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Abstract

This paper describes the consequences of institutional reforms when these encounter opposition by other political actors. Within the rational institutionalism paradigm, Fritz W. Scharpf has argued that a utility-maximizing actor will violate the norms of formal institutions if the expected gains from breaching institutional arrangements exceed the expected costs of institutional adherence. The theory of the rule-violating actor is tested on the case of the Danish reform of public administration, where 14 counties were consolidated into five regional units, which operate under a new governance structure. Under this new governance structure the regional councilors' opportunity to pursue substantial and institutional goods is reduced. The hypothesis therefore, is that the regional councilors will violate the institutional norms in order to be better positioned to pursue both substantial and institutional goods. The analysis tends to support Scharpf's rule-violating theory. The Danish regional councilors violate the stipulation by making cosmetic changes in the mandates in order to continue the work and by ensuring that the "continuing committees" contain the same councilor members as in the preceding year. Regardless of this permanentization the regions attempt to keep the committees temporary in order to ensure that the councilors are financial compensated.

Introduction

It is well documented within the rational tradition of political science that political actors design public structures in order to maintain their positions in political decision-making (Knight, 1992; Moe, 1989; 2005; see also Christiansen & Klitgaard, 2008; Krogh, 2011). It follows, therefore, that major political reforms will benefit some political players and harm others in the struggle for institutional and substantial benefits (Moe, 1990: 221). Scholars have focused on what happens when the rules of formal institutions are opposed to the interest of political actors (Knight, 1992; Moe, 2006; Scharpf, 1997). According to Fritz W. Scharpf, there may be situations where it can be an advantage for the actor to circumvent or directly breach the institutionalized norms and regulations (Scharpf, 1997: 42).

As Scharpf observes: "Unlike the laws of nature, even binding rules may be violated by actors who are willing to pay the price of sanctions being applied or who subjectively discount their incidence" (1997: 42). Scharpf's theory of the rule-violating actor appears to be relevant in situations where national reformers make decisions concerning the institutional design of public structures which limit the ability of other political actors to pursue institutional and substantial goods.

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Despite the fact that Scharpf's theory provides a relevant contribution to the study of political reforms, the theory has not been tested to any great extent in the existing reform literature. It would therefore be appropriate to test the theory in a situation where centrally determined reforms call for changes in the behavior of those political actors who may be in conflict with the fundamental interests of the reform-initiating actors. In a methodological context, it means that a critical "most likely" case is selected that is initially expected to support the theory (cf. George & Bennett, 2005: 121; see also Gerring, 2007: 115). Hence, if Scharpf's rule-violating actor theory is falsified by the "most likely" case, it can be rejected on more general ground because it is an "easy" test of the theory (George & Bennett, 2005: 122). If the case study supports the theory, it would only be possible to generalize to similar situations and the theory needs to be tested in situations where it has less favorable conditions.

In Denmark, we are fortunate to have a case which allows us to test Scharpf's theory of the rule-violating actor. The recent reform of the Danish public administration – named *Strukturreformen* in Danish – consolidated 14 counties into five regional units. In comparison with the former county governance structure – a Committee-Leader Model – the new Council Model weakens the majority of the regional councilors' ability to pursue substantial and institutional goods (cf. Strøm, 1990). Following Scharpf, one would therefore expect that the regional councilors would attempt to violate institutional norms in order to better pursue substantial and institutional goods.

In the following, the basis of the outlined theory will be further elaborated within a rational institutionalist approach. The overall hypothesis and methodological basis for this article will be outlined, followed by a presentation of the case study data. Finally, the conclusion summarizes the findings of the analysis.

Rational Institutionalism

The influence of formal institutions on actors' behavior is one of the most debated topics in political science' (see e.g. Ostrom, 2007). Most political science articles today begin with the invocation that "institutions matter" (Rothstein, 1998; Weaver & Rockman, 1993). This consensus has, however, not led to a common understanding of institutions. However, it is now conventional to distinguish three different varieties of institutionalism (Thelen, 1999: 369): historical (see Hall, 1994; Pierson & Skockpol, 2002, Thelen & Steinmo, 1992; Thelen, 1999), sociological (see Berger & Luckmann, 1966; March, 1995; March & Olsen, 1989), and rational (see Downs, 1957; Knight, 1992; Moe, 1990; Ostrom, 1990).

The theoretical starting point for this paper is taken within the rational institutionalism tradition. The argument here is that actors' utility-maximizing behavior does not take place in an institutional vacuum, but within some institutionally determined settings that both enable and constrain the actions of political actors (Moe, 1989; 1990; North, 1990; Torfing, 2005: 45). Hence, rational institutionalism highlights the strategic interaction between intentional and compet-

ing (utility-maximizing) players in a well-defined institutional context (Weingast, 1998: 169).

Some scholars within the rational institutionalism school have argued that institutions are created intentionally by strategic actors in order to solve collective action dilemmas (North, 1990: 4; Shepsle, 1989; Weingast, 1984). According to several theorists, actors' compliance with institutionalized norms and rules leads to a favorable equilibrium situation where all players prefer the existing norms and rules rather than other alternatives (Shepsle, 1989: 137). Hence, institutions are regarded as distribution-neutral.

Recent contributions strongly argue against the idea that institutions are established in order to solve collective action problems (Knight, 1992; Levi, 1990; Moe, 2006). The functionalist "explanation" conflicts with the rational institutionalist assumption of utility-maximizing actors (Christensen, 1994; Knight, 1992: 38; Moe, 2006: 32). Hence, an important but neglected effect of institutions is their discriminatory character, in the sense that they distribute institutional advantages and disadvantages unequally (Moe, 1990: 221). Institutions are not created to produce equilibrium or societal efficiency as a solution to collective action dilemmas. The theorists do not deny that institutions can produce collective goods. Rather they claim that some actors will ensure for themselves certain distributional benefits.

Fritz Scharpf falls into the same category of scholars because he doubts that institutionalized norms and rules impose constraints on the actor. Scharpf argues that precisely because actors are self-interest maximizers, they will, in situations where the formal institutions are in conflict with the fundamental interests of the actors, violate the formal conditions. A rational actor will in fact violate the norms of existing institutions if the expected benefits exceed the expected costs (Scharpf, 1997: 42). Overall, the question of individual and collective rationality has been a central issue within political science (see Elster, 1989). This paper treats the individual actors on a collective level, knowing that each actor principally exhibits varying strategic behaviors. The argument, which is further elaborated below, is that some political institutions generally serve the interests of local councilors better than other political institutions.

Although, Scharpf is preoccupied with the violation of formal institutions, he remains unclear as to what behavior constitutes such a violation, and how it could be measured empirically. There is a clear distinction between stretching the boundaries of conduct and committing criminal violations. One can violate the law, but what does it mean to violate an institution? It is an obvious point that politicians always manipulate norms and rules, but there is a difference between manipulation and violation. One could imagine several ways in which existing institutional norms and rules could be violated. Different typologies are linked to the violation concept: refusal to comply, active resistance, ignoring rules, bending rules, deviating from procedures, and stretching the boundaries of conduct. In order to understand the violation concept, it is beneficial to use a continuum going from "weak violation" to "strong violation". Weak violation would consist of an actor adopting rules in a half-hearted manner. A step further

would be if the actor violates the specific rules in a covert manner, then stretch the boundaries of conduct openly or even overtly. Finally, an actor could make a criminal violation. Since the theory is tested in situations where it has favorable conditions, violation is conceptualized “as a situation where actors either stretch the boundaries of conduct or blatantly violate the specific rules”.

Within political science the fundamental interests of politicians are considered as two kinds of goods: substantial and institutional (Strøm, 1990; Christiansen & Klitgaard, 2008: 30). Substantial goods cover specific distributional advantages such as material or economic gains and influence on the political decision-making process. Institutional goods are positions and institutional structures that benefit the actor in future decision-making, and thus provide the opportunity to acquire substantial or new institutional goods over the long term (Christiansen et al., 2004: 27-28; Strøm, 1990). Hence, when they pursue their fundamental interests, politicians will pursue both institutional (political positions and platforms) and substantial (salary and influence) goods (see Strøm, 1990). On this basis, we can generate the following hypothesis:

In situations where institutional rules and norms inhibit politicians from pursuing their political positions and platforms (institutional goods) as well as salary and influence (substantial goods), they will attempt to improve their opportunity to pursue these goods by violating institutional rules and norms.

As mentioned above rational institutionalism emphasizes that it is not the variation in actors’ fundamental interests – which are considered to be exogenous – but the variation in institutional conditions that causes actors to change their strategic behavior. The following section exposes how some institutional conditions favor most of local councilors.

Institutional conditions

Since a politician pursues both substantial and institutional goods, it is important how the political system is organized – i.e. the number and characteristic of the political bodies and how these bodies operate. Some political institutions serve, *ceteris paribus*, the politicians’ interests better than other political institutions. In the literature on political governance, it is particularly the siting of the immediate administration in a number of standing committees that is considered to be a substantial and institutional advantage for the councilors (cf. Berg & Rao, 2005; Mouritzen & Svava, 2002). There are several such advantages. First, the councilors are usually paid an extra fee for their committee work, which is why a councilor has an economic incentive to obtain a seat in a committee. Second, through the responsibility for the daily administration, the committees equip the councilors with a formal power which allows them to make valid political decisions within the policy area. Third, and by extension, a form of education of the councilors takes place in the committees; the politicians acquire sector-specific knowledge through their work in the committees. A necessary prerequisite for the councilors to utilize the formal power in the committees is that they understand the political processes and can thereby control the administration. If the councilors do not develop a specific knowledge about the different sector areas

through the work in the committees, they will not be able to control the civil service's implementation of policy decisions. Fourth, the committees constitute a significant political platform for the councilors. Since councilors are not only preoccupied with policy influence but are also interested in the highest number of votes so as to advance their political career, it is important to highlight political attitudes in relation to the voters. That the councilors benefit institutionally from being members of political committees implies that it is very important for the councilors to appoint such committees. It is also important which authority the committees are attributed and the kind and amount of financial compensation that councilors receive for their committee work. Committee establishment, therefore, becomes an arena of political contestation.

The Danish Case

In June 2005, The Danish Government – i.e. The Liberals and the Conservative Party – with support from the Danish People's Party (DPP) carried out a reform of the Danish public administration. This reform enlarged and strengthened the Danish Municipalities, whereas the counties were abolished and replaced by a weakened regional body. The rationale behind the reform is that politicians, in the pursuit of institutional goods, are willing to create inefficient political institutions (the regions). This means that the reform leaders wanted to reduce political power of the regional actors in favor of more powerful Danish municipalities (for further information, see Krogh, 2011).

The regional part of the reform had four basic elements. First, the reform consolidated the fourteen existing counties (named *Amter* in Danish) into five new regions (named *Regioner* in Danish). Second, the reform reduced the portfolio of tasks for the regions. The state and municipalities took over responsibility for a great part of what had formerly been county tasks, with the regions retaining responsibility for the health care sector, regional development and social/psychiatric care (see The Ministry of Interior and Health, 2004). Moreover, the regions are not a subject to the Municipal Authority² (named *Kommunalfuldmagten* in Danish), which is why they cannot take on tasks other than those authorized by specific laws. Third, the sources of financing also changed, since the regions cannot levy taxes – contrary to the counties – but must solicit block grants from the state and activity-based grants from the municipalities. These grants are earmarked for each of the region's three major policy areas such that regional councilors do not have the option to formulate economic priorities among these task areas. Finally, the reforming parties decided that the regions would be managed by 41 elected regional councilors. The overall institutional conditions for the elected regional councilors are determined in Law of Regions, where it appears that the main governance model from the municipalities and counties – the Committee-Leader Model – should be abandoned in favor of a new Council Model (The Ministry of Interior and Health, 2005). In addition to the Regional Council the regions are committed to appoint an Executive Committee consisting of least 11 and no more than 19 members. The regions are free

to decide whether the day-to-day administration may be located in the Regional Council or in the Executive Committee. The regions are – as opposed to the counties – not permitted to set-up Standing Committees with decision-making authority. If they choose to appoint Standing Committees (without decision-making authority), the members of these committees are not eligible to receive a salary. Instead the parties behind the Chair of Council may appoint Temporary Committees with an advisory and preparatory mandate and in which members qualify for a salary. In the counties, decisions on policy issues typically went from the Administration to a Standing Committee, whereupon a recommendation was submitted to the Finance Committee (Dyhrberg, 2010: 71). If the recommendation was approved by the Finance Committee, the final decision was made in the Council, and the Administration was responsible for the implementation (Ibid.). In the regions, the decision-making is different because the immediate administration is not placed in Temporary Committees. Hence, the policy questions have a shorter path through the formal political system in the regions and will involve only a minority of councilors if the immediate administration is placed in the Executive Committee.

The honorarium for the work in the Temporary Committee is smaller than the payment for work in the standing committees (The Ministry of Interior and Health, 2005). The sum of the annual payment of a member of the Standing Committees could be up to 165 percent of a County Mayor's salary, whereas the sum of the annual payment of members of Temporary Committees maximally covers 100 percent of the salary of the Regional Mayor (Opstrup, 2010: 241). For instance, an ordinary member of a Standing Committee in the former County of Funen was paid about 130.500 Danish Kroner annual whereas an ordinary member of a Temporary Committee in the Region of Southern Denmark is paid about 98.000 Danish Kroner annual. Also, the honorarium for chairing a Standing Committee was significantly higher in the counties compared to the payment for chairing the Temporary Committee. For example a former Chair of a Standing Committee in the County of Southern Jutland was paid 302.023 Danish Kroner whereas a Temporary Committee Chair in the Region of Southern Denmark receives around 117.655 annual (Ibid.: 242). The major institutional differences between the Committee-Leader Model and the Council Model are outlined in table 1 below.

Table 1. The political governance structure

	Committee-Leader Model (counties)	Council Model (regions)
Political Bodies	Council Financial Committee Standing Committees	Council Executive Committee Temporary Committees
The Immediate Administration	The Standing Committees	The Council and/or the Executive Committees
The Committee Structure	Standing Committees are head of daily operations	Temporary Committees with advisory authority
Salary	165 percent of the county mayor's salary	100 percent of the council chair's salary

Four regions have chosen to site the immediate administration in the Executive Committee, whereas one region has divided the day-to-day administration between the Regional Council and the Executive Committee. Generally, this means that a majority of the councilors outside the Executive Committee are not involved in policy issues before the final and often clarified decision making processes. Table 2 shows that all five regions in 2007, 2008 and 2009 have chosen to appoint temporary committees, with some regions having a large number of them. Over a period of three years, the five regions have appointed 114 temporary committees whose members are eligible to receive a honorarium³⁾. No major fluctuations appeared in this period: the regions had 40 temporary committees in 2007, 36 in 2008 and 38 in 2009. The five regions averaged 7.6 temporary committees a year per region. This compares with the counties, which had 4.9 standing committees (without the financial committee) in 2001 (The Ministry of Interior and Health, 2004: 209). The committee structure of the regions contains more committees compared with the committee structure of the counties. In order to expose how many institutional seats the elected councilors in the regions vie for, table 2 identifies the number of committee members in 2007, 2008 and 2009.

Table 2. Number of temporary committees and committee members by region 2007-2009.

	2007		2008		2009		Total	Mean
	TC	CM	TC	CM	TC	CM	TC	CM
North Denmark	9	59	9	65	9	65	27	9
Central Denmark	12	79	9	63	11	84	32	11
Southern Denmark	8	69	7	74	7	75	22	7
Sealand	7	63	7	63	7	63	21	7
Capital Region	4	38	4	38	4	38	12	4
All regions	40	308	36	303	38	325	114	38
Mean	8	63	7,2	61	7,6	65	7,6	8

TC: Temporary committees, CM: Committee members

Empirical claims

In Denmark, placing the administrative tasks in several standing committees allowed councilors in the former counties and municipalities to pursue both substantial and institutional goods (cf. Mouritzen & Svava, 2002). In the former system, the councilors received a fee for their work in the committees and through the political work in these committees, they could influence the political processes and obtain political platforms to the public. In contrast to the counties' Committee-Leader Model, the new Council Model based as it is on the less powerful regions, does not provide the councilors with the same opportunities. Administrative tasks are now centrally located instead of placed within the committees. The councilors may therefore opt to violate the institutional conditions

(Scharpf, 1997), so that they can obtain financial benefits in the form of committee honorarium (substantial goods), as well as trying to pursue political positions from where they can enhance their political influence (institutional goods). The empirical claim in the paper is twofold and can be presented as follows:

- a. The regions appoint temporary committees because members of such committees qualify for a salary (as opposed to members of standing committees).
- b. In reality, however, the temporary committees work like permanent committees, because the members then are obtaining a political platform with a better chance to be specialized, understand and influence the political processes.

Method

Testing the overall hypothesis and the empirical claim require that the counties and regions are similar in every possible way except for one variable, namely, the political governance structure (cf. Serritzlew, 2007; Mouritzen, 2010; Nørgaard, 2007). Observable differences in the strategic behavior could then be attributable to the political governance structure. Such ideal testing conditions are quite difficult to obtain, because major reforms usually contain several underlying reforms. The complexity of the regional reform places great demands on the stringency of the testing of the hypotheses and the empirical measures of the concepts.

In order to test the overall hypothesis and the empirical claim, the appointment of the temporary committees is first examined. This is done by elite interviewing 29 regional councilors and 14 leading officials conducted during the period December 2007-August 2009 – some of them with experience from the former counties. In order to falsify that the temporary committees are only appointed because members of such committees qualify for a salary, we must identify objective explanations for appointing temporary committees. An obvious reason for having temporary committees is that that they fill a significant function in the decision making processes – i.e. that they influence and are institutionalized in the decision making processes. The influence of the temporary committees is measured by a questionnaire survey with the councilors conducted in the counties in 1997 and in the regions in 2009. A comparison of the councilors' assessment of the influence of different political bodies within the regions as well as a comparison of the county and region councilors' assessment of their relative influence is conducted. The institutionalization of the temporary committees is measured through observational studies of the county and region councilors' speaking time based on video recordings in three counties (1999-2000 and 2004-2005) and three regions (2007-2008). Secondly, the analysis explores whether the regional actors follow the Law of Regions – i.e., whether the temporary committees work for one year.

Analysis

First, the analysis scrutinizes why the regions appoint temporary committees. Secondly, the analysis studies whether the regions in accordance with the Law of Regions are only allowing the temporary committees to be de facto temporary.

Why temporary committees?

The appointment of the temporary committees takes place within a general dissatisfaction with the remuneration of the councilors both in the regional council and in the temporary committees. 86 percent of the councilors are of the opinion that in proportion to the workload, the remuneration both in the regional council and in the temporary committees is far too low (cf. Opstrup, 2010: 243). A councilor describes it as follows:

Nobody wants to sound greedy, but it is twice the work compared to work in the counties and half the salary – no, that is not entirely true – but there are so many working hours in this job and so many hours on the road.

Another councilor explains: “You should not do this regional work instead of an ordinary job. In that case, you will not bring home the bacon”. Hence, the councilors’ general attitude is to ensure the obtainable honoraries within the Law of Regions because they generally find the remuneration too low. The problem for the councilors is that besides the pursuing of substantial goods they are also preoccupied with the obtainment of institutional goods. According to the law, the regions are allowed to appoint standing committees without decision-making authority. These standing committees would probably strengthen the councilors’ opportunity to be specialized and thereby they would be better able to provide reliable information to decision-makers (cf., Krehbiel, 1993). This would place these committees nearer the decision making processes and strengthen the institutional goods of the backbench councilors outside the Executive Committee. But the councilors can be compensated for their work in the committees only if these committees have a temporary mandate and do not undertake administrative tasks. Thereby, the institutional conditions of the regional legislation weaken the capacity of the majority of councilors to pursue substantial and institutional goods simultaneously. Placing the immediate administration within the Executive Committee deprives the other backbench councilors of influence on decision-making in the Council, and these councilors do not possess the requisite knowledge for monitoring the processes. If the administrative tasks were placed in the Regional Council, the backbench councilors would have better chances. However, they would still suffer from lack of specific knowledge that they had in the former standing committees. Hence, the councilors, if they follow the institutional conditions, are forced to sacrifice political influence, key positions and essential political platforms in order to receive compensation.

Therefore, the regions try to response to this institutional constraint in a cleaver manner, which apparently is an illegal circumvention of the Law. As mentioned earlier the regions appoint temporary committees. What is not imme-

diately readable in table 2 is that several of the regions appoint committees that work through the entire election period and as a result, whose members do not receive compensation. The key issue is that the meetings in these committees are held both in continuation of the meetings in the subject-related temporary committees and that the composition of members is nearly the same. Through the temporary committees the councilors are safeguarded a salary. In other words, the violation of the institutional conditions is more concealed, or – as a councilor expressed it – a more “sophisticated” way to avoid the rules. An official describes at in the following way:

The thing is that we have appointed temporary committees and some ‘continuing committees’. What is actually going on is pure ‘Michelin’, because it is ‘tire on tire’. We have continuing committees, which had worked for the entire election period, because that makes sense. But then the members cannot obtain a salary which is why we appoint a new temporary committee with the same members. This temporary committee meets at the same time as the consistent committee.

Regardless of the dissatisfaction with the remuneration and the rather creative committee set up, which apparently indicate that the temporary committees are appointed because of their qualification for financial compensation, the regions could appoint temporary committees for other reasons. If the appointment is due to more administrative considerations, the temporary committees must at least fill a function in the political processes. In order to assess the influence of the committees, the regional councilors were asked to assess the committees’ influence in proportion to other political bodies and actors in the regions.

Table 3. Influence on key policy decisions, 2009. Index.

	All regions
Council	66
The Executive Committee	74
Chair of Council	83
Temporary Committee	46
Chair of Party groups	62
Administration	75
Party group meetings	53

n = 119-121

Question: “Many actors influence political decisions. When you look back on key policy decisions since the creation of the regions, how would you assess the influence of the following actors? We ask you to make an assessment on a scale from 0-10, where 0 means ‘no influence’ and 10 means ‘very great influence’”. In the table, the scale from 0-10 was converted into a scale from 0-100.

From table 3, it appears that the councilors on average assess the temporary committees’ influence at a level of 46 on a scale from 0 (no influence) to 100 (very much influence) even though the committees actual are working as ‘continuing committees’. Compared to the other bodies and actors, this is the lowest ranking. You might expect that the assessment without the creative committee

set up would have been even lower. Although county councilors were not asked a similar survey question, there is no evidence to indicate that the temporary committees have anywhere nearly as much influence on the political processes as did the standing committee in the former counties. At the least, one may expect that the standing committees would not have been ranked as the body with the lowest influence compared with other bodies in the former counties.

Furthermore, table 4 below shows, first, that the backbench region members who are seated only in the Council and in one or more Temporary Committees (i.e. not member of the Executive Committee) assess their influence to be significantly lower than the backbench county councilors. Secondly, the findings illustrate that the backbench committee members compared to other regional actors assess their influence to be the lowest.

Table 4. County (1997) and Regional Councilors (2009) mean scores of their own relative influence.

		Mean
Counties	All Councilors	66
	Member of the Financial Committee	75
	Standing Committee Chair	83
	Backbench Councilors	60
Regions	All Councilors	62
	Member of the Financial Committee	74
	Standing Committee Chair	77
	Backbench Councilors	49*

n = 24-270

Question: "How would you assess your own influence in the council compared to your council colleagues?" The scale from 0-10 is in the table converted into a scale from 0-100.

Significant variables: *** (p<0.01); ** (p<0.05); * (p<0.1).

A second way to identify the function of the committees is to analyze the institutionalization of the committees in both county council meetings and regional council meetings by means of observations studies (cf. Krogh, 2010a: 185). Table 5 below displays that in 25 percent of the cases where a councilor spoke during a county council meeting, he or she referred to a standing committee. In the regional council meetings, reference to the temporary committees is made in only nine percent of the cases, thus indicating that the institutionalization of the temporary committees in the decision making processes is not only less prominent in relation to the actors within the regions but also in relation to the standing committees in the counties. A study of the mutual speaking time among regional council members and county council members indicates that chairs of the standing committees in the counties speak more than their expected average speaking time, while the chairs of the temporary committees in the regions speak significantly less than expected (see Dyhrberg, 2010: 108). This also indicates a reduced influence of the temporary committees.

Table 5. Reference to committees during meetings in the counties (1999-2000) and the regions (2004-2005). In percent.

	No reference to standing committee/ temporary committee	Reference to standing committee/ temporary committee	Total
County Council	75	25	100
Region Council	91***	9***	100

n = 2456-6419

Observations carried out in three counties: Aarhus, Funen, and West Sealand and in all five regions.

Significant variables: *** (p<0.01); ** (p<0.05); * (p<0.1).

In comparison with both the other regional bodies/actors and the standing committees in the counties, the temporary committees have significantly less authority in decision-making. Hence, the influence of the committees and the committee members' perceived influence are lower in the regions compared to the influence of the standing committees and their members' experienced influence. One Regional Mayor describes it in the following way:

One temporary committee had made a preparatory text for a case handling, but this part failed to be written into the Executive Committee's processing of the case. The funny thing is that no living soul spotted the mistake. Then, I realized that the role of the temporary committees is absolutely insignificant.

Are the temporary committees de facto permanent committees?

The previous section might indicate that politicians are only preoccupied with the financial compensation of their political job. This is far from being the case, because the regional councilors are also interested in designing institutions that will ensure them institutional goods. According to Scharpf, politicians would also try to obtain institutional goods – i.e. positions and platforms.

To identify whether the temporary committees actually work within the one-year limit it is studied what actually happens with the committees when their mandates expire, and when new committees are appointed. In addition, analysis of membership of the temporary committees is important because a temporary committee set-up must entail a rotation between members of the committee. Various regional data can help reveal how the temporary committees work in the regions⁴). Table 6 shows that a majority of the committees are either "the same" or "related" in both 2008 and 2009. Hence, only 22 percent of the committees formed in 2008 and 26 percent in 2009 seem to be a "new" committee. Moreover, the table shows that during the period, the committees tend to become more permanent, as 40 percent of the committees are exactly the same as the preceding year. A councilor explains:

we [the committee] will be called something different [...]. It is an extension of the same themes, you must call it something else, and if you are not done within the one-year time frame, then you find a twist so that you can continue your work. It's so artificial.

Hence, there is indication that the temporary committees – at least in some cases – work as what one councilor termed “camouflaged” permanent committees (Krogh & Skött, 2007). The purpose in extending the political work under the guise of a “new” mandate is to strengthen the institutional positions in the temporary committees. By doing so, the backbench councilors have an opportunity to concentrate on a given political area and to be better prepared to participate in the political processes. A councilor explains:

The thing is that we must change committees every year – this is totally destructive. [...]. Just take such a complex area like psychiatry. Before you are acquainted with the stuff, then the first year has passed, and then you, according to the regulation, must change committee. Now everyone probably figured out how to call it something different and changed a little bit of the portfolio, and then you will still stay within this policy area.

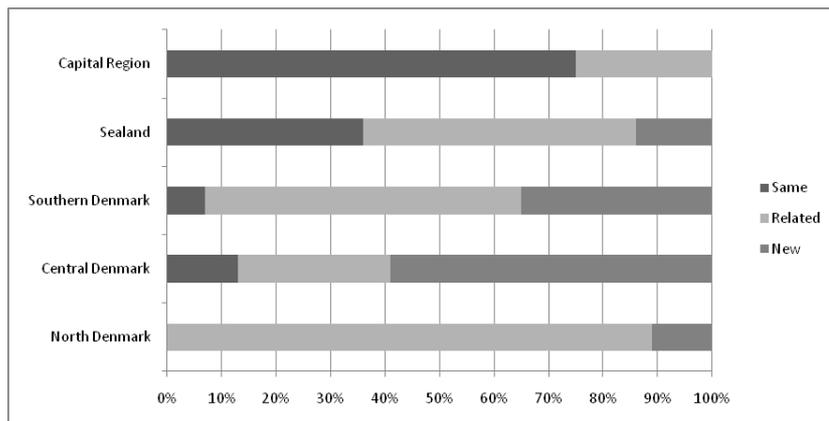
Table 6. Changes in the character of committees. By category and percent.

Region	Category from 2007 to 2008				Category from 2008 to 2009			
	SC	RC	NC	Total	SC	RC	NC	Total
North Denmark	0	78	22	100	0	100	0	100
Central Denmark	0	56	44	100	27	0	73	100
Southern Denmark	14	58	28	100	0	57	43	100
Sealand	0	86	14	100	72	14	14	100
Capital Region	50	50	0	100	100	0	0	100
All regions	13	66	22	100	40	34	26	100

SC: Same committee, RC: Related committee, NC: New Committee

In order to provide an overall illustration of the number of new committees in each region, the figures from 2008 and 2009 have been combined. Hence, figure 1 illustrates the number of “same” committees, “related” committees and “new” committees in each region for a period of two years, where “new” committees are synonymous with temporary committees. It is evident from figure 1 that in the Capital Region of Denmark, no temporary committees occur because the Region appoints four committees each year with the same mandate and the same name. Both Region Sealand and the North Denmark Region appoint few temporary committees, whereas the Region of Southern Denmark has a larger number of temporary committees. The highest number of temporary committees is found in the Central Denmark Region.

Figure 1. How temporary are the temporary committees?



In table 7 below, the remaining committees labeled “same” and “related” are further analyzed in order to reveal the number of councilor repeaters. The table shows that the regions generally fill the seats in the committees with the same councilors: 70 percent of the councilors in 2008 and 92 percent of the councilors in 2009 continue in the remaining committees. These figures support the data from table 9, as the proportion of councilors with a “permanent membership” increases from 2008 to 2009.

Table 7. Continuity of membership in the “same” and “related” committees. Percent.

Region	2008 (compared to 2007)	2009 (compared to 2008)	Mean
North Denmark	73	92	83
Central Denmark	62	100	81
Southern Denmark	80	88	84
Sealand	74	87	81
Capital Region	63	98	81
All regions	70	92	82

There are no major differences in turnover among members of the “same” or “related” committees.

Why do the councilors violate the temporary committee stipulation?

The previous pages document that the regions violate the time limits on committees as stipulated in the law. The regions allow the temporary committees to evolve into more permanent committees. This raises the question, as to why the regions persistently appoint temporary committees that in practice become per-

manent, as the committees work more than one year and, generally speaking, have the same councilors as members.

The fact that the regional councilors design a political system in order for the committees to work permanently has various explanations. First, the councilors want to increase the committees' influence on the decision-making processes. As a councilor observes: "There is not much respect in the Regional Council for the work of the committees". Several interviewees emphasize that because the number of decision-making councilors is limited to a few councilors in the Executive Committee, the backbench councilors are without influence. Besides the lack of political influence, it is about obtaining institutional positions and political platforms. A councilor explains why the regions are so preoccupied with changing the institutional conditions:

Two problems occur by not having standing committees. One is that councilors' opportunity to be immersed, to gain insight and to take ownership etc. becomes less when there is an absence of standing committees. Second is the lack of a platform for the councilors. Both in relation to the media and in relation to the negotiations with the municipalities.

As mentioned previously, scholars within the rational institutionalism school have argued that when politicians set-up institutions, they pursue institutional positions. Hence, the political position one holds is of importance in considering the needs for changes in the institutional set-up (Knight, 1992; Moe, 2006). Hence, we should observe differences in the councilors' attitude to institutional change in the regions depending on their political position. The councilors were asked whether they favor longer working periods and whether they want the decision-making authority to be returned to the committees. Among councilors who are not members of the executive committee, 70 percent favored a return of decision-making authority to the older, committee system, i.e. 90 percent of the non-executive members wanted longer working periods, versus only 78 percent of the executive members (see table 8).

It is not important whether the councilor is a committee chair or has formerly been a county councilor. With regard to the desire for more decision-making authority, there are considerable differences between the backbench councilors and the executive members: 70 percent of the backbenchers wanted decision-making authority to be extended versus only 47 percent of the executive committee members. Whether the respondent was a committee chair or former county councilor did not affect these results.

The reason why more non-executive members than executive members want longer working periods and more decision-making authority accorded the committees can be explained by the councilors' positions in the existing power structure. The council model meets the needs of the players in the Executive Committee because they are responsible for the immediate administration. These actors have an interest in maintaining the institutional set-up because they are in a good position to influence internal decision-making processes and to reach out to the

citizens (Moe, 1990). Rational institutionalist theory provides a convincing explanation for why the proportion of non-executive members who want change is significantly higher than the proportion of executive members. But the theory cannot, at first sight, explain why 78 percent of executive members actually want longer working periods. Longer working periods would in fact strengthen the backbench committee members' influence on the political process thereby minimizing the executive members' considerable influence. One explanation – as several of the leading councilors indicate – may be that the executive members actually want to please the backbench councilors in order to make decisions without fearing turbulence from the backbenchers (cf. Berg, 2004). As one Regional Mayor states: “I cannot stand it that councilors in this political system are without anything to do and, hence, are very dissatisfied with their political position”. A second explanation, suggested by Rothstein (1998) in his distinction between reason and rationality, might be that the one-year limit on committee “life”, is an inappropriate construction when democratically elected politicians must be capable of making proper decisions. Behavior in the regions indicates a desire for optimal decision making capability in the sense that circumventing the rules would benefit the overall system. This interpretation is consistent with one leading official who states: “It is only natural that some councilors take an interest in health policy, and other councilors are interested in regional development and public transport. No one can bite off more than one can chew”. The parties backing the regional reform have subsequently decided to extend the working period of the temporary committees from one to two years. This indicates that more objective considerations have played an important role.

Table 8. Share of councilors that want longer working periods and decision-making authority in committees divided into positions, 2009. Percent.

	Longer working periods	Decision-making authority
Not Executive Committee member	90**	70**
Executive Committee member	78**	47**
Not Committee Chair	85	57
Committee Chair	85	70
Newly elected councilor	87	60
Former county councilor	85	62

n = 27-94

Questions: “Is there a need for longer working periods in the temporary committees?” and “Is there a need for decision-making authority in the temporary committees?”.

Significant variables: *** (p<0.01); ** (p<0.05); * (p<0.1).

Conclusion: The rule-violating councilor

Few studies have explored what happens in situations where reform politicians launch institutional reforms that eliminate the institutional goods of other political actors. The theoretical hypothesis of this article is based on Scharpf's preliminary work: *In situations where obligatory institutional conditions exist that*

prevent politicians from pursuing their political positions and platforms (institutional goods), as well as salary and influence (substantial goods), politicians will attempt to violate the institutional norms in order to better pursue these goods. This theory was tested on the case of the newly formed Danish Regional structure which had replaced the county system. Regarding the regional case, the analyses tend to support Scharpf's rule-violating theory suggested: the regions appoint temporary committees in order to ensure that the councilors are compensated. If the regions appoint standing committees, the councilors are forced to work free of charge. Simultaneously, the regional councilors violate the rules on the duration of the temporary committees as stipulated in the Law of Regions by making cosmetic changes in the mandates in order to continue the work and by populating the "continuing committees" with the same councilor members as the year before. In other words, the regions design the political institutions so that the different interests of the councilors are taken into account. The Executive members want day to day administration to stay in the Executive Committee, but they also want the backbencher councilors outside the Executive Committee to have something to do.

The findings of the paper show that Scharpf's theory has potential. This is not to say that the theory can explain everything in the regions, because theories tend to manifest differently depending on the time and setting (see Allison & Zelikow, 1999: 388). However, in the wake of the findings of the analysis two obvious questions arise: First, why are the regions not more far-reaching in their violation? Second, why do the regions not implement a new governance structure that would allow the committees more authority? Several explanations are possible. First, it appears from the Law of Regions that the regions have no legal authority to implement another governance structure than the Regional Council Model. Other governance structures must be approved by the Ministry of Interior and Health. Second, a violation of that extent would probably not be accepted by the reforming parties. In situations where political actors decide to violate the institutional rules, one must expect that they are aware of the stakes. Since the issue of the salary of local councilors is a national matter, the reformers can take advantage of the opportunity and launch a financial sanction by depriving councilors of their committee fees, if they do not comply with the law (cf. Drury, 1998; Lektzian & Souva, 2007). The ultimate cost for the councilors is to be stripped of their committee fee. Conversely, by violating the institutions – if reformers either do not discover the violation or fail to do anything about it – the councilors stand to gain more goods of both substantial (salary and influence) and institutional (positions and platforms) type. On several occasions and latest during the summer 2011, both the Conservative Party, The Liberal Party and the Danish People's Party have called for the abolition of the Danish regions entirely (Krogh, 2011), so the regions are balancing on a razor's edge in violating the institutional rules. Third, the regions – if they survive – have a dependent relationship with the national decision-makers because they are not allowed to levy taxes but must instead solicit different grants from the state and the municipalities (see Christiansen, Nørgaard & Sidenius, 2004: 278; Gibbons, 1992: 2).

The findings of this article show that Fritz W. Scharpf's theory of the rule-violating councilor must be taken more seriously within the institutional literature. When reform politicians initiate institutional reforms that eliminate other players' substantial and institutional benefits, these players – i.e. the regional councilors – will tend to violate the institutions to some extent. For this reason, Scharpf's theory deserves to be subjected to more stringent testing than the case of the Danish regions, which have provided favorable conditions for confirming the theory. It is therefore important to note where and when it is apparent that rational institutionalism can help us understand political processes. Consequently, in the wake of the findings, it must be outlined under which contextual settings political actors are trying to violate the institutional conditions. First, it is obvious that when the gap between powerful and less powerful political actors becomes too large, both tend to violate the institutional conditions in order to minimize this gap. Additional violation occurs if it is not clear that the reformers are eliminating other actors' substantial and institutional benefits or in situations where the consequences for violating the rules are unclear. Also, the regions are devolving the state hierarchy, thus allocating responsibility to local authorities and on more local political levels. This devolution means that institutional adherence is vague. A stronger test would be where the state distance is reduced and where autonomy is low, because the local authority would then be assigned a minister. Finally, the violation is expected to be stronger when the reforms are carried out as a top down dictate without the influence and input of local actors.

Testing of Scharpf's theory must therefore be carried out in situations where one might not expect the theory to have explanatory power. This further testing would help clarify the institutional conditions under which the theory could contribute to our understanding of rational institutional processes and close the gap between the well-articulated theoretical reflections and the more complicated empirical realities. Hence, rational institutionalism could draw more robust conclusions about the theory's general potential.

Notes

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2. The Municipal Authority is the term used for the unwritten and indeterminate regulations, decisions and statements that regulate the Danish municipalities' possibility to take on tasks without authority in law. Prior to the reform, this authority was also applied to the counties.
3. Overall, the regions have appointed 138 committees, 24 of which are not temporary, members of these 24 committees are not eligible to receive an honorarium for their work.
4. The "permanentization" of the temporary committees has been measured as follows: All committees where members received compensation (i.e. the temporary committees) existing in 2008 were compared with all salaried committees in 2007. In addition, all salaried committees from 2009 were compared with all salaried committees in 2008. The comparison is carried out on two dimensions:

- The name and mandate of each committee in 2008 is compared with the name and mandate of each committee in 2007.
 - The name and mandate of each committee in 2009 is compared with the name and mandate of each committee in 2008.
 - After this, the committees are divided into three categories:
 - The “same” committee, where either the name of the committee and/or mandate is the same.
 - A “related” committee, where either the name of the committee and/or the mandate are related.
 - “New” committee, where both the committee’s name and mandate are new.
- The committees which are either “same” or “related” provide an indication of how many committees exist which resemble a standing committee without decision-making authority. In order to supplement these observations, we analyzed turnover among committee members from year to year. Degree of continued membership is equal to the proportion of members in a committee who continue in “same” or “related” committees, such that a value of 100 corresponds to high rotation and the value 0 corresponds to no rotation.

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