told the Dáil that the delay was due to a shortage of parliamentary time. On a number of occasions, the desire to progress the legislation ‘soon’ was communicated, but no tangible progress was made before the election. The bridge between advocates and the institutions existed, but was not crossed.

As such the decision to appoint a Minister for the Public Service and establish DPS required agency on the part of the new Taoiseach, Liam Cosgrave. It was not unconstrained agency, nor was it void of critical antecedents. There were extant institutional rules, formal and informal alike. The Taoiseach’s ability to appoint a government is prescribed and constrained under Bunreacht na hÉireann. For example, there must be a Department of Finance; there must be no more than fifteen ministers as members of government; and his proposed government must be approved by a majority of Dáil Éireann. Added to these ‘formal rules’ are ‘informal rules’, or conventions in this case, about the departments of state and the extent to which he has free reign to realign departmental functions – which obviously come with associated costs. There also appears to have been an unwritten convention, or at least stasis, regarding institutional change to the departments of state, with the incidences of change between 1924 and 1968 found to be low (Uí Mhaoldúin, 2007; see also Hardiman & MacCarthaigh, 2010). Uí Mhaoldúin suggests this shift towards more frequent departmental changes after this period has been down to, *inter*

*alia*, increasing coalition formations, a desire to emphasise new areas of government focus, the growing remit of government, accession to the then European Economic Community (EEC), and the emergence of coalition government arrangements as a norm.

Cosgrave, a newly empowered political entrepreneur, thus initiated a significant, punctuated change where previously the appetite for doing so was in question. And, arguably, while influenced by the Devlin recommendation, it was not contingent upon it. Cosgrave could have left the Department of Finance as it was. In response to criticism regarding the delay in establishing DPS, the FF Minister for Finance, George Colley (1971), told the Dáil that the DoF was being reorganised to prepare the ground for the establishment of the DPS. But this reorganisation could have been considered sufficient to do exactly the task that DPS was proposed to do. Cosgrave thus took the idea of DPS and ensured that it happened, and that it happened relatively swiftly. The Dáil reconvened on 14 March 1973 and by 17 July 1973, the necessary legislation was enacted. A subsequent order provided for the 1 November 1973 official commencement date.

The decision to establish DPS signaled a greater focus on reform by the new administration. In his speech on the enabling legislation, the then Minister for Finance, Richie Ryan (1973) stated:

The establishment of the Department is an essential step in the implementation of the Public Services Organisation Review Group... The Government feel that any approach to the enormous task of restructuring our public service should begin with the machinery of management and, in particular, with the central institutions.

The change was significant for the DoF. It marked the first occasion since inception in which the Department lost a key function, arguably a case of functional ‘secession’ (MacCarthaigh, 2012:14). The new DPS was established with its own apparatus, Secretary General and corporate footprint, and it assumed important responsibilities which were once the preserve of the DoF.

DPS existed until 1987 when it was disbanded and its functions and personnel returned to (or ‘absorbed’ by (MacCarthaigh, 2012:14)) the DoF. As such, it experienced a fourteen year period of stability, or relative stability, and survived through four successive general elections and government formations, at which points there were brief openings for administrative change.

While the post-juncture ‘mechanisms of reproduction’ (Schwartz, 2004) are a secondary consideration here, DPS’ durability was arguably more a case of institutional ‘lock-in’, than increasing returns or positive feedback. It was not the case that the Irish administrative system experienced a prolonged and consistent period of reform through four successive elections (OECD, 2008), which might have supported DPS’ continuance. But DPS’ survival may equally have been a case of negative externalities such as a cognitive constraint (Page, 2006:90). DPS had come into being; it was designed to support administrative reform; and to ditch such an initiative would have required ideational change – i.e. reform no longer being deemed a government priority. But its lifespan could equally be accounted for by the

‘functional mechanism’ (Mahoney, 2000) with DPS reproduced due to its function (or perceived function) in the overall system of the departments of state.

Practically, it may also have been the case that DPS persisted partly due to the convention whereby the portfolio was held by the Minister for Finance.<sup>9</sup> As such the department did not ‘absorb’ a full cabinet seat in what is a constrained situation for the Taoiseach<sup>10</sup>.

In any event, the change itself and enduring legacy (as will be continued below) arguably renders the establishment of the DPS to be a critical juncture.

### **The Dissolution of the Department of the Public Service**

The decision to abolish DPS came on 19 March 1987<sup>11</sup> and occurred within the opening offered by the formation of a new government post-general election (on 17 February 1987). It is a candidate critical juncture.

The generative cleavage for change, or the permissive conditions, were as per 1973, insofar as the election of a new government created a brief opening for functional change, particularly in the short period between election day and the Dáil’s approval of the new government. But this permissive condition was arguably less pronounced than in 1973. Having served a five year term, the FG-Lab coalition was replaced by a FF minority government led by Charles Haughey, but these two governing options had switched between government and opposition on a number of occasions since 1981. This contrasts with the FG-Lab coalition in 1973 which ended a sixteen year unbroken tenure in government by FF.

A permissive condition was also evident in the form of economic crisis, with the country in the midst of a prolonged period of weak growth since 1981 (e.g. GNP growth of 0.2% in 1985, 0.1% in 1986), including high unemployment (17% in January 1987)(CSO, 2015a) and industrial unrest (116 industrial disputes began in 1985; 102 in 1986)(CSO, 2015b).<sup>12</sup> GDP per head was 61% of the EU average, having been 64% in 1960. Ireland was notable in its failure to converge with the EEC average, some 14 years post accession. And debt-GDP ratio was over 110% in the mid-1980s, with the equivalent of almost 10% of GDP required each year for interest payments (Whelan, 2011:3). As such, Haughey indicated that his government would focus on economic development, with growth and balancing the public finances to the fore.

The decision to disband DPS and return its functions and personnel to the DoF represented primary change and it was done swiftly. Its significance, however, was arguably less pronounced than the change in 1973. In a way, it was a *default* return of the public service management function to DoF. It was a case of re-‘absorption’ (MacCarthaigh, 2012:14). It was the end of an experiment, and a ‘reaction’ to DPS’ establishment in the first instance. It required productive conditions within the

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<sup>9</sup> And later the Minister for Labour.

<sup>10</sup> The government comprising a maximum of 15 members

<sup>11</sup> Under the Public Service (Transfer of Functions) Order 1987. Curiously, when the Dáil convened for the first time, post-election, on 10 March 1987 the Taoiseach announced the appointment of Ray MacSharry as Minister for Finance and the Public Service.

<sup>12</sup> By way of comparison, 11 industrial disputes began in 2014.

opening, such as agency and ideas. As the then Taoiseach, Charles Haughey (1987a), told the Dáil in 1987:

The merging of the two Departments is, in my view, desirable in the interests of better co-ordination of pay and staffing matters with budgetary requirements and of better utilisation of highly-qualified staffing resources.

Ideationally, it was the case that New Public Management (NPM) ideology was beginning to garner attention in terms of public service organisation and focus, and the disbandment of DPS might be partly seen in that context – although it was not until the 1990s that it truly took root in Irish public service reform strategy (Hardiman & MacCarthaigh, 2011). Focus was placed less on structures and more on cost and delivery – doubly so in the case of budgetary difficulties at the time. This is evident in the Taoiseach’s ‘communicative discourse’<sup>13</sup> around the decision (Haughey, 1987b), for example:

I want to emphasise that at this stage in our affairs it is the effective management of the economy which must take priority... to manage the public finances so as to reduce progressively excessive levels of Government borrowing... increasing employment and reducing unemployment... The reorganization of Government Departments which I have announced has been made with those [sectoral growth] development programmes in mind.

Indeed, the prolonged nature of the economic crisis might be considered critical antecedent. This combined with Haughey’s election precipitated the change. However, on the basis of relative significance of the change (e.g. vis à vis the establishment of DPS), it was arguably not a critical juncture. Functional secession, particularly entailing the creation of a new department of state, is arguably a materially different and greater event than functional re-absorption (MacCarthaigh, 2012:14). But it would prove to be an important event in terms of legacy.

Having been ‘returned’ to the DoF, one might reasonably have expected the public service management function and its 356 personnel (MacSharry, 1987) to reintegrate into the department without too much difficulty (Note: the DoF had a similar number of staff at the time, which highlights the significance of the split in 1973 and attempted reintegration). However, the evidence suggests the contrary.

In the context of the recent Irish financial crisis, the then Minister for Finance, Brian Lenihan, requested ex-Canadian civil servant, Rob Wright, to lead an Independent Review Panel assessment of the Department’s performance since 2000. Amidst the Review Panel’s analysis and reporting was reference to the impact of the Department of the Public Service’s disbandment three decades earlier:

When the Public Service Management function returned to the Department [of Finance] in 1987 it did not reintegrate. It still has a separate Secretary General... the Division needs either to integrate more fully into the Department of Finance or become clearly established as a distinct entity (2010:37).

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<sup>13</sup> It is not possible to discern if policy entrepreneurs were proposing disbandment, but it is not inconceivable that DoF officials might have been doing so.

This is supported by interview data gathered by the author as part of research on the Department of Finance (Ward, 2015). For example, a former senior DoF official said:

[The Department of the Public Service] didn't fully [re-]merge, I don't think it did... I would say that there was a fair degree of animosity and concern when DPS merged and you would have issues around 'oh he was a DPS guy'... and therefore [they] were second class citizens.

Another former senior DoF official remarked:

they would always think of themselves as the DPS people, even 10, 15, 20 years [later], people still think they're a separate Department such was it engrained but it wasn't integrated until maybe after 1997... but [it] still was separate.

One way in which this disconnect manifested itself was arguably in the DoF's approach to Social Partnership negotiations. It was the Public Service Management Division (PSMD) which represented the Department of Finance in the negotiations. A former senior DoF official commented on this:

They would have been supporters of Social Partnership and... they were still sort of out there... they were not right to the core of Finance, plus the fact that a lot of their interaction was with Taoiseach's rather than the rest of Finance, in the context of Social Partnership.

Separately, Department Secretaries General bemoaned the 'two sides of Finance' (Wright, 2010:36), with one side seeking to shape public service organisation, pay and reform, and the other holding the purse strings.

How this situation came to pass is quite curious. The change was made in 1987 but 'mis-integration' persisted for a prolonged period of time. This clearly was not due to increasing returns or positive feedback effects. Rather it appears, to an extent, that there was 'lock-in' and the power mechanism (Mahoney, 2000) played a part. When DPS was 'returned' to DoF, its outgoing Secretary General retained his Secretary General grading, leaving a quite anomalous situation whereby there were two Secretaries General in the Department of Finance. One former senior DoF official commented upon this: 'I don't think Finance would have been happy with that at all, with the set-up'.

While this anomaly may have been somewhat understandable so long as the individual in question was in situ (i.e. there was no demotion associated with the end of DPS), when he retired in 1994, the position was not disposed of. Rather, it persisted. A former senior DoF official commented:

[There was] a Secretary General of the Department of Finance and Secretary General of PSMD... [so it] was like it was a separate Department, and that should have been done away with as soon as [the incumbent Secretary General PSMD] went (retired), because that was personal to him... the Secretary General of the Department of Finance had to sort of ask the

[Secretary General PSMD], somebody who was his subordinate (i.e. rather than instruct).

This failure of re-integration may also have been partly down to physical location, according to one former official, with parts of PSMD situated away from the Department's main building on Merrion Street.

In any event, the situation was evidently sub-optimal. And the failed re-integration was arguably primarily a consequence of its carving away in the first instance. It was contingent upon the DPS' establishment and points to the significant legacy effect of the historical change in 1973. As late as 2010, twenty three years after the disbandment of the DPS, the Review Panel opined that the DoF was effectively disjointed and lacking full cohesiveness due to the failure of the public service management function to fully reintegrate back into the DoF.<sup>14</sup>

### ***The Establishment of the Department of Public Expenditure and Reform***

It was partly in this context, and in the context of the financial crisis, that the Department of Public Expenditure and Reform (DPER) was established in 2011. The creation of DPER effectively saw the carving away of the public management function from the DoF once again – this time joined by the public expenditure or Sectoral Policy Division. The Department of Finance was effectively 'cut in half', leaving the economic and budgetary policy and financial sector policy sides behind. By way of illustration, as at 1 November 2010, 264 of the 460 policy division<sup>15</sup> staff in the DoF were located in the functions transferred to DPER (Wright, 2010:13). The change was very significant. The traditional core executive<sup>16</sup>, in Irish terms, of the Department of the Taoiseach and Department of Finance, has been reshaped and widened to include the newly created DPER. As such, it suggests itself to be a candidate critical juncture.

The permissive condition for change was set by an electoral landslide victory on 25 February 2011 for the two main opposition parties, FG and Labour. Somewhat akin to the 1973 election, the FG and Labour victory brought to an end a prolonged period in office for FF – nearly 14 years – although the scale of the victory was significantly different to that in 1973. The election results heralded a significant rupture in Irish party politics with Fianna Fáil, the largest political party in the State since 1932, relegated to third place, winning just 20 seats compared with the 77 seats it won in the 2007 election. The party's first preference share fell from 41.5% to 17.4% (Hutcheson, 2011:11). The main beneficiaries of Fianna Fáil's electoral meltdown were Fine Gael and Labour. Fine Gael became the largest party, in electoral terms, gaining 25 seats to win a total of 76 seats, up from 51 seats in 2007 – its first

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<sup>14</sup> At that time, it comprised a significant 30% of the DoF's policy staff.

<sup>15</sup> Relating to the Department's four key policy functions

<sup>16</sup> An unofficial distinction between those departments which 'steer' government and whose approval is required on major policy, legislative and budgetary change (see Rhodes, 1995)

preference share increased from 27.3% to 36.1% (ibid). For its part, Labour gained 17 seats, climbing from 20 seats in 2007 to 37 seats – with its first preference share up from 10.1% to 19.4% (ibid). Following negotiations on a Programme for Government, the two parties formed a coalition government with 113 seats in Dáil Éireann, a significant majority by Irish parliamentary standards. By all accounts, the 2011 election outcome was a political landslide victory for the opposition.

An opening was thus created for the Taoiseach-elect between election day on 25 February 2011 and the first convening of the new Dáil on 9 March 2011. But it was not unconstrained agency. As with his predecessors, the Taoiseach-elect, Enda Kenny, would face extant institutional rules of a formal nature (e.g. constitution) and, also arguably, of an informal nature (e.g. rules of the game regarding change in the core executive). Kenny would also lead a coalition government, and, as such, negotiations with the Labour Party played a role in government formation including cabinet positions and the make-up of the departments of state. A critical antecedent and idea (ultimately, a productive condition) was evident in the Wright report's critique of the disjointed DoF. As per Devlin in 1969, Wright (2010:7) recommended splitting the function from the DoF (or, alternatively, strengthening it within):

The Public Service Management and Development Division should be managed as a separate entity, as either a separate Department, or reporting directly to the Minister of State for Public Service Modernisation.

But Wright did not suggest the creation of DPER per se. Indeed he argued against removing the Department's public expenditure arm, the Sectoral Policy Division, which he referred to as a 'core' DoF function:

The Minister and the Department of Finance should retain authority over the overall wage bill... manage a single window with other Departments to control public spending... The Panel believes that the Sectoral Policy Division is a core function of the Department especially given the need to implement the economic recovery plan and the requirement for medium-term economic planning. The Department would be at risk of losing critical mass with any transfer of core functions.

How did DPER thus come to be? A critical antecedent to consider is the extent of the economic and fiscal crisis and the coordinative discourse (e.g. Wright, media) that the DoF had 'failed' during the boom. As such, there were outside influencers. But equally, the productive conditions within the opening appear to have been part-ideational and part-political in nature. For some time, there had been suggestions that public service reform warranted a Cabinet position in its own right with a view to energising the reform process, a point alluded to by Wright (2010). However, additionally, in the coalition negotiations of 2011 the Labour Party, buoyed by the

level of its electoral success, was keen to see it translated into power at the Cabinet table – with Fine Gael taking the position of Taoiseach, Labour was seeking the Finance portfolio. As Leahy (2013:93) writes of the negotiations:

The idea to split the Department of Finance between a public expenditure ministry and a department responsible for banking, taxation and overall economic management gained ground. Not only was it a good idea in itself, they thought, but it helped with the political problem of Labour’s unrealisable ambition to get the Finance portfolio.

There was thus co-ordinative discourse within the opening. And the Taoiseach-elect and Tánaiste (as leader of the coalition partner) acted as political entrepreneurs, taking the idea and putting it into action. It was punctuated, primary change which occurred swiftly.<sup>17</sup>

The long-term legacy of DPER’s creation, to an extent, remains to be seen, although in its own right it heralded very significant change in the formulation of Irish economic policy – alongside the establishment of the Economic Management Council (EMC). Leahy (2013:107) considers the two changes together to be ‘the biggest reform in the operation of the government since the foundation of the State’. The fact that the Minister for Public Expenditure and Reform sits on the EMC illustrates the fact that the core executive has been reshaped for first time since the establishment of the State. As such, it is fair to surmise that the establishment of DPER represented a critical juncture.

DPER appears to have firmly locked-in its position within the core executive, with positive feedback (as DPER has led and leads public service and government reform) and functional mechanisms also at play.

### ***From DPS to DPER?***

The establishment of DPS in 1973 can arguably be seen to have set in train a path dependent sequence, but a sequence that displayed characteristics of both self-reinforcing and reactive sequences over an extended period of time. As outlined earlier, self-reinforcing sequences see institutional arrangements stably reproduced over time whereas reactive sequences can involve ‘backlash’ in which processes may transform or reverse earlier events (Mahoney, 2000). The DPS was stably reproduced over a period of fourteen years, and particularly through four general elections and new government formations, with each point of government formation bringing a heightened chance of change.

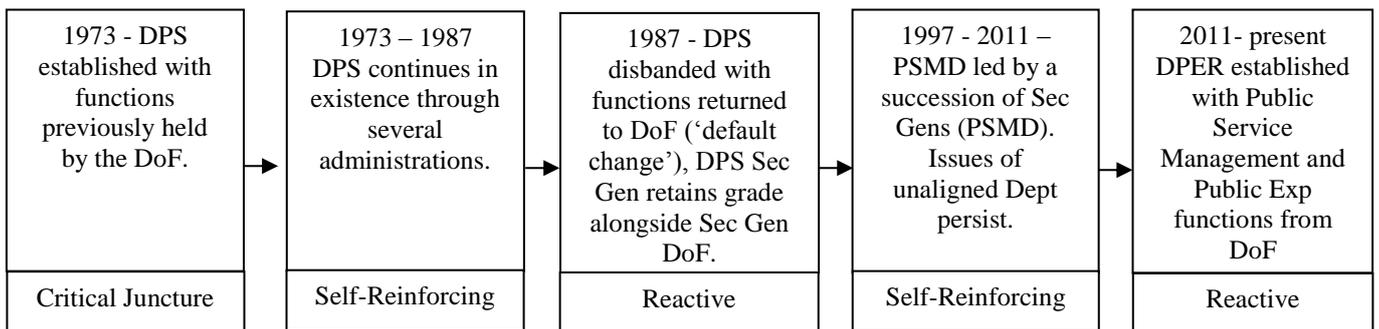
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<sup>17</sup> Announced as the Dáil convened on 9 March 2011 and provided for under the Ministers and Secretaries (Amendment) Act 2011

Once taken in 1987, the decision to disband DPS and failed re-integration was equally stably reproduced over time, including the anomalous existence of a separate Secretary General (PSMD) within the Department (who was not the Head of the Department). The legacy of this change played a role in the establishment of DPER in 2011. It was a critical antecedent.

A linkage can thus arguably be drawn between DPS' establishment in 1973 and the establishment of DPER in 2011. The path displays characteristics of self-reinforcing and reactive variables (Figure 6).

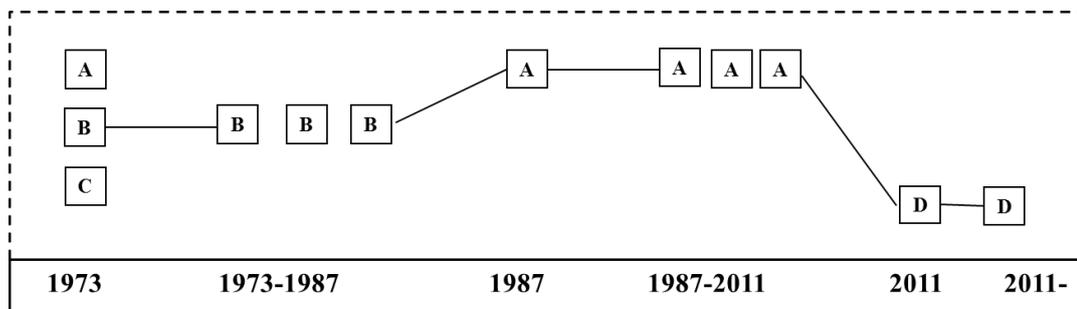
**Figure 6 – Path Dependent Sequence – DPS, DoF and DPER 1973-2011**



**Note:** Alternative options available in 1973, in 1987 and in 2011

A slightly alternative illustration of the sequence is outlined below (Figure 7). In this case, options were available to the Taoiseach in 1973 (incl. leaving the DoF alone (A) or indeed possibly bringing the function under his own Department (C) but he chose to establish the DPS (Option B). It was reproduced over a period of fourteen years, before its establishment was 'reacted to' or reversed in 1987. The DPS function and personnel were absorbed back into the DoF (A). This arrangement, which manifested itself as failed re-integration, was reproduced up to 2011, when the failed re-integration influenced, to an extent, the establishment of the DPER (D).

**Figure 7 – Path Dependent Sequence – DPS to DPER: An alternative viewpoint**



## Conclusions

Critical junctures are an enduring concept in institutional analysis and rightly so. With a view to generating greater clarity around the concept, the paper has presented a renewed critical juncture framework, with descriptive and explanatory capabilities, and incorporating Historical Institutional and Discursive Institutional concepts. The framework provides for the exploration of the permissive and productive conditions at play at each juncture and the critical antecedents (Soifer, 2012). Together these help diagnose and explain change, including the role of context, extant institutions, ideas, agents and discourse (incl. coordinative and communicative discourse processes).

This paper has explored three institutional events relating to, and affecting, the Irish Department of Finance, a key institutional actor in the core executive. And this institutional tinkering has arguably affected the Department's position and influence in government. Notably, each change event occurred within the brief opening, or window of opportunity (Kingdon, 1995), presented by government formation, post-election, and agency and ideational considerations were at play. Critically, however, each point of government formation has not equally prompted such significant change. Other factors have been at play within these particular openings.

Using the renewed critical juncture framework, the paper argues that the establishment of DPS in 1973 was a critical juncture. The disbandment of DPS in 1987, while important, was not a critical juncture per se. It saw the 'default' return (or absorption (MacCarthaigh, 2012:14)) of the Public Service Management function and personnel back into the DoF. But it was important from a path dependent perspective in feeding into the decision to establish DPER in 2011 – an event which was a critical juncture. The paper suggests that the initial change in 1973 initiated a distinct path and legacy towards the third event, the establishment of DPER in 2011. This most recent change (alongside the new Economic Management Council) has arguably had quite a profound effect on the Irish core executive, with DPER, its Minister and senior officials now broadening out the core executive, beyond the traditional Departments of the Taoiseach and Finance. The Irish core executive has been reformulated or remoulded.

While a secondary consideration here, the paper has considered the mechanisms of reproduction, or constant causes (Schwartz, 2004), and noted the importance of lock-in, cognitive constraints, functional mechanisms, and positive feedback, in explaining relative stability, and the funneling of the relevant institutional changes, post-juncture, over time.

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