The regulatory orthodoxy in practice

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Abstract

This paper examines whether the OECD regulatory model corresponds with regulatory practice in Norway. It describes and analyzes whether civil servants in central agencies working with regulatory tasks differ from other civil servants when it comes to the importance of professional considerations and signals from their parent ministry and political executives, whether they have different contact patterns, and whether their assessment of the influence of political executives and their parent ministry varies. It also analyzes whether the variation in signals, contact patterns and perceived influence of different actors is sustained when structural and cultural features are taken into account. The empirical data base is a survey of civil servants in Norwegian central agencies conducted in 2006. One main finding is that regulatory practice is much more complex then the OECD model suggests. The most important factor for explaining the relationship between agencies and political and administrative superiors is the degree of political salience of the issues concerned.

Introduction

In recent years a comprehensive program of regulatory reform has been launched internationally (cf. OECD 2002a). It prescribes a high and increasing degree of autonomy for regulatory agencies, moving them away from the political executive and ministerial administrative leaders. There is, however, an inherent tension in regulatory reform, stemming from its dual prescription of both enhanced autonomy and more control. On the one hand, supervisory agencies are supposed to gain more autonomy, both from political executives and market actors. On the other hand, central political control is expected to be enhanced by a strengthening of frame or strategic steering and regulatory power (Christensen and Lægreid 2004).

In this paper we examine whether the new regulatory doctrine, prescribing a relinquishing of control vis-à-vis state agencies responsible for regulation, has an empirical foundation, meaning enhanced institutional autonomy in practice, or whether there is still a lot of control of these agencies or possibly a combination of simultaneous control and autonomy. The challenge is to find ways of making agency autonomy and democratic accountability complementary and mutually reinforcing rather than competing values (Christensen and Lægreid 2006).

The international regulatory reform program has also affected Norway. As part of this development, the Norwegian government in recent years formulated a new regulatory policy designed to strengthen supervisory agencies and make them more autonomous, to relocate some agencies and to clarify their regulatory role through increased horizontal specialization of functions and tasks (St. meld. nr. 17 2002-2003). The new Norwegian model is, however, not a blueprint of the OECD regulatory model, but has been translated and adapted to the Norwegian political-administrative tradition.

Our main research question concerns the autonomy of regulatory agencies from their parent ministry, a cornerstone of regulatory reform. Are relations between civil servants working mainly with regulatory tasks and their parent ministry different from those of other civil servants when it comes to signals, contact patterns and influence? We are particularly interested in how characteristics of agencies, seen in terms of civil servants' tasks and their structural, cultural and demographic features, make a difference to their perceived autonomy in practice.[1] Thus, the goals of this paper are:

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[1] This is an alternative to focusing only on all civil servants in regulatory agencies. The reasons for not choosing this option are that civil servants in regulatory agencies have different tasks, and that some agencies, even though they do not have a regulatory label, may nevertheless have regulatory functions among their tasks.

1) To describe and analyze whether civil servants working with regulatory tasks in central agencies differ from other civil servants when it comes to:

a) the importance of professional considerations and signals from their parent ministry and political executives;

b) contact patterns with their parent ministry and political executives;

c) their assessment of the influence of political executives and their parent ministry.

2) to analyze whether any possible variation in signals, contacts and influence between type of agency and tasks is sustained when the structural and cultural features of the agencies are taken into account.

We emphasize whether task-specific features and especially regulatory tasks affect the relationship between the agency and its superior ministry and political executives in the direction specified by the new regulatory policy coming from the OECD, or whether there is a specifically Norwegian brand of regulatory practice stemming from a more mixed regulatory model. To do this we also look at structural and cultural features of the Norwegian civil service to understand the complex relationship between agencies and their superior bodies.

The empirical basis is a broad survey of Norwegian civil servants in central agencies carried out in 2006. The main set of dependent variables is the various dimensions of the relationship between agencies and their parent ministry viewed in terms of the importance of different types of signals, contact patterns and influence. Since Norway experienced a regulatory reform in 2002-2003, we also use data from a similar survey conducted in 1996 to see whether there have been changes over time in the way regulatory tasks are handled.

We will first discuss some central concepts like agency, regulation and regulatory agency. Second, we will present the Norwegian context of agencification and regulatory reform. Third, we will outline three theoretical perspectives, focusing on different explanatory variables, and formulate hypotheses on the importance of agency task and other independent variables for signals, contact and influence. Fourth, we will briefly describe the database and the methodology. Fifth, we will discuss whether civil servants with regulatory tasks are different from other civil servants with regard to signals, contact patterns and influence relations. Sixth, we will draw other explanatory variables into the discussion. Finally, we will draw some conclusions and discuss our findings in a broader context, relating them to some other studies.

Central Concepts: Agencies, Regulation and Regulatory Policy

Recently, academic discussions on autonomy and control of state organizations have focused on the development of agencies. We will follow Pollitt et al.'s (2004) definition of central agencies as part of the civil service, but structurally devolved from the ministries. They carry out public tasks on a permanent basis, are staffed by civil servants, are subject to public law procedures and are normally financed mainly by the state budget. They have some autonomy from the ministries in policy decision-making and in personnel, financial and management matters, but they are not totally independent.

Many countries have followed the lead of the OECD and implemented regulatory reforms that give agencies more autonomy and formally make the role of regulatory agencies less ambiguous, both internally and in relation to other regulatory agencies, public authorities and the subjects of regulation, because of purification of tasks (Christensen and Lægreid 2006a, OECD 2002a). In 1995, the OECD launched a regulatory reform program whose main components were the regulation of the market, competition policy, and the establishment of independent regulatory agencies. It assessed regulatory policy in all member countries with the aim of improving the quality of regulation by fostering competition, efficiency and performance. The concept of "distributed public governance" refers to the emergence of quasi-independent, non-majoritarian and non-governmental organizations (Flinders 2004, OECD 2002a). The doctrine is that regulatory agencies are most effective if they are independent from the ministry, operate according to a clear regulatory policy and are staffed by experts (OECD 1997, 2002a, 2002b).[2] In line with this, evidence-based decision-making is to replace the informal, consensus-based approach to regulatory processes that was previously the normal policy style in countries like Norway (OECD 2003).

Contemporary agency reform efforts tend to prescribe role purification, whereby policy formulation, service delivery, purchasing and regulation are supposed to be split up and allocated to specific agencies according to the principle of 'single-purpose organizations', thus increasing horizontal specialization both within and between public organizations (Boston et al. 1996). In contrast to the former integrated model in which regulation was one of many tasks and a by-product of other relationships, the new model creates specialized agencies responsible for regulation and inspection with explicitly allocated resources. Whether these agencies carry

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[2] Independence may mean some slightly different things concerning regulatory agencies. One the one hand, some countries see regulatory agencies as part of the central civil service, as indicated by Pollitt et. al. (2004), while others see their autonomy as more extended and the agencies as further removed from central government.

out their specialized functions in only one sector or across sectors varies, however (Christensen and Lægreid 2002).

In a narrow sense, regulation means formulating authoritative sets of rules and setting up autonomous public agencies or other mechanisms for monitoring, scrutinizing and promoting compliance with these rules (Baldwin et al. 1998, Jordana and Levi-Faur 2004). The establishment of autonomous regulatory agencies brought about by the regulatory reform movement is connected to this meaning of regulation. In this paper we are concerned primarily with the definition of regulation as a) goal formulation, rule-making and standard-setting; b) monitoring, information-gathering, scrutiny, inspection, audit and evaluation; and c) enforcement, behaviour-modification and the application of rewards and sanctions (Hood, Rothstein and Baldwin 2001). Normally civil servants with regulatory and supervisory tasks are at arm's length from the organizations they oversee, whether public or private, and also semi-independent from their superior political authorities.

Not all agencies are regulatory agencies: some are primarily responsible for managerial tasks, while others provide services or offer policy advice. In fact, mixed or multi-functional roles were for a long time normal for many agencies in many countries (Christensen and Lægreid 2007). One of the main tasks of regulatory agencies is to control the power of the market, ensure fair competition and protect consumers and citizens by guiding and implementing policy regulation. One of their features is that they often seem to have both statutory power and incorporated status. These bodies carry out regulation using their own delegated regulatory power, resources and responsibilities. They are neither directly elected by the people nor directly managed by elected officials (Gilardi 2004; Thatcher and Stone Sweet 2002).[3]

The Norwegian Context

Norway is a small, unitary, parliamentary, and multiparty state. From the early 1970s until the fall of 2005, when a Red-Green majority government came to power, it has been mainly run by minority government. In a comparative perspective, Norway has relatively strong collectivistic and egalitarian values, is consensus-oriented and has well-developed corporatist arrangements (Christensen 2003a). It also has one of the most comprehensive and universal welfare states in the world, with a large public sector. The relationship between parliament, ministers and agencies is based on the principle of ministerial responsibility, meaning that the minister is

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[3] The American tradition of regulatory agencies is slightly different in some respects, even though imitated in Europe. Quite often heads of regulatory agencies in the US are appointed on a political basis and act as quasi-political actors, while directors of European regulatory agencies more often are pure career administrative leaders.

responsible to the parliament for all activities within his or her policy area in the ministry as well as in subordinate bodies. Political control over the civil service has, however, historically been rather general and passive, allowing the executive a lot of leeway. This seems to reflect some major features of the political-administrative system: high levels of mutual trust and shared attitudes and norms among political and administrative leaders and within the public sector (Christensen and Lægreid 2005). There is also a high degree of transparency and an open attitude towards critical scrutiny by the media.

Agencies have been a major organizational form in the Norwegian central government for a long time, representing an enduring historical conflict between the political executive and professional groups. The agency tradition goes back to the 1850s when the first autonomous professional agencies (called directorates) outside the integrated and jurist-dominated hierarchical ministries were established, primarily in the communications sector (Christensen and Roness 1999). In the mid-1950s the government stated a new principle for agency structure and increased the number of independent agencies. The idea was that the more technical issues and routine tasks should be moved to the agencies, while policy and planning tasks should stay within the ministries. The new doctrine resulted in the establishment of several new agencies over the next 15 years, but this development slowed down in the 1970s, because of the oil crisis and increased political scepticism towards independent agencies.

The dominant agency model in Norway has historically been rather unified (Christensen and Lægreid 2004b). In most agencies administrative tasks, regulatory and control tasks, and service provision and production tasks have been combined and integrated. Traditionally, Norway has not had any type of administrative court. Appeals are directed to the parent ministry, which can also instruct the agencies. The idea that there ought to be separate agencies for different tasks is rather new, while some of the agencies have enjoyed enhanced authority for some time, mainly in financial and personnel matters, but also in some substantive areas (Lægreid et al. 2003).

Over the past 15 years, a process of gradual structural devolution has been going on in the Norwegian central government, and the independent agency model has become more differentiated (Christensen and Lægreid 2003). This development was partly inspired by New Public Management ideas and solutions, but was also a part of Norway's adaptation to the EU and the internal market.[4] The new model combines vertical specialization, whereby agencies formally gain more authority, with increased horizontal specialization, whereby the distribution

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[4] Norway is not a member of EU, but a member of the European Economic Area (EEA) and therefore related to the four freedoms and the competition rules.

of roles and tasks among agencies is more differentiated and non-overlapping. The organizational changes can be seen as an active instrumental administrative reform process influenced by external ideological pressure from the New Public Management movement and constrained by internal historical-institutional norms, values and the context of the Norwegian political-administrative system (Christensen and Lægreid 2001).

Norway was assessed by the OECD regulatory task force in 2003 with a view to introducing reforms that would foster competition, innovation, economic growth and important social objectives (OECD 2003). The OECD acknowledged that the Nordic incremental, consensus-oriented model of governance, emphasizing egalitarian values, a high level of mutual trust, solidarity, high standards of social welfare, an active intervening state, broad participation from affected interests and a large public sector, had been successful. The regulatory agencies in Norway seemed to have developed without experiencing any major crisis; they coped well with technical tasks and had demonstrated good regulatory practice and a capacity for adaptation.

In spite of this success, and the fact that Norway still performs very well today, the OECD report suggested that Norway should abandon its governance model and 'prepare for the future now'— a pretty sweeping and encompassing argument. It was more or less taken for granted that the integrated, reactive, ad hoc and piecemeal approach, which balances different values and goals, had come to an end and should be replaced by comprehensive, proactive, and systematic regulatory reforms. Without any profound analysis or convincing arguments, it was suggested that the well-functioning Norwegian model should be replaced by the new OECD orthodoxy (OECD 2003). The new recipe was to separate more strictly the regulatory role of the state from its roles as owner, policy-maker and commercial actor; to upgrade competition policy to make it the main goal; to deregulate and liberalize state monopolies; to reduce state ownership and commercialize public services; and to improve the performance, efficiency and effectiveness of public spending. Competitive neutrality was said to be essential, and it was recommended that the commitment to competition should be more wholehearted and that the government should retain less public control over the liberalization process. What was not discussed was that such a change might well be at odds with the Norwegian state's traditional norms and values and that this would therefore hamper implementation, and that it would cause increased conflicts in society, thus reducing efficiency and effectiveness (Christensen and Lægreid 2006b). Overall, one can question whether the new orthodoxy lacked realism in the Norwegian context.

The drive for regulatory reforms of the OECD type came under the Conservative-Center government of 2001–2005. In 2003 the government put forward a White Paper to parliament which aimed to establish an overarching and comprehensive regulatory policy. It upgraded competition policy to a main issue in regulatory policy and was influenced both by the OECD's regulatory program and the European Economic Area Agreement, which gives Norway access to the EU internal market.

The government underlined that regulatory agencies should have more unambiguous and non-overlapping roles as a result of increased horizontal specialization, thus breaking with the Norwegian tradition of integrating different roles and functions. Regulatory agencies were to increase their independence from the ministries, and political and professional premises were to be more clearly defined. Political considerations were to be confined primarily to establishing general norms via laws and rules, while leaving individual cases to be handled by competent professionals in the regulatory agencies. It was also proposed to change the complaints procedure by establishing independent bodies of appeal and to move seven regulatory agencies out of Oslo. It was argued that relocation would remove the agencies from the influence of other actors. Political steering and democratic control were hardly mentioned in the White Paper. There was also little discussion of why the need for more professional autonomy should carry more weight than political-democratic considerations.

The White Paper was controversial in its making, and there were conflicts between ministries and with the affected agencies before it was issued. In parliament the governmental parties struck a deal with the two opposition parties (the Labour Party and the Socialist Left Party), modifying their proposal on some points. The proposal, stipulating that independent appeal boards should handle complaints or appeals, was withdrawn and postponed until the next election period. The other part of the deal was that the proposal to restrict the power of executive political leaders to instruct the agencies should be handled case by case, not as a general and generic principle. Thus, the government received support for the relocation of seven agencies, but the price it had to pay was a modification of the autonomy-oriented regulatory reform.

However, this is not the last word on administrative reform. The general election of 2005 brought a Centre-Left majority government to power in Norway with a more sceptical attitude towards the regulatory policy of the former government. There may well be a replay in the future on the autonomy issue when the government proposes reforms of individual regulatory agencies or when it comes to actual daily practice in these agencies – a subject to which we now turn.

Theoretical Approaches: Tasks, Structure and Culture

We will distinguish between three perspectives on organizations: a task-specific perspective, emphasizing the importance of the activities or tasks that civil servants in the different state agencies handle; a structural-instrumental perspective, focusing on the importance of formal organizational structure in general; and a cultural-institutional perspective, attributing variations in signals, contact and influence to informal organizational features.[5] These theoretical approaches are well-established in studies of public administration (Christensen 2003b; Christensen and Peters 1999; Pollitt et al. 2004; Lægreid, Roness and Rubecksen, forthcoming), and we will expect them to be helpful in understanding variations in the relationship between central agencies and their superior political and administrative bodies. In focusing on regulatory tasks our main perspective is clearly the task-specific perspective. Variables derived from the other perspectives will be used mainly for control purposes.

A Task-Specific Perspective

A task-specific perspective assumes that the requirements and constraints inherent in the primary tasks of the civil servants in the different agencies influence the regulation and control of those agencies (Pollitt et al. 2004). The main idea is that tasks matter and that we cannot discuss specific organizational structures and processes without taking into account the particular activities to which they apply. Task specificity and the nature of the actual work are important to understand the variation in actual autonomy and control of state agencies. The division of tasks may play an important role in the behaviour of state agencies and in how they are managed and controlled. Two well-known parameters for defining agency tasks are to what degree their output and their outcome can be observed (Wilson 1989). Other important considerations are to what degree the tasks are politically sensitive, whether they involve major financial resources and whether they are subject to market competition (Pollitt et al. 2004). In this paper we are particularly interested in the importance of regulatory tasks and will try to narrow the perspective by focusing only on regulatory tasks. Political salience, which Pollitt et al. (2004) assign to a task-specific perspective, will here be seen as part of a cultural perspective.

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[5] Tasks can also be seen as part of a broad structural-instrumental perspective. In this paper we will, however, formulate a separate task-specific perspective, since we have a special focus on regulatory tasks.

Thus, our main question based on a task-specific perspective will be how and to what extent civil servants engaged in *regulatory* tasks differ from other employees as regards signals, contact patterns and perceived influence? Studies of government agencies reveal that there are significant variations in behaviour according to the agencies' tasks (Pollitt et al. 2004). According to the regulatory policy doctrines of today, regulatory agencies should be at arm's length from ministries in order to reduce political uncertainty (cf. Christensen and Lægreid 2006b). The government delegates regulatory authority to experts and puts independent agencies at arm's length from political executives to arbitrarily avoid short-term political interference and enhance the fairness and legitimacy of regulatory activities. The argument is that the body to which this authority is delegated should be independent and insulated in order to enhance the credibility of policy commitments (Majone 2001). The creation of autonomous agencies is justified by the perceived need to insulate certain activities from political influence. The prescription is that autonomous regulatory agencies can provide greater policy continuity, predictability, and consistency than cabinets and ministries, because they are not dependent on electoral returns. The delegation of power to an independent agency is a way for governments to restrain themselves and to restrict their future freedom of action and also to reduce political opportunism. Thus, our *main hypotheses* are:

H1:   *Civil servants engaged in regulatory tasks will generally be less sensitive to signals from political executives, from their parent ministry and from client and user groups; but they will be more sensitive to professional considerations than civil servants engaged in other types of tasks.*

H2:   *Civil servants engaged in regulatory tasks will have less contact with political executives and their parent ministry than civil servants engaged in other types of tasks.*

H3:   *Civil servants engaged in regulatory tasks will report that their own agency is more important, and political executives and their parent ministry less important when making central decisions in their own field of work than civil servants engaged in other tasks.*

A Structural-Instrumental Perspective

A main feature of many organizational approaches is the concept of bounded rationality (March and Simon 1958), which implies that decision-makers face problems of capacity and understanding and have to make some selections of decision-making premises. The formal organizational structure represents one important selection mechanism. Formal structure and procedures channel some actors, cleavages, problems, and solutions into decision-

making processes in the public sector, while others are excluded. So 'organization is mobilization of bias' (Schattschneider 1960).

Gulick (1937) argues that there is a rather close connection between the formal structure chosen and the practice within and between organizations, underlining that the way formal authority is distributed among hierarchical levels is important for autonomy and control in practice, as is the horizontal division of tasks and authority. In a system characterized by independent agencies, based on the regulatory orthodoxy, this distribution is biased against the political executive and we will thus expect to find a rather low level of control of the agencies. The formal instruments of steering are diluted, the distance between administrative levels increases, and political signals have been shown to be weaker in independent bodies (Egeberg 2003). The agencies' specialization into different functional areas will also affect their behaviour. It makes a difference whether central government is an integrated system under ministerial responsibility or a disintegrated system of autonomous or semi-autonomous organizations, for the latter weakens the levers of control. Furthermore, it makes a difference whether civil servants have a leadership position or not, because such positions are connected with obligations to perform control and coordination tasks. And it also makes a difference what sector or functional area the agency is located in (Christensen and Lægreid 2006a). In other words, formal structure matters.

Based on this general perspective we will adopt two structural variables: hierarchical position and policy area. Most regulatory tasks, as well as other types of tasks, are related to specific *policy areas*. Here we take as our point of departure a categorization according to *parent ministry*, whereby we distinguish between economic, welfare, and other types of ministries (cf. Jacobsson, Lægreid and Pedersen 2003). In a recent study of delegation to independent regulatory agencies in Western Europe, Gilardi (2006) finds that regulators engaged in economic regulation are more independent than those engaged in social regulation. Moreover, since norms of steering at arm's length are stronger in the 'harder' than in the 'softer' policy areas, our hypothesis is:

H4: *Civil servants working in agencies in the economic area will generally pay relatively more attention to professional considerations and signals from their own management, and less attention to signals from the parent ministry and political executives; they will have less contact with the parent ministry and political executives; and they will report that the influence of political executives and the parent ministry is weaker and that of their own agency stronger than civil servants working in the welfare state and other policy areas.*

When it comes to position we will distinguish between civil servants in leadership positions and other civil servants. It is a general finding that there are significant differences between civil servants in different hierarchical positions when it comes to how they assess signals and influence as well as contact patterns (Christensen and Lægreid 1998a, Lægreid and Olsen 1978). In line with these previous findings we would expect:

H5:   *Civil servants in leadership positions generally pay more attention to signals from the parent ministry and from political executives; have more contact with the parent ministry and political executives; and see more influence from the parent ministry and the political executive than civil servants in non-leadership positions.*

A Cultural-Institutional Perspective

A third set of factors concerns the historical and cultural traditions of political-administrative systems (Selznick 1957). In institutional approaches informal norms, identities and the logic of appropriateness are important (March and Olsen 1989). Using this way of thinking, the point of departure would be that a certain style or way of regulating and controlling agencies has developed over time. Norms and values within agencies and central government and internal dynamics are important. Path dependencies constrain what tasks and authority it is appropriate and possible to move to agencies and how those agencies will operate. The reform road taken might reflect the main features of national institutional processes, where institutional 'roots' determine the path followed (Krasner 1988). Change is characterized by historical inefficiency and incrementalism. What happens in one agency is not a blueprint for developments in other agencies. Regulatory reforms reinforce underlying distinctive agency-specific or sector-specific trajectories and historical legacies (Thatcher and Stone Sweet 2002). Administrative traditions represent 'filters' producing different outcomes in different agencies.

Certain styles of regulating and controlling agencies may have developed over the years, whereby agencies are seen as strong and integrated instruments of political development serving particular political goals. For a long time this was a dominant feature of the Norwegian administrative model (Grønlie 1999). Over the past years, however, this model has been challenged, and the culture has changed towards giving agencies more leeway and autonomy and allowing for looser coupling to political goals, and it has gradually come to be taken for granted that agencies should be at arm's length from the political executive. The extent of this cultural change will probably vary between agencies, potentially producing divergence. In some administrative cultures well-established informal

contacts and networks between ministries and agencies may undermine their formal autonomy and create stronger integration between ministry and agency than expected from the new formal model (Jacobsson 1984; Pierre 2004).

We will distinguish between three sets of indicators of political-administrative culture. First, the civil servants' identification with their own profession and own agency; second, the level of mutual trust between agencies and the parent ministry; and third, whether the area of work is marked by a high level of agreement and consensus or whether it is conflict-ridden, and whether there is a high level of political salience and public debate about the cases that the civil servants are engaged in. Generally we will expect that:

H6:   *Civil servants who identify strongly with their own agency and profession will generally pay less attention to signals from the parent ministry and from political executives, will have less contact with such bodies and also assess them as less important than civil servants whose identification with their own agency and profession is weak.*

H7:   *Civil servants working in a political-administrative culture with low mutual trust, a high level of conflict and a high level of public debate will pay more attention to signals from their parent ministry and political executives, will have more contact with such bodies, and will assess them as them as more important and influential than civil servants working in a setting with a high level of mutual trust, a high level of consensus and low political salience.*

Data and methodology

Our method of studying reforms is based on three main elements. First, we focus on the response of individual civil servants in the agencies. Reforms, including regulatory reforms, are more than what leaders say they are and more than formal decisions. They are often a long and often winding road and their implementation ultimately depends on how individual civil servants at lower levels think about and respond to them (Christensen and Lægreid 2006).

Second, we choose an extensive method to cover a lot of ground. In 2006 we had a large survey of civil servants in Norwegian central agencies, in which every third civil servant with at least one year tenure from executive officers to top civil servants received the questionnaire. 1516 persons in 49 central agencies answered and the response rate was 58 percent. On average there were 31 respondents from each agency, ranging from 112 in the largest agency to one in the smallest. In addition we used data from a similar survey of the agencies conducted in 1996, containing most of the same questions. This longitudinal approach makes it possible for us to examine developments over the past 10 years.

Third, we take a broad empirical approach to the relationship between central agencies and their superior parent ministry and political executives. The dependent variables are divided into three clusters of questions. We asked the civil servants how much significance they attached to different matters when executing their daily tasks. In 2006 we listed ten different considerations and asked them to rank each of them on a scale from 1 (*very important*) to 5 (*not important at all*). In this paper we use five of these considerations: a) signals from political executives (the cabinet, minister, under-secretary of state), b) signals from the parent ministry, c) professional considerations, d) signals from external stakeholders, user groups and clients, and e) signals from the nearest superior or the top management of their own agency.

We also asked the civil servants about their contact pattern. We asked them how often during the last year they had had contact with each of 18 different sets of actors or organizations, mainly public. We distinguished between weekly contacts, monthly contact, occasional contact and no contact. In this paper we focus on contact with political executives in the parent ministry, administrative contact with the parent ministry and contact with the legislature.

And, we asked the respondents how they perceived influence. The question was "Can you say how important the following organizations or groups are when central decisions are made in your own field of work". 23 organizations and groups were listed and for each of them the respondents were asked to rank them from 1 (*very important*) to 5 (*very unimportant*). In this paper we use the following four organizations: own agency, parent ministry, the cabinet and the parliament.

The profile of regulatory civil servants

In this section we will present our main results concerning whether civil servants working mainly with regulatory tasks, control and surveillance are different from other civil servants when it comes to what kind of signals and factors they take into consideration in their daily work; how their contact patterns are with their own central agency, parent ministry and political executives; and how they perceive the influence of such bodies. Our main hypotheses are that, compared to other civil servants in central agencies, regulatory bureaucrats generally are less sensitive to signals from the parent ministry and political executives, that their contact patterns with such bodies are looser and that they perceive the influence of political and administrative executives as weaker.

Signals and considerations

21% of the civil servants working in central agencies have control, supervision and regulation as a fairly large or dominant part of their work, 37 percent have such tasks as a small part of their work, while 42 percent report that they do not work on such issues. More important for many civil servants are planning and handling single cases not related to regulation. Coordination and information are also important tasks. In this paper we will analyse the 12 percent of civil servants in the agencies who have control and regulation as their *main task,* an increase from 9 percent in 1996. One implication from these figures is that there is a lot of overlap between different tasks. Many civil servants have multi-functional tasks. But, by focusing on the relatively small group reporting that regulatory tasks are their main tasks, we should be able to focus on the core group of regulatory bureaucrats in central agencies.

When carrying out their daily work, professional considerations are overall the most important considerations for civil servants, and they are even more important for employees with regulatory tasks (Table 1). This indicates that they see themselves to a great extent as experts with a strong loyalty to their own profession, which shows a deep-rooted and traditional feature of the Norwegian public administration (Christensen 2003).

Table 1. The importance of different considerations for civil servants in agencies in carrying out their daily work – by main tasks. Percentage who assign the different considerations very high importance. 2006. N=1516.

	Regulatory tasks	Other tasks	Sign. (Pearson R)
Professional considerations	72	66	-.05
Signals from the top management of the agency	49	60	.03
Signals from the nearest superior	46	49	.01
Signals from the parent ministry	34	42	.06*
Signals from stakeholders, user groups, clients	31	34	.02
Signals from the political leadership	23	39	.08**

Signals from political and administrative superiors are significantly less important. It is also interesting to see that signals from the parent ministry are almost as important as signals from the nearest superior or from the top management within the agency, indicating that the ministries clearly play a significant role. The regulatory civil servants are slightly more distant from stakeholders, clients and user groups than from their parent ministry when it comes to identification and loyalty, but less so than civil servants with non-regulatory tasks. But the fact that almost one third of the regulatory bureaucrats pay very much attention to such groups, and

23 percent pay much attention to signals from the regulatees indicates that they have a closer relationship with the regulatees than the new regulatory policy would lead one to expect.

Least important are signals from political leaders. In this table we have only reported the "very important" responses on a scale from 1 (very important) to 5 (very unimportant). Very few report that the various actors are unimportant. The percentage who answer 1 or 2 ranges from 96 percent (professional considerations) to 59 percent (signals from the political leadership) for people working with regulatory tasks and from 94 percent to 68 percent for civil servants working with other tasks. This pattern is fairly stable over time. In 1996, too, professional considerations were most important (69 percent) and signals from the political leadership least important (26 percent) (Christensen and Lægreid 1998b).

Compared to civil servants with other main tasks, regulatory officials are significantly less concerned with signals from the parent ministry and from the political leadership. But they are not significantly more concerned with professional considerations (even though they score higher), signals from stakeholders or signals from their own superiors within the agency.

Based on these bivariate analyses H1 is partly supported. As expected from the model of regulatory orthodoxy, regulatory bureaucrats are less sensitive than other civil servants to signals from the parent ministry and from the cabinet, ministers and under-secretaries of state. They are, however, not significantly less sensitive to signals from user groups or more sensitive to professional considerations than other civil servants.

Contact pattern

Regulatory executives have much less contact with political executives than with their parent ministry and very little contact with members of parliament (table 2). None have regulatory contact with the standing committee in the parliament on a monthly basis or more often and very few have such frequent contact with the political leadership in their parent ministry. They manage to keep the politicians at arm's length. On the other hand, they have pretty frequent contact with the civil servants in their parent ministry, even though this contact is far less frequent than for the civil servants with non-regulatory tasks. This contact pattern has remained relatively stable over the past 10 years. There has, however, been a slight increase in contact with political executives in the ministry, something we would not have expected in view of the regulatory reform of 2002-2003.

Table 2. Contact of civil servants in the agencies with different political and administrative actors - by main tasks. Percentage with contact at least once during the last year. Percentage. 2006.

	Regulatory tasks	Other tasks	Sign. (Pearson R)
Top management in own central agency	79	84	.08**
Civil servants in own parent ministry	57	74	.11**
Political leadership in the ministry	23	32	.07**
Own standing committee in the parliament	7	13	.06*

Table 2 also reveals that there are significant differences between civil servants working mainly on regulation, control and surveillance compared to employees with other main tasks. Regulatory civil servants have systematically less contact with their parent ministry, political executives and MPs than other civil servants. Thus, their external networks upwards to the parent ministry in general and to political executives and the legislature in particular are relatively loose compared to civil servants with other tasks. While only 16 percent of the employees working on regulatory tasks have contact with civil servants in their parent ministry once a month or more often, this is the case for 33 percent of people working with other tasks.

So far our hypothesis H2 is supported. In line with our expectations, regulatory civil servants have less frequent contact with their own parent ministry, political executives in government and members of parliament. But they also have less frequent contact with the top management of their own agency, which may indicate a measure of internal independence, but this may not be an important difference since the frequency of contact is anyhow very high.

Perceived influence

Generally, the majority of agency employees report that their own agency is very important when central decisions are made within their own field of work. But the parent ministry is also seen as a powerful actor, not indicating a lot of independence. Political executives in the cabinet and parliament are, however, ranked as significantly less important. But generally, few report that these actors are unimportant. On a scale from 1 (very important) to 5 (very unimportant) 84 percent of people working on regulatory tasks rank their own agency as 1 or 2, compared to 79 percent ranking their parent ministry in these categories and 59 percent the parliament and the cabinet. In table 3 we have only reported the "very important" responses. Very few report that the various actors are unimportant. The percentage who answered 1 or 2 ranges from 96 percent (professional considerations) to 59 percent (signals from the political leadership) for people

working with regulatory tasks and from 94 percent to 68 percent for civil servants working with other tasks.[6] The importance of their own agency has remained stable over time.

Table 3. How important different actors are when central decisions are made within the agency employees' own field of work. Percentage reporting that the actors are very important. 2006.

	Regulatory tasks	Other tasks	Sign. (Pearson R)
Own central agency	57	58	.00
Parent ministry	51	52	.01
The parliament	31	43	.07*
The cabinet	31	45	.07*

Table 3 also reveals that, compared to other civil servants, employees with regulation, control and surveillance as their main tasks report that the parliament and the cabinet are significantly less important when central decisions are made. Our hypothesis H3 gets some support. In line with our expectations political executives in the parliament and the cabinet are perceived as less influential among regulatory bureaucrats than among other civil servants in the agencies. However, there are no differences when it comes to the importance of parent ministry and own central agency.

Summing up, the bivariate analyses show that civil servants with regulatory tasks pay great attention to professional considerations, they have close contact with the top leadership in their own agency and they rank their own central agency as the most powerful when central decisions are made. There is also a relatively close contact pattern with the parent ministry which is seen as rather powerful when central decisions are made. Political executives are more at arm's length when it comes to signals and contact patterns as well as influence, indicating that regulatory activities are seen more as administrative than political. This picture has remained fairly stable over time and was not dramatically different in 2006 compared to 10 years earlier, despite Norway's substantial regulatory reform of 2002-2003.

There are also significant differences between executives working mainly with regulatory tasks compared to civil servants with other tasks. People occupied with regulation, control and surveillance pay less heed to signals from the parent ministry and from political executives, they have looser contact with such bodies and generally see them as less powerful when central decisions are made.

The importance of structural and cultural features

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[6] The percentages for people working on other tasks are 85 % for own central agency, 81% for parent ministry, 65 % for the parliament and 69 % for the cabinet.

In this section we will discuss the importance of structural and cultural features and check whether the significant bivariate correlations between regulatory tasks and signals, contact patterns and perceived influence hold when these factors are accounted for. Based on these findings we will discuss the remaining hypotheses (H4-H7). The relative explanatory power of the different independent variables concerning the relationship between agencies and political executives and the parent ministry is summed up in table 4. Our general result from the multivatiate analyses is that the independent variables explain only a small part of the variation in the dependent variables. Perhaps more important for us, however, is whether the main pattern revealed in the bivariate analyses of civil servants with regulatory tasks is confirmed after controlling for other structural factors and cultural features.

Table 4 shows, first, that the effect of regulatory tasks is reduced when other structural features and cultural factors are controlled for. There is, however, a significant effect of regulatory tasks on contact patterns with the parent ministry. Second, other structural factors, such as policy area and hierarchical position make a difference. Civil servants in central agencies in the area of market, economic activity, business and industry pay less attention to signals from the parent ministry and political executives. They have less frequent contact with such bodies and the perceived influence of the Cabinet and the parliament in their own field of work is seen as lower than it is by civil servants in other policy areas such as the welfare state and justice. Thus our hypothesis H4 is mainly supported.[7]

Third, there is also a significant effect of position. Civil servants in leadership positions pay more attention to signals from the parent ministry and political executives, and they have more frequent contact with such bodies than executive officers. This is natural since that is part of their leadership job and they are structurally closer to these actors. There is, however, no significant difference between people in different positions when it comes to perceived influence. Thus our hypothesis H5 is partly supported.

Table 4. Summary of regression analysis by task-specific, structural and cultural features affecting signals and considerations, contact patterns and perceived influence. Standardized Beta coefficients. Linear regressions.

	Signals and considerations		Contact pattern			Perceived influence	
	Parent ministry	*Political executives*	*Political executives*	*Parent ministry*	*Parliament*	*Cabinet*	*Parlia-ment*
Tasks: Regulatory tasks	.01	.04	.05	.07*	.03	.04	.04
Structure: -Economy/market area	.16**	.16**	.06*	.18**	.01	.15**	.12*

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[7] There is, as expected, also a significant bivariate correlation between policy area and signals from management in own agency (R=.10**), but no significant relation to professional signals (R=.03).

-Position	-.09**	-.12**	-.13**	-.21**	-.12**	-.05	-01
Culture:							
-Professional identification	.01	.01	-.01	.00	-.01	.01	.01
-Agency identification	-.11**	-.09**	-.01	-.05	-.06*	-.11**	-.13**
-Mutual trust	-.07*	-.01	-.03	-.05	-.05	.02	.01
-Public debate	-.16**	-.22**	-.21**	-.22**	-.21**	-.24**	-.23**
-Conflict	-.03	.02	.05	.04	.04	.01	.00
Multiple R	.30	.34	.28	.33	.27	.33	.31
R2	.09	.11	.08	.10	.07	.11	.10
Adjusted R2	.09	.11	.07	.10	.07	.10	.09
F statistics	14.557	18.324	12.145	21.626	11.039	14.232	12.510
Significance of F	.000	.000	.000	.000	.000	.000	.000

Regulatory tasks: 0) not main task 1) main task; Economy/market area: 0) other areas 1) Economy/market area; Position: 0) executive officer 1) manager; Professional Identification: 0) not strong 1) strong/very strong; Agency identification: 0) not strong, 1) strong/very strong; Mutual trust: 0) not strong 1) strong/very strong; Public debate: 0) low, 1) high; Conflict: 0) High 1) Low

Forth, cultural features also make a difference. Civil servants who identify strongly with their own agency tend to pay less attention to signals from the parent ministry and political executives, they have less contact with the parliament, and the perceived influence of the cabinet and the parliament is lower than for bureaucrats whose identification with their own agency is weak. Professional identification does, however, not have a significant influence on the dependent variables. Thus our hypothesis H6 is only partly supported.

Fifth, the most important overall factor is whether there is a high level of public debate or not about the cases the civil servants are working on. This factor has a strong and significant effect on all our dependent variables. Bureaucrats working on cases with high political salience tend to pay more attention to signals from political executives and their parent ministry, they have more frequent contact with such bodies, and the perceived influence of the cabinet and the parliament is much higher than for civil servants working on issues involving little public debate. There is also an effect of mutual trust between own agency and parent ministry. Civil servants with a high level of mutual trust tend to pay more attention to signals from the parent ministry. When controlling for other factors there is no significant effect of conflict. Thus, our hypothesis H7 gets partial support.

Summing up, the explanatory power of our perspectives is relatively weak, but most of the significant effects support our hypotheses. The effect of regulatory task is, however, reduced when other structural and cultural factors are controlled for. The most important variable to understand the relationship between agencies and their political and administrative superiors is the degree of political salience and also policy area. Table 5 sums up our main results related to the main hypotheses.

Table 5. Main hypotheses and empirical results in the survey of civil servants in agencies.2006.

Main hypotheses	Main results
H1:Civil servants with regulatory tasks are less sensitive to signals from political executives, parent ministry, client groups and more sensitive to professional signals	Partly confirmed in bivaraite analyses concerning political executives and parent ministry, but not sustained in multivariate analyses
H2:Civil servants with regulatory tasks have less contact with political executives and parent ministry	Confirmed when it comes to parent ministry, but only bivariate significance concerning political executives
H3:Civil servants with regulatory tasks see own agency as more important and political executives (parliament and cabinet) and parent ministry as less important concerning influence	Partly confirmed concerning parliament and cabinet in bivaraite analyses, but not sustained in multivariate analyses
H4: Civil servants with regulatory tasks working in agencies in economic area will overall see signals from, contact with and influence from professional considerations and own agency as more important than from parent ministry and political executives.	Confirmed.
H5: Civil servants in leadership positions will overall score highest on signals from, contact with and perceived influence of parent ministry and political executives.	Partly confirmed for signals and contacts
H6:Civil servants identifying strongly with own agency and profession will score lowest on signals from, contact with and perceived influence of parent ministry and political executives	Partly confirmed for signals and influence
H7:Civil servants in a political-administrative culture with low mutual trust, a high level of conflict and high level of public debate will score higher on signals from, contact with and perceived influence of parent ministry and political executives.	Partly confirmed, but only for public debate, where importance is strong

Discussion

A general finding in this paper is that there is a relatively close relationship between agencies in general and their parent ministry and political executives. In contrast to the new regulatory orthodoxy, the agencies in general are not isolated from their administrative and political superiors. This is the case for civil servants working with both regulatory tasks and other tasks. Their autonomy seems to be bounded. They pay particularly great attention to signals from the administrative leadership in their parent ministry, have a well developed contact patterns upwards and generally assess their superior as having an important role to play when central decisions are made within their own field of work. These findings show quite consistently the

historical tradition of semi-autonomous agencies in Norway, balancing control and autonomy, based on a modified Swedish model (Christensen and Roness 1999). Because the political leadership in the ministries and the cabinet has capacity problems, contacts with the agencies often go through the administrative leadership and civil servants in the relevant department. Contact with parliament very much follows the parliamentary chain, i.e. going through the ministries. The majority of civil servants working in agencies in any case pay a lot of attention to signals from political leaders and assess political executives as important when central decisions are made, even if signals from politicians are paid less attention than signals from administrative leaders in their own agency.

It is also interesting to note that even people who have regulatory tasks as their main function tend to pay quite a lot of attention to signals from user groups, clients and stakeholders. This might indicate that the regulatory bureaucrats have closer relations to the regulatees than the new regulatory policy would suggest. This may indicate that moving agencies further away from the ministry makes them closer to and more exposed to client groups. Thus, in general the practice of regulatory agencies is somewhat loosely coupled to the ideal type of regulatory agencies as promoted by the new regulatory orthodoxy. The regulatory reform of 2002-2003, did not bring about a radical change in the situation compared to ten years ago, and today we see more similarities than differences in the civil servants' orientations and in their daily relationships with their superior political and administrative bodies.

One finding that does, however, support the expectations raised by the new regulatory policy is that professional considerations get a top ranking when carrying out the daily work. This is the strongest of all signals. However, this is not a product of the new regulatory policy. It has been a longstanding and traditional norm within the Norwegian civil service since the 1840s-50s (Christensen 2003). There is also no significant difference between civil servants working on regulatory issues and other civil servants in their high ranking of professional considerations.

That said, when it comes to variations between people working with regulatory tasks and civil servants with other tasks, there are some systematic differences as the new regulatory policy would lead one to expect. Compared to other civil servants people with control, supervisory and regulatory work as their main tasks pay somewhat less attention to signals from their parent ministry and from the political leadership; they have less frequent contact with such bodies and report that political executives are somewhat less important when central decisions are made. Since this has not changed much over time, this may indicate that regulatory tasks and regulatory agencies have enjoyed relatively higher autonomy from the ministries for some

time because regulation is more apparently connected to specialized areas of technical expertise and therefore professional considerations.

A main finding is that the most important factor when it comes to explaining the relationship between agencies and political and administrative superiors is the degree of political salience or public debate involved in the cases civil servants are working on (cf. Pollitt et al 2004). The degree of public debate is generally much more important for understanding the variation in the relationship between agencies and their political and administrative superiors than the degree of mutual trust between them or the general degree of conflict in the policy area. This may be the effect of increased politicization of a policy area and of increased efforts to exert political control in crisis situations, as seen in the immigration policy field in Norway (Christensen, Lægreid and Ramslien 2006). But agencies may also seek a closer relationship with the ministries over controversial issues in order to put their decisions on a sounder footing, and avoid criticism and media exposure.

But policy area also makes an important difference. As might be expected from the regulatory reforms, civil servants working in agencies in the area of trade and business, economic issues and market have their parent ministry and political executive more at arm's length than people working in the softer areas of welfare state issues or other policy sectors. This may reflect the fact that policies in these areas are becoming more narrow and economically oriented, which makes it easier to keep the politicians away.

There is also a significant effect of hierarchical position when it comes to signals and contact patterns. Civil servants in leadership positions in the agencies pay more attention to signals from the parent ministry and from political executives and they also have a more frequent contact pattern with such bodies than administrative executives. In this respect they adhere closely to the formal duties and obligations of their leadership roles.

It is, however, interesting to observe that professional identification cannot explain much of the variation in the relationship with political and administrative superiors. One possible explanation for this may be the fact that professional considerations are so strong generally in the civil service that they create little variation. Identification with own agency seems more important than identification with own profession, showing the importance of combining cultural and structural features.

Conclusion

In this paper we have shown that the regulatory practice of civil servants in Norwegian central agencies is much more complex than the OECD discourse and prescriptions suggest. We cannot talk about role purification or about changes that are obviously attributable to the regulatory reform of 2002-2003. On the one hand, they have a closer relationship with political and administrative superiors and also with the regulatees than suggested by the OECD regulatory policy. They are by no means insulated from other actors. On the other hand, in line with the OECD prescriptions professional considerations are very important, but they do not produce much variation when compared with civil servants performing non-regulatory tasks.

There is also less difference between regulatory employees and other agency employees than we would expect from the OECD discourse, and the importance of having regulatory tasks or not is less important than structural and cultural features if one wants to understand the relationship between central agencies and their superior political and administrative bodies. The level of political debate, policy area, agency identification and administrative position seem to be more important to understand the relationship than involvement in regulatory tasks. The main picture is that there is a loose coupling between the OECD regulatory policy ideal and regulatory practice in central agencies when it comes to the relationship between the 'semi-autonomous' agencies and their parent ministry and political leaders.

What are the possible implications of this study for other countries? Can the findings be relevant outside Norway? The empirical focus on Norway provides insight into how Nordic countries' regulatory experience differs from that of their Anglo-Saxon counterparts. The Norwegian welfare state model with its strong consensus orientation, high level of mutual trust and a longstanding unified agency model represents an administrative cultural and structural design that is at odds with the OECD model and prescriptions and makes it difficult to apply them in a straightforward manner (Christensen and Lægreid 2006b).

One similarity between Norway and other European counties is the importance of contextual factors when it comes to adopting independent regulatory agencies (Thatcher 2007), but in contrast to many elected politicians in other European countries, the Norwegian politicians and parent ministries seem to use their power more actively to influence the daily work of central agencies (Thatcher 2005). This is especially the case for issues involving a high degree of political salience or public debate. Another similarity between Norwegian regulatory practice and what has been observed in Anglo-Saxon countries, such as the United Kingdom, is the approach to excluding politicians and establishing a more purely evidence-based mode of policy making. What happens is not so much de-politizing as arena shifting (Flinders and Buller 2006). Politics tends not to disappear and it is more a question of finding a new balance

between professional signals, agency-specific identity and signals from the parent ministry and political bodies. A comparative study of regulatory organizations and practice in different policy areas in Norway shows quite clearly that internal tension between professional considerations, conflicts with actors being regulated, anticipated reactions from regulatory agencies, and political interference and importance are more common than purely regulatory roles and so-called evidence-based and objective decision-making (Christensen and Lægreid 2006b). Regulatory processes seem much more muddy and complex than the orthodox regulatory model outlines.

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