

# **Changing Government Control in Norway: High Civil Service, Universities and Prisons**

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# Preface

This paper is written as part of the research project «Tilsyn, regulering og kontroll» financed by the Norwegian Research Council. It is also part of an international comparative research project «Regulating government in a managerial age», headed by professor Christopher Hood, Oxford University. An earlier version of the paper was presented at the workshop «Cross national perspectives on control over government» at London School of Economics and Political Science, December 13–15 2002. We want to thank the participant at this workshop, the participants at the seminar Forvaltningsforum at the Rokkan Center, Tom Christensen, Espen Jamback and Bodil Ravneberg for helpful comments.

# Summary

The topic of this paper is the changing relations of control between the legislative and executive bodies, within executive and within public administration. We outline the traditional way of controlling public sector organization in Norway up to the end of the 1970s and describe the main changes over the past generation by focusing on the comprehensive administrative reform programs and also on the main changes in the control forms of the parliament and introduction of new external control from the EU. We discuss how the control has changed the high civil service by focusing on the relationship between the parliament and the executive and within the executive. A special analysis is conducted of control within two specific policy areas: higher education and prisons.

The focus is on four basic types of control: mutuality, competition, contrived randomness and oversight as broad ways of controlling public sector units. The conclusion is that there seems to be a general growth of control over time, first of all because enhanced use of competition and oversight by performance assessments. In contrast to what one could expect from the decentralization and deregulation components of the New Public Management movement, there seems to have been an increase in the formality, the intensity and the complexity of control over the past 10 years.

# Samandrag

Dette notatet fokuserer på endringar i kontrollrelasjonar mellom Storting og regjering, innafør sentraladminsitrasjonen og i statsforvaltninga. Vi gjer først greie for tradisjonelle kontrollformer i norsk offentleg forvaltning fram til slutten av 1970-åra. Deretter blir dei viktigaste endringane i løpet av dei siste 20 åra kartlagt ved å fokusere på moderniseringseringsprogramma, endringar i Stortingets kontrollformer og i nye kontrollordningar frå EU. Vi diskuterer korleis kontrollen har endra seg i sentralforvaltninga og i relasjonen mellom storting og regjeringsapparat. Det blir fokusert spesielt på endringar i kontrollrelasjonar innafør to policyområde: universitetssektoren og fengselsvesnet.

Det blir lagt vekt på fire grunnleggjande generelle kontrollformer: kollegakontroll, stikkprøve-kontroll, konkurranse og tilsyn. Konklusjonen er at det ser ut til å bli auka kontroll over tid, først og fremst på grunn av auka innslag av konkurranse og resultatkontroll. I motsetnad til det ein kunne venta ut frå fristillings- og dereguleringskomponentane i New Public Management-reformene, ser det ut til å bli auka formalisme, intensitet og kompleksitet i kontrollformene i løpet av dei siste 10 åra.



# Introduction

In many countries there is a general tendency to put more emphasis on control as well as to move away from internal, general control and towards more external, specific and technically based control mechanisms. One reason for such changes seems to be the espousal of New Public Management (NPM) as a general principle for public administration, although the coupling between the use of control instruments and NPM is not clear-cut (Pollitt et al. 1999). NPM features such as structural devolution, performance management and contracting out can in practice change the extent, content and mixtures of control. The process and effects of increasing and changing control are also influenced by other factors, such as adaptation to external pressure arising from increased integration in Europe and from a revitalized legislative scrutiny and control.

The topic of this paper is the changing relations of control between the legislative and executive bodies, within executive and within public administration. We focus on the relationship between parliament and the executive, between ministers and top administrative leaders within central government, and between leaders of different units within high civil service. A special analysis is conducted of control within two specific policy areas: higher education and prisons.

The reason for choosing these different institutional or policy domains is that they may enable us to assess the degree of uniformity or diversity of control within the state. The expectation is that prisons representing a sector with strong hierarchy and traditionally rule-based bureaucracy loyally will adopt and implement top down administrative reforms and new forms of control and regulations. In particular we expect this to be the case if the reform and control measures are compatible with existing forms. Universities are more autonomous institutions with a strong professional community that has a long tradition of resisting attempts at regulation and control from above. Thus we expect that the prison system will be more adaptive to new forms of control and regulation than universities. High civil service might fall in between these policy areas both because of its power position and the nature of its activities. These institutions are closer to politicians and thus more exposed to external parliamentary control. We expect them to be able to resist control measures that reduces their own power or measures that are incompatible with their activities.

We will emphasize ex post control and pay less attention to control aspects of ex ante guidance and steering both internally within each policy area and externally towards political leadership and the task environment. Three main questions will be addressed: What was the nature of the traditional system of regulation and control? What has changed in the mix of controls over the past 20 years? How and to what extent is the reorganized control and scrutiny function changing the relationship between the legislature and the executive, relations within the high civil service and within the public administration in the policy area of prison administration and universities?

The focus is on four basic types of control: mutuality, competition, contrived randomness and oversight as broad ways of controlling public sector units (Hood 1996, 1998, Hood et al. 1998). Mutuality denotes control of individuals by formal or informal group processes like professional collegiality, peer group appraisals and consultation based on egalitarian values. Cooperation is a central element of this control strategy. Group interaction is essential both within the agency and between the agency and externally. By competition we mean control of bureaucracies by processes of rivalry, like rivalry about appointments, pay and resources. New forms of competition in the public sector are market testing, outsourcing, contracting out and competition for clients, customers and students.

Contrived randomness denotes control of public sector units by making their lives unpredictable in some way, like random selection processes, rotation arrangements, and unpredictable patterns of audit or inspections. In addition outside control like the media represent a strong element of randomness, chance and unpredictability. The fourth generic approach is oversight, which is often linked up with the three preceding control forms. Oversight means review, scrutiny and control from above or outside public sector organizations and imply a significant element of hierarchy. One classic form of oversight represented by legislatures, but a other overseers may also be found in the form of reviewers, monitors, independent auditors, inspectors and regulators. New public management represents a revitalization of oversight by use of different kind of performance assessments in addition to the traditional control with rule following (Hood and Scott 2001). We are interested in the content and mixture of these control forms and how they have changed over time and between policy areas.

The empirical focus of the paper is the changing control in Norway. The last decade has been a period of intensive reform of the control and scrutiny functions of the Storting (parliament) and several comprehensive modernization programs for public sector have been launched. We draw on existing studies and reports on the development of the control and scrutiny function and on administrative reforms, and a series of interviews conducted in late 2000 with central political, administrative and public company leaders in Norway, 58 in all (Christensen and Læg Reid 2002). In addition, we interviewed 13 leading officials in the Office of the Auditor General in 2001 and 5 persons in key positions at different levels of the prison administration. The section on control of universities has been extracted from a comprehensive study of Norwegian university reforms (Bleiklie et al. 2000).

The paper is organized into six sections. First, in order to do some benchmarking, we describe the traditional way of controlling public sector organization in Norway up to the end of the 1970s. Second we describe the main changes over the past generation by focusing on the comprehensive administrative reform programs and also on the main changes in the control forms of the parliament and introduction of new external control from the EU. Third we discuss how the control has changed the high civil service by focusing on the relationship between the parliament and the executive and within the executive. Fourth, we examine how the mixture of control has changed within the system of higher education. Fifth, we focus on the control of prisons. Finally we discuss the contemporary control system in Norway by comparing the three institutions or policy areas.

## **The nature of the traditional system of regulation and control**

The Norwegian administrative system is a complex body combining partly conflicting principles, organization structures, values and mixtures of different control devices. Most of the basic values and considerations in administrative policy have been present through the post-Second World War period, but the individual components and the emphasis attached to each have changed over time (Læg Reid and Rolland 1994). There appears to be a cyclical process, whereby development in one direction results in a counter-process and sometimes the re-emergence of new values and controls in another. In the 1950s and 1960s considerable importance was attached to constitutional law and collective standards for appropriateness and justice. The rule of Law, hierarchical structure, formal control and traditional bureaucratic procedural methods of administrative control was underlined. The Parliamentary Ombudsman for public administration was established in 1962 and a Public Administration Act came in 1967. From the mid 1950s a dominant administrative doctrine was that the ministries should be relieved of routine tasks, which were administrative and technical in nature, and that these should then be transferred to subordinate directorates and agencies. Another important doctrine was that the ministries should be developed into secretariat for political leadership. The 1970s was a period where importance was attached to increased transparency, participation and representation through the development of internal workplace democracy in public administration and by transferring tasks and responsibilities to a new regional level. The principle of free access to official

records was introduced through the Freedom of Information Act in 1970. During this period there was a strong political decentralization, rather than strengthening the directorates. County and municipal authorities received responsibilities for a number of tasks, which were transferred from central government.

Norway has a long tradition of a homogenous and parliamentary-based political leadership living in peaceful coexistence. The political leadership maintained a close connection with administrative leadership characterized by strong mutual trust, which favours incremental administrative reforms and control by mutuality. Traditionally central political and administrative actors have agreed on balancing political considerations with the value of a rule-oriented civil service, citizen's rights, transparency, equality and the interests of affected parties and codes of professional behavior. There has traditionally been a strong political control of government owned-enterprises in Norway within a system of ministerial governance and this went hand in hand with strong structural features and an integrated administrative model. Norway has tended to see government-owned enterprises as a strong and integrated instrument of political development, organized as government administrative enterprises (Grønlie 1998). Historically, the bulk of government administrative enterprises was organizationally close to political and administrative leadership and had little autonomy but direct access to the leadership. They were defined as part of the central public administration, signaling that political control considerations were more important than commercial ones.

In Norway the control function was for a long time, particularly after World War II, general, and passive, allowing the executive a lot of leeway in general decision making and more specifically in organizing the central government, an executive prerogative (Christensen and Peters 1999, Roness 2001, Smith 1997a: 4). This seems to reflect some major features of the political-administrative system: a high level of mutual trust between political and administrative leaders and within the public administration, strong egalitarian values and common attitudes and norms among politicians and civil servants, clear role allocation between the powers and delegation of authority from the legislature to the executive (Christensen and Peters 1999, Christensen and Læg Reid 2001a).

Norway has been characterized by a strong statist tradition, incremental changes, the balancing of many considerations in civil service and a policy style of peaceful cooperation and revolution in slow motion (Olsen, Roness and Sætren 1982). The cooperation between politicians and administration and also within the public sector has traditionally been one of cooperation and mutual understanding. Norway has thus a consensus-oriented political-administrative system. With its multi-party system and minority governments, it is generally characterized by negotiation and compromise in public policy-making processes. These are all factors that would lead towards control through mutuality. Adding to this, the civil service in Norway is, relatively speaking, more homogenous in structure and personnel than the civil service in larger countries where the diversity is substantial on both counts. Homogeneity in norms, membership and form may make it easier to control administrative development processes through mutuality in Norway compared to many other countries.

Control through mutuality emphasizes the traditions determining how the control and scrutiny function is practiced. The control functions are quite informal and general in nature. They may traditionally be pursued in a relaxed manner. Norway can be classified as a high context culture, meaning that legislative-executive control relations would be more likely to rely on intuitive understanding and less on fact-based analytical reasoning and unambiguous causality (Bennett 1990, Christensen, Læg Reid and Wise 2002). If changing the function to make it more active and formalized is typical for NPM-inspired reforms, then the question of compatibility with traditions is particularly germane in Norway's case (Brunsson and Olsen 1993). The approach to control in a political-administrative culture with strong egalitarian values like Norway will be mutuality by formal or informal group processes (Hood 1998).

Control by oversight sees the control and scrutiny function of the legislature as enacting a mandate of popular sovereignty, something that formally gives the parliament the upper hand (Olsen 1983 and

1988, Smith 1997a: 5-6). Oversight is particularly associated with formal rights and authority. Oversight gives actors at the superior level the right and obligation to direct actors at subordinate levels by means of instruction and command, while actors at the subordinate level are obliged to follow orders from above (Lægreid and Roness 1999, Roness 2001). Control through oversight under a parliamentary system means that the cabinet needs the confidence of and is answerable to the parliament. Under minority governments the potential for enacting control is stronger, because it permits a kind of «super-parliamentarism», and the political will to use it may be stronger, particularly from the opposition. Nevertheless, turbulent parliamentary conditions and changing alliances under minority coalition governments may also make control processes more complex and unpredictable for the executive.

In Norway control by oversight and hierarchy is evident through parliamentarism. Norway is also one of the few countries in Western Europe where the parliament cannot be dissolved. Norway has, since World War II, experienced many parliamentary constellations. From 1946 to 1961, the Labour Party had the majority and formed the cabinet alone. Although it lost the majority in 1961, it remained in power until 1965. Then came a period of non-socialist majority government, while the last three decades have mainly seen minority governments, either non-socialist coalitions or the Labour Party alone.

The effectiveness of executive control by oversight will also depend on the composition of control instruments and whether the control function is based in the legislature or not. The Norwegian practice is to organize the audit function under the Storting, but as a kind of semi-independent body. There is no administrative court, and the political significance of the courts for executive control is weak.

Control through competition, rivalry and negotiations sees the control and scrutiny function less from a hierarchical point of view (March and Olsen 1983). There may be many reasons for this. One is that parliamentary systems may operate under turbulent conditions, such as when a minority government is in power, causing more negotiation among the parties in the cabinet and the opposition, who often see the control function as their instrument (Sejersted 2000). Frequent changes of government may blur ex post control because the relevant government is out of office when the control is executed. But there are also other heterogeneous features that can lead to the effects of parliamentary control being a result of rivalry. For one thing, parliaments are complex and specialized, with competing parties and committees. In addition, different control instruments may point in different directions posing problems of coordination. Heterogeneity in the executive, both within the cabinet and within the central government and between the political and administrative leadership, could also be a factor. The parliamentary turbulence in Norway during the last two decades could lend particular relevance to such a control device.

The introduction of random control distinguishes between the fact that politicians can engage themselves in *any* matter whatsoever and that they can become engaged in *all* matters (Lægreid and Roness 1999). Due to limited capacity and attention, in practice they may only involve themselves in a limited numbers of matters. An element of deliberate unpredictability and the use of chance with regard to when and how the politicians intervene and control can compensate for the lack of capacity and attention and give them more influence in the control processes. Building an element of randomness into the control process can be a feature of organizational design that give the participants with the largest attention deficit a possibility to improve their control capacity (Hood 1998). Thus the introduction of random control, which links an element of chance with the exercise of control, might be an effective tool of political control. Randomness has, however, traditionally been a less used control method in the Norwegian political administrative system than oversight, mutuality and competition. Thus the control and regulation was a mixture of internal collegial mutuality, oversight by rule following and competition by negotiations between affected parties within the government and with groups outside the public sector.

Considering that Norway belongs to a Scandinavian administrative tradition emphasizing the political-democratic context of the civil service, Weberian values, corporatism and equality, one may expect that the civil service will not adapt fully to NPM reforms.

## What has changed?

### The comprehensive reform programs

Over the last two decades the driving forces behind reform in Norway have been relatively weak (Christensen, Læg Reid and Wise 2001). Despite this, Norway experienced more reform activities in the 1990s, particularly management by objectives and result (MBOR) and sector-specific reforms involving the devolution of public enterprises (Christensen and Læg Reid 2001b).

The modernization programs from the mid 1980s emphasized that the public sector had to make better use of resources and increase productivity and efficiency. Proposals were made for less control and greater autonomy. However, the reform programs gave the impression of being a collection of reform ideas rather than a consistent policy. Opposing objectives such as increased autonomy, discretion and flexibility on the one hand and enhanced political and administrative control on the other were hardly discussed. The programs had initially a strong management approach using management by-objectives-technique and structural devolution, and the slogan 'letting the manager manage' was popular. Later on control components by use of performance management have been emphasized more strongly and the use of contracts, marketization and contracting out has become a major strategy for the government of today.

Discussion of NPM reforms began in Norway in the mid-1980s, but the Norwegian reform programs then were more a loose collection of on-going reform measures and new reform ideas than a consistent, coordinated and unified strategic plan for changing the administrative apparatus (Læg Reid and Roness 2003). The rhetoric in the modernization programs reflected international trends in administrative policy, but it was not very specific concerning reform measures. The reform programs promised better service, better utilization of resources, higher productivity, more frequent attainment of goals, improved quality, better working conditions for employees, improved political control and extended user participation. Even though a vision of market and management-based practices was presented in administrative policy documents, its implementation remained optional (Christensen and Læg Reid 1998; Naschold 1996: 66). The assumption was that the pursuit of economic performance should not affect negatively other values like democratic representation, a state based on the rule of law and professional quality. Concerns about the implications of the reforms for democracy and inequality modified the reform efforts (Læg Reid 2001), but in practice there has been a change in the balance of different values in favour of efficiency.

The reform programs of various Norwegian governments thus exhibited more similarities than differences. They were pragmatic and cooperative rather than ideological and confrontational, and they were directed more at enhancing internal productivity and increasing efficiency than at rolling back the state. Reform strategies tended to be sector-based rather than comprehensive. The reform style has been maintenance, adjustment and supplementation more than radical change. Some elements, like the management components of NPM, have been implemented to a greater degree than the market elements (Christensen and Læg Reid 1998).

The Norwegian adoption of NPM through an active administrative policy under the auspices of the executive has since the mid-1990s mainly taken the form of increased *structural devolution* and the introduction of MBOR (Christensen and Læg Reid 2001a), a development that also has implications for the control function. Structural devolution entails a transfer of authority downwards in the hierarchy to new subordinate government organizations, mainly from the central public administration to state-owned companies, but also to independent regulatory agencies and supervisory authorities. Units and

tasks are moved to organizational forms that are further away from the political leadership, implying more freedom for devolved agencies and generally weaker potential for control and scrutiny by the government and the parliament, but also need for new forms of control and regulation (Christensen and Læg Reid 2001b).

*MBOR* is a steering technique based on formulating specific, consistent and stable goals; on developing of reliable and valid performance indicators and feedback systems; and on using the information of results and performance as incentives to award good results and punish poor performance. *MBOR* entails more flexibility, leeway, autonomy and discretionary power for subordinate agencies. Yet, it also gives rise to a more formal and rigid control regime because of the extensive use of performance management, contracts or contract-like arrangements. The idea is deregulation and less management by rules. Political leaders are supposed to specify targets and objectives more clearly, and performance is supposed to be controlled by the use of quantitative indicators for monitoring results and for measuring efficiency. The political leadership is expected to act as strategic managers by formulating clear goals and assessing results.

Both structural devolution and *MBOR* illustrate the hybrid character in NPM coming from the centralizing tendencies in contractualism and the decentralizing tendencies in managerialism. NPM is thus a double-edged sword prescribing centralization, regulation and control as well as decentralization, flexibility and autonomy. What the trade-off will be in practice is an empirical question.

The first NPM-related reform to be implemented in the civil service was *MBOR*, which was made mandatory in 1991 by introducing an annually activity plan for each public sector unit. The aim of this reform was to strengthen political control by making goals and means less ambiguous, focusing on results, introducing a monitoring system and making greater use of incentives. *MBOR* has been further developed in recent years and more broadly applied. It is now more closely connected to the state budget and audit system, less rigid and more adapted to the special features of different public organizations. Increased flexibility of the *MBOR* tends however to reduce the technique as an overall control device. Performance auditing has been developed and strengthened since the mid-1990s (Christensen, Læg Reid and Roness 2002) and a comprehensive model for performance management was installed into the new Government Financial Regulations in 1996 (Helgesen 2001). This includes a letter of allocation, which is a contract like arrangement between the ministry and subordinate agencies on recourses, specification of objectives and performance indicators, and introduction of a formal steering dialogue between the ministries and agencies throughout the year. Norway also introduced a pay-for-performance system for top administrative leaders in the early 1990s including individual contracts and annual assessment of the director generals by the secretary generals and the secretary generals by the ministers. This system was implemented more reluctantly than anticipated, partly because of cultural resistance. Especially it has been difficult to involve the politicians in the performance assessments. Pay for performance is now more differentiated than before, but still less differentiated than in other countries, and is ambiguous how tight the connection is between pay bonuses and individual performance (Læg Reid 2001).

The Norwegian reform process is mainly a combination of internal delegation of authority combined with a more formalized performance assessment regime and external structural devolution. During the last 10 years, about 50 units changed their organizational status in the direction of more devolution, which accounts for new forms of state-owned corporations with more market competition and commercial freedom and less political control (Christensen and Læg Reid 2001b). Until 1992 major public activities like railways, telecommunication, power, postal services, forestry, grain sales and public broadcasting were organized as central agencies or government administrative enterprises. Since then, the commercial parts of these enterprises has been corporatized, meaning established as different types of state owned companies, while the regulatory parts have retained the agency form. As a result more autonomous regulatory and controlling agencies have been established. The single purpose organization model replaces the old integrated civil service model where the roles as owner,

regulator, controller, purchaser and provider were conducted within the same organization. Still, there has been reluctance to privatise, although Norway has experienced some recent breakthroughs. Telenor, the national telephone company, sold 17 percent of its shares to private investors in 2000, and Statoil, the large public oil company, is also partly privatised as of 2001.

There are however important distinctions between the Norwegian reform programs and the main trends in the international administrative policy reform movement (Olsen 1996). First, visions of the decline of the public sector through privatisation scarcely featured in the Norwegian reform programs (Christensen and Læg Reid 1998). Second, international criticism that the growth of powerful special interest organizations had prevented political institutions from addressing broader national concerns did not receive much support in Norway. Third, the changes in practice turned out to be more pragmatic and more constrained by established administrative cultures than in many other countries. In other words, Norway has chosen a moderate reform path, trying to balance devolution with central political control and making moderate changes in the execution of central political and administrative functions (Christensen and Læg Reid 2001a). This makes Norway a deviant case, with increasing public expenditure, growing numbers of public employees and a comparatively low profile for NPM discourse and initiatives. This pattern should be seen in the light of Norway's current economic well being, a strong welfare state tradition with a firm footing among the electorate, strong public-sector trade unions and polity features resulting in weak minority governments.

A mixture of symbols and rhetoric, on the one hand, and pragmatic and instrumental means and measures, on the other, have characterized the reform programs in Norway. The three latest programs illustrate this. The *Bondevik I* (center) government's program in 1999 of simplifying Norway included three main initiatives. First, simplifying government regulations in the business sector by making rules and regulations less complicated to comply with. Second, enhancing citizen- and user-oriented development of the public administration. The government decided that all public agencies should have a service declaration, the Norwegian version of Citizen Charter, by the end of the year 2000 (Stene 2001). Third, simplifying government regulations concerning the municipalities via decentralization and allowing more resources to be spent on service production and fewer on reporting and compliance with central government regulations. The catchwords were management, democracy, user-orientation, transparency, readjustment and service.

The main ideas of this program were adopted by the *Stoltenberg* (Labor) government that followed, which stated three targets for its program of 2000 for innovation of the public sector in Norway. First, that organization and service delivery should be based on user needs. Second, that resources must be transferred from administration to service production and third, that there should be a more effective use of resources and greater latitude at all levels. The overriding aim of the program was the revitalization, renewal, adjustment and increased efficiency of public administration and its adaptation to the needs of citizens and to economic considerations. Added to this was a list of more concrete sector-specific reform initiatives, like establishing «one-stop-shops» in all municipalities; e-government; and the reorganization of the police administration, the court system, the health care system and the universities.

The current *Bondevik II* government (center-conservative) more aggressively and ideologically oriented tries to further market principles and competition. Led by the minister of labour and government administration, a professor in economy, the government emphasizes more structural devolution of state-owned enterprises, including partial privatisation, more clear division and organizational separation of roles and functions (owner, regulator, purchaser, provider), more contracting-out and out-sourcing of services and more delegation of authority to sub-ordinate levels and institutions. The slogan «From words to action» indicates a wish to weaken the symbolic elements of administrative reform and to enhance the substantive outcome (Christensen and Læg Reid 2003).

Within this context the Norwegian public administration has been gradually reformed during the past two decades. Many small steps and more pace in the reform efforts during the last five years have

added up to a public sector with significant differences compared to 15 years ago. It has become more flexible, more complex and management models from private sector have supplemented the traditional Weberian inspired public administration model.

Norway is a latecomer in the New Public Management movement having a pragmatic and incremental reform style (Olsen 1996). The label «reluctant reformer» is a less characteristic for the Norwegian case now than up to the mid 1990s. Despite quicker pace in the reform efforts during the last five years, Norway is still a deviant case compared to other OECD countries, and this makes Norway an interesting case for studying implication of administrative reforms on regulation and control.

## Organization of external control – the Storting and the EU

The mainstay of control of the executive by the legislature is the principle of *ministerial responsibility*. This principle implies that the minister is politically responsible to the Storting for everything that goes on in his or her ministry and its subordinate agencies and is thus accountable for how the administration performs its functions and tasks (Smith 1997a). The principle of ministerial responsibility is often stated as «the Storting knows only the minister», meaning that the administrative leadership traditionally has very little exposure to parliament (Sejersted 2000). The role of the administrative leadership is, therefore, above all to be loyal – on the one hand refraining from public criticism of political leaders and on the other allowing them to take credit for political achievements and shielding them from blame if they make mistakes (Jacobsen 1960, Smith 1997a: 6). As the political process becomes more complex and involves more devolution and managerial discretion, the principle of ministerial responsibility becomes increasingly difficult to apply in practice, but there has been little interest in revising it. In practice, however, there is a growing tendency for top civil servants to be more exposed and accountable, a development that challenges the principle of ministerial responsibility.

An important reform of the control function of the Storting was the establishment of a new *Standing Committee on Scrutiny and Constitutional Affairs* in 1993 (Roness 2001). The committee was designed with an active profile and is the only standing committee with the authority to actively request information from the civil service in certain cases. This change resulted in a heated debate about how far the parliament could go in demanding information and how far the executive should go in offering information to the Storting. Even though the new permanent committee has an active profile, one major weakness is that it has very limited resources for independent scrutiny and control, something that reflects a reluctance towards building up counter-expertise in the Storting. The committee has only two committee secretaries.

In 1995, as a temporary measure, the standing committees were for the first time allowed to conduct *public hearings*. Previously, all hearings in the committees in the Storting had been closed to the public (Nordby 2000: 265, Smith 1997a: 7). There are two categories of public hearings: information hearings (ex ante) and control hearings (ex post). The justification for both types of public hearings are that they should contribute to transparency and encourage deliberation and dialogue with the general public, thus increasing the legitimacy of the decision-making and control processes (Paulsen 2000). The majority of most high-profile hearings have since then been conducted by the Scrutiny Committee. By mid-2001 there had been 17 public hearings, of which the Scrutiny Committee had conducted 8. However, only 7% of all hearings in 2000 were public (Innst. S. no. 284 (2000–2001)). In 2001 public hearings were made a permanent feature.

The Storting has a long tradition of posing questions in plenary sessions as an instrument of control. A weekly Question Time was introduced in 1949, where the minister had to answer questions submitted in advance; thereafter, parliamentary questions were used quite extensively as a means of controlling the executive (Rasch 1996). In 1996 this arrangement was supplemented by a *spontaneous* (or

oral) *Question Time*, where certain ministers (rotating weekly) have to answer questions without prior notice. This has added an unpredictability element and some randomness into the question time.

Since 1918 the Office of the Auditor General has been located outside the executive, reporting to the Storting. The traditional profile of the audit organization has been annual financial auditing, and it has generally worked in isolation from the parliament. A watershed in the practice of *performance auditing* came with the establishment of a separate division for this function in 1996 (Gunvaldsen and Karlsen 1999). While the parliament had traditionally paid little attention to the financial audit, now the performance audit fairly often formed the basis for conducting public hearings and for initiatives taken by the Scrutiny Committee towards the executive (Sejersted 2000). This development was also enhanced by the introduction of a new document series in 1993, through which the Audit Office could present performance audits case by case to the Storting. This gave the Scrutiny Committee new opportunities for control. For the last three years, on average, 12 performance audits have been submitted annually to the Storting. Before 1993 performance audits were normally submitted once a year, together with the financial audits. This development indicates that the Storting is spending more time and energy on control matters especially on those initiated by the Audit Office representing an externalisation of the parliamentary control, but also that the Audit Office may have become less independent through a parliamentarisation of the auditing function (Sejersted 2002).

Generally speaking one may conclude that control and scrutiny of the executive by the parliament is now greater than has traditionally been the case in Norway. In addition, the way this control is organized and what it entails has also changed (Sejersted 2000). More emphasis is now put on major individual cases, which often evolve into «scandals», and less on routine control (Nordby 2000: 265–266). Put differently, there is less «police control» and more «fire alarms» and «legislative freelancing» (Aberbach 1989, Gormley 1989, McCubbings and Schwartz 1984).

In addition to administrative reforms and the revitalization of the legislative control function the control over public sector has also been affected by the Norway's *increased integration into Europe* through the EEA (European Economic Area) agreement. The EEA agreement, which came into force in 1994, requires Norway to follow EU rules governing the internal market for goods, services, labour and capital, even though it is still outside the formal decision-making structure of the EU. A special unit, the EFTAs Surveillance Authority (ESA) has been set up to monitor the fulfilment of the obligations under EEA. The authority is to ensure that the EEA rules are properly implemented in the domestic public administration and that the national authorities correctly apply them. The NPM-reforms and the EU-adaptation seem to be inter-linked. The EU policy towards market competition and deregulation are at the heart of NPM. EU puts a normative pressure on the domestic administration and also more directly demands certain ways of organizing and controlling public apparatus to secure competition, like more focus on oversight by the court system and establishment of autonomous control agencies.

Summing up, developments during the last decade show a political will to strengthen the control function of the Storting towards the executive. This gives the Storting more scope for making sure that government and public administration follow up on parliamentary decisions and intentions (Rommetveit, forthcoming). At the same time administrative reforms that focus more on devolution and MBOR together with increased integration in Europe through the EEA agreement imply new challenges for the control function. These diverging trends may produce a paradoxical situation of increasing parliamentary control over a narrower sphere.

## Control of High Civil Service<sup>1</sup>

In this section, drawing chiefly on our interview data we will first describe and discuss the effects of changing external control of the executive through reorganization of parliamentary control mechanisms and through increased integration in EU. We then go on to discuss the effects of administrative reforms focusing especially on structural devolution and MBOR.

### Effects of external control: Legislative control and Europeanization

**Revitalization of parliamentary control.** The new standing *committee on scrutiny* has revitalized the control function of the parliament. Since the mid-1990s the committee has shown a greater interest in audit reports, their recommendations have been more comprehensive and less unanimous and floor debates have attracted more participants. A strong control wave occurred in the Storting in the period 1993–1997 (Sejersted 2002, Søreng, 2002). The result is more political attention and parliamentary interest towards the control function generally and towards the audit reports specifically. Among our respondents the ministers are quite divided in their attitudes towards the committee. About half of them think revitalizing the committee was a good move and they fully support the committee's taking more initiatives towards the executive than before. They also report that this is an important step in making ministers and civil servants generally more aware of the accountability issue, and they believe the committee is helping to make the activities of the executive and civil service more transparent. The other half of the ministers holds quite the opposite view. They are sceptical towards the new committee, because they fear a more politicised control function and perceive this as the current reality. They also suggest that the committee lacks self-discipline and they think there are too many personal or political crusades, whereby certain ministers are attacked and the general focus is on the people involved rather than the matter at hand. In their view the committee's initiatives often lack substance and they see its status as ambiguous, combining the roles of prosecutor, investigator, judge and «prejudge».

The decision to introduce *public hearings* in the Storting in 1995 was taken after a heated debate and with a majority of only one vote, and many felt that such a reform was culturally incompatible with the traditions of the legislative-executive relationship. The move broke a long tradition of closed committee hearings. However, when public hearings were made a permanent feature in 2001, none of the legislators wanted to remove this arrangement and a large majority wanted to expand it. The responses on this issue in our survey were highly emotional and polemical, indicating problems of adaptation. One very frequently mentioned argument is that the hearings are often too long, do not have a clearly defined purpose and are often characterized by the «accused» minister appearing to take the blame without really taking it. Another frequent argument is that the parliamentarians often reveal their lack of familiarity with the case and insufficient expertise in complicated cases. A third set of arguments is that the hearings reveal that it is difficult to respond with appropriate sanctions to ministerial malpractice or incompetence. While dramatic measures, like impeachment, are often inappropriate and difficult to apply once a minister has left office, criticism without further consequences is considered too mild. A fourth type of argument is that the hearings are often laden with political symbols, directed at the media, resulting in the matter being blown out of proportion and in parliamentarians using executive leaders as scapegoats instead of taking some of the responsibility themselves.

One main positive argument is that the hearings are demanding and exacting for the parliamentarians, the ministers and the civil servants, thus keeping them on their toes. Another common view is that

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<sup>1</sup> This session is mainly based on Christensen, Lægveid and Roness (2002).

public hearings lead to more transparent decision-making and provide new information that sheds a broader light on various issues and policies. The hearings simplify and make political processes more accessible to the general public and show that they are not exclusively the domains of experts. A third argument is that the hearings have a learning effect and therefore have some preventive impact and contribute to an increase in collective accountability.

There are clear differences between the groups of respondents in both their experiences and opinions. The ministers generally have a more positive attitude than the other groups towards public hearings. They are also the only group that is overall more positive than negative. It is, however, interesting to note that ministers who have been directly involved in the hearings are more negative than the other ministers.

The reactions of ministers to *spontaneous question time* was mostly positive, reflecting the fact that many of them have long parliamentary experience and feel able to handle this type of encounter. Their main argument is that this is a good and demanding innovation. It sets higher standards for both parliamentarians and the ministers, vitalizes the Storting and leads to better debates and a good political arena. The negative comments were that the ministries spent too much time preparing for these types of questions that it was stressful for ministerial officials, that some of the questions did not have much political value and that some political issues did not lend themselves to a spontaneous response. Especially ministers without experiences as members of the parliament were critical to the spontaneous question time.

Norway has the largest *Office of the Auditor General* in Scandinavia, including 450 positions of which 120 works in the departments of performance auditing. Since the establishment of the performance audit department there has been an increased focus on performance audit in the Office of the Auditor General. The performance audit departments are mainly filled with people trained in the social sciences. By the end of 2000 it had submitted 36 performance audit reports to the Storting. In 2000 work was carried out on 46 examinations of performance audits. Currently, close to one fifth of the resources of the audit office are used on performance audit. Performance audits include a systematic evaluation of the economy, efficiency and the achievement of targets based on the Storting's resolutions and intentions. The audit office is supposed to obtain all information required by the Storting regarding the implementation and effects of public measures. In contrast to the input focus of the traditional financial audit, the performance audit is more output-oriented. The ambition is to move beyond the issues of compliance and to investigate the efficiency and effectiveness of public programs. Nevertheless, it would be fair to say that many of the performance audit reports are still more compliance-oriented than performance-oriented (Pollitt et al. 1999).

When asked about how they have generally experienced the changing role of the Office of the Auditor General, the ministers were more positive than the administrative leaders, saying the revitalization of the audit function was necessary, even if potentially unpleasant. The negative arguments are that the new role is too extensive and ambiguous, particularly in relation to the delicate balance between the Storting and the executive. The secretary generals, in particular, stress this negative argument. The second negative argument from the administrative leaders is that the new audit procedures are problematic because audit reports are made public before the ministries and civil service have a chance to comment on them or correct mistakes, something that suggests that this might be a way of increasing the visibility of the audit organization.

Most cabinet members were positive towards performance auditing, while most secretary generals were very negative. The cabinet members' main argument is that performance auditing is positive because it is important to follow up on decisions, correct problems of policy implementation while it is in progress and point to effects. The secretary generals argued that the audit organization has not mastered its new role and that it is problematic to audit policies and decision-making processes while they are still going on. Some also think that the audit function has been politicised by this development. Another argument is that performance audits demand too much attention from the

ministries and that the audit office lacks the competence for the job. They also complain that the auditors are not critical enough in choosing projects, make mistakes that they are reluctant to correct and are apt to jump to unfounded conclusions. A revitalized Audit Office focusing more on performance auditing has produced increased tension between the Audit Office and the Government. The Government fear that an active Audit Office will expand into becoming an audit agency for the Government and not only for the legislature and it also wants to reduce the Audit Office access to internal documents.

As for the Audit Office itself, it is trying to obtain legitimacy through a professionalisation of performance auditing. It has recruited university trained people, invested a lot of resources in developing new auditing standards and guidelines, developed new methods for performance auditing and brought itself into line with international professional standards of «best practice» in performance auditing. In the auditing process, it is in a close dialogue and consultation with the audited units both on the auditing criteria and the facts (Christensen, Helgesen and Læg Reid 2001). Thus the Audit Office tries to introduce some elements of mutuality into the performance auditing process.

In spite of this, there seems to be a lot of leeway and discretion in interpreting the resolutions and intentions of the Storting, and there is a potential danger that the Audit Office, through performance auditing, will move into an ambiguous grey zone between professional independence and objectivity on the one hand and political debate on the other hand. The auditors say they try to maintain a balance between being subordinated to the Storting and being an independent auditing agency. They make strong efforts to appear as objective and neutral as possible. Almost without exception performance audit examinations are formally conducted on their own independent initiative, but at the same time they are highly sensitive and responsive to signals from the Storting and the informal network between the Audit Office and the Storting has become closer. Generally the Storting's confidence in and satisfaction with the Audit Office is very high and the respect for the Audit Office is generally strong both in the Storting and among the ministers.

The performance reports from the Audit Office normally focus on steering control, meaning how to improve the efficiency and working methods of the administration. However, when audit reports are debated in the Storting, the focus tends to move to the question of ministerial responsibility, the confidence of the Storting in the executive and on how to blame the minister and make him/her political responsible. Thus, control through the performance audit is normally an arena for the parliamentary opposition. This does not, however, imply that the Scrutiny Committee disagrees with the Audit Office reports. Normally it does not, a fact that may indicate that the Audit Office actually more often determines the political agenda of overworked MPs than the other way around.

The emergence of performance audits might imply a change in the role of the Office of the Auditor General from that of an objective inspector towards that of a political actor, thus producing new tension between the executive body, the legislative body and the audit organization. A purist view of audit independence is difficult to defend in a situation where the producers of audit reports scrutinize activities that are inherently sensitive and then produce policy or political audits (Grasso and Sharkansky 2001). To balance independence and sensitivity to political signals is a delicate challenge.

*Summing up*, the cabinet members and top civil servants' overall experiences concerning the effects of the new control role of the Storting are generally more negative than positive for all groups. There is, however, some variation regarding what effects the different groups perceive. The ministers believe that increased control makes the civil service more exposed, reluctant and anxious, resulting in more careful documentation of their activities and more internal control, which binds a lot of resources. On the positive side is the fact that the Storting has strengthened its position through increased control and has become more aware of how it handles various policies. The cabinet can now more openly describe the uncertainties of various programs and policies and the civil service can, therefore, be more alert. The ministers see little increase in negative attitudes towards politicians among civil servants as a result of the increased control.

The secretary generals share most of the overall views expressed by the cabinet members. They add that the civil servants are more exposed than before and that more issues are brought onto the political level as a result of increased control. The agency and company directors stress that increased control has created more work for their organizations and increased ambiguity. They express more critical attitude towards the politicians and one reason for this being their participation in public hearings in the Storting.

**Effects of increased integration in Europe.** Norway has, without reservation, accepted more than 3,000 pieces of legislation or regulation emanating from the EU. Through the EEA, the Storting is involved in the European legislative process in a consultative capacity. All EEA matters are scrutinized in what is essentially an expanded version of the Standing Committee on Foreign Affairs. This arrangement reflects the view that EEA issues belong in the domain of foreign relations, a view that is becoming increasingly obsolete and misleading because of the emergence of transnational relations extending beyond intergovernmental relationships, controlled by the Ministry of Foreign Affairs, and into other ministries and further into central agencies and authorities (Jacobsson, Læg Reid and Pedersen 2001a, Narud and Strøm 2000).

The conception of EEA matters as a branch of foreign affairs is important, because such matters, constitutionally speaking, are the prerogative of the executive, so the Storting is reluctant to instruct or control the cabinet in foreign policy matters. Overall, the ability of the Storting to control government activity in EU matters is rather limited. The Commission carries out surveillance of the implementation of common rules on the one hand and the ESA on the other, and by more use of courts and judicial control than is common in the Norwegian tradition.

The EEA agreement means a massive transfer of real power from the Storting to EU institutions, which has weakened the Storting and strengthened the government and the administration as well as the courts (Sejersted 1996). The establishment of independent agencies for control and regulation in many policy areas might have strengthened the administrative control. In some respects the EU seems to be a «bureaucrats' paradise», where officials and civil servants are the central actors. Politicians are thus frequently relegated to the role of «hangers-on» in EU issues. There is a danger that if the administration is not controlled it will become increasingly dominant. The implication is a control deficit indicating that politicians will have to take responsibility for matters over which they have less and less control (Jacobsson, Læg Reid and Pedersen 2001b).

On the other hand the process of Europeanization has weakened the control function of the Storting. Generally speaking, the Storting does not play a particularly important role in EU matters, and as a result of integration in the EU the Storting risks relegation into an even more subordinate position (Raunio and Wiberg 2000). This development is going on in all EU countries but is especially relevant for Norway with its intermediate «EU-light»- connection through the EEA agreement.

It is generally difficult to involve the politicians in the EU-related tasks, especially when it comes to «low-politics» involving standardization, regulation and implementation of directives. Generally the constraints coming from the EU are reducing the control space for domestic political leaders. The issues move from a domestic to a supra-national or transnational sphere and so do part of the control apparatus. In the Norwegian case the ESA has become an important, active and controversial controlling unit (Graver and Sverdrup 2002), and new forms of regulation and control emerge.

## Effects of administrative reforms

The main argument for *structural devolution* is that it provides enhanced and clearer control of public companies and gives them more freedom to compete on markets and earn money for the government (Boston et al. 1996). It seems, however, that it is easier to obtain more freedom than clearer control. Among our respondents, very few of the executive leaders said that political control of companies had been strengthened or even maintained through devolution. On the contrary, the majority of ministers

and company leaders reported that political control had decreased. The same effect is reported from the managers within the devolved companies (Wik 2001). In other words, the distance between politicians and companies has widened and political control has weakened in practice (Christensen and Læg Reid 2001b). At best it is more control over less. The main lesson is that structural devolution means a decrease in political authority and the capacity for exercising control and less attention to political considerations in state owned companies. We have moved from a period when the debate on regulation was about the balance between corporate autonomy and political governance, to a situation where the motive behind the devolution of public enterprises is to make the government abstain from politics and become a professional investor and contribute to more competition and market-like arrangements (Grønlie 2001). It is now more explicitly concerned with contracts for securing sector specific policy issues or collective interests, something that is pushing such considerations into the background, particularly when efficiency is favoured and resources are scarce. There is a process going on to splitting ownership between portfolio minister and the minister of trade and industry. Structural devolution has changed the trade-off between corporate autonomy and political control. Market power has been strengthened and political steering has decreased.

The approach of the Storting to state-owned companies is, however, rather ambivalent, something that seems to make the role of the executive more tension-ridden. The Storting seems both to want to give the companies more autonomy, based on structural devolution, and at the same time to retain some control over them, for instance by introducing more active corporate control. Through its corporate control work, the Office of the Auditor General ascertains whether a minister has fulfilled his duties as an administrator of the interests of the state in public companies in accordance with the Storting's resolutions and intentions. This corporate control was introduced in the late 1960s and has been strengthened since. It is, however, a narrower type of audit than the auditing of agencies within the public administration (Grønlie 1989, Thompson 2001).

Structural devolution or agencyfication implies greater discretion to agency and company leaders without political interference in their daily operations. Structural devolution gives managers and executive officers more resources, tasks and responsibility and leads to less capacity and legitimacy for political governance and control. New forms for control systems develop. One is the establishment of more autonomous agencies for control and regulation. Another is to control by more use of contracts. The new control system is more formal and complicated than before and thus more time and resource consuming. It is less based on mutual understanding, trust and common norms and values than before. Adding to this are cultural changes giving the politicians less leeway in using the new formal control devices. One main reason for this is that new norms of non-interference from the politicians in the operation of public companies and agencies. Trying to imitate private sector management causes ministerial «hands-off» policy. But at the same time there are indicators of informal control along traditional lines. Thus agencyfication and corporatisation in Norway seem to have created a hybrid, reflecting the different control dimensions. Under structural devolution indirect forms of political control through procedural rules and regulative authority should replace direct interference in day-to-day activities and individual cases.

With MBOR, too, it has proven easier in practice for politicians to fulfill the autonomy components than the control elements, at least up to the late-1990s (Matland 1991, Ørnsrud 2000). One of the most critical aspects of MBOR is the interface between politics and administration. In practice, MBOR works better as an administrative control device towards subordinate agencies than as a measure of better political control (Christensen and Læg Reid 1998). Political leaders have a mixed attitude towards MBOR, approving of it in principle as a control mechanism but in practice not acting in accordance with MBOR assumptions. In a compromise culture like the Norwegian one, with weak minority governments, it is difficult for politicians to formulate clear, consistent and stable objectives, and it is thus difficult for them to formulate result indicators and conduct performance assessments and result evaluations. This is true for two of the areas where the MBOR is most often applied – budgetary and financial management and pay policy (Helgesen 2001, Læg Reid 2001). They represent

contract-like arrangements in ministry-agency relations primarily between administrative leaders on different levels, and in practice the MBOR arrangements have proven to be more a device for enhanced administrative accountability than for improved legislative-executive control.

The system of management by objectives and results has been hard to fulfill in practice due to difficulties in isolating outcomes and rewarding good performance. There is a tendency to assess activities and output rather than outcome (Helgesen 2001, Ørnsrud 2000). In practice the system is more a bottom-up process where the objectives and performance indicators are formulated by the agencies themselves and then approved by the politicians, than a top-down-process with the premises going from the political leadership and downwards in the hierarchy. One lesson that might be learned is the instrumental weakness of the contract reform concept. Performance contracts normally promise more than they can deliver, they look better *ex ante* than *ex post*. Another lesson is that it is difficult for the politicians to live up to the demands of the contract system, which states that the role of the political leadership is to formulate general long-term strategic goals, and to assess results. One implication of this is that it might develop two parallel sets of steering and control, one proactive model based on the strict managerial MBOR technique and another reactive based on a political logic where the politicians get the opportunity to interfere in political tasks in a more random and *ad hoc* manner (Brunsson 2002, Christensen and Læg Reid 2002). The reactive policy style is also enhanced by more active and random interference from the Storting and from media (Christensen and Læg Reid 2002). More aggressive and unpredictable mass media is a result of the deregulation of the media sector in the 1980s. Another implication is that the MBOR in practice become modified and end up in combination with rule steering as «result-oriented-rule-steering» (Christensen and Læg Reid 1998, Nashold 1996). While Norwegian civil servants are preoccupied by MBOR reforms, they have resulted in less change than expected, and they are often modified according to administrative traditions. Moreover, politicians have found it hard to get to grips with their new role of stating unambiguous goals and using information about the results for control and steering.

It is difficult to live up to the instrumental ideals of the MBOR. In spite of this the control technique is extensively taken into use. There seems however to have developed two sets of control and governance. Firstly, MBOR rooted in an administrative logic and which works as a control method between administrative leaders at different levels. In practice MBOR is more a technique for administrative steering and control than a device for enhanced flexibility and local autonomy, even if this balance varies between policy areas as the prison case illustrate. Secondly, political control rooted in a political logic and loosely coupled to MBOR. The politicians are little interested and involved in formulating of performance indicators, performance reporting and evaluating of performance. They have a reactive approach and are more preoccupied with launching new programs than with evaluating the results of previous reforms. The administrative leaders get more formal instruments of control at their disposal. This change their roles, control potential and actual influence. MBOR including new forms of strategic planning, agency control, financial regulations, performance budgeting and performance pay systems consists first of all of devices for administrative leaders. Political leaders are at arms length distance from these control methods and this implies that more discretions and control are transferred to the administrative sphere.

## Discussion

The increased scrutiny and control exercised by the Storting towards the executive in Norway over the last decade, obviously a hierarchical measure focusing on oversight, seems primarily to reflect increased parliamentary turbulence and the influence of modern reforms like New Public Management. Both the increase in control and the instruments used run counter to Norwegian cultural traditions concerning this aspect of the legislature-executive relationship, which traditionally has been characterized by passivity, trust and informality. Generally speaking, cabinet members, top civil servants, agency leaders and CEOs of state owned companies are more negative than positive about the increased emphasis on control by the Storting. There are, however, some marked

differences among the groups of respondents. The secretary generals are generally very dissatisfied with the new control function, as are, to a lesser extent, agency and company directors, while the members of cabinet had the most positive things to say about it. The differences between the groups may be explained in terms of differences in perspective. Among the ministers, most of whom have had a long parliamentary career and have gone back to the Storting after quitting as ministers, there seems to be greater acceptance of increased hierarchical control by the Storting, even though they are critical of some of the new instruments of control through oversight. The agency directors, and most especially the state company directors, seem to be far more critical towards increased control, because autonomy is a more important issue for them.

The reactions of administrative leaders can be interpreted using a mixture of competition and mutuality. They are more preoccupied with the division of labour between the executive and the parliament, in the sense that they perceive these bodies as being on an equal footing with different roles to play. They also believe that if the civil service expends too many resources attending to the Storting and its control function, then ordinary tasks and functions will suffer as a result. In other words, they generally see control as a distraction from the matter at hand and they are critical of both the extent of control and the instruments used. An additional, cultural aspect is that they are reluctant to abandon the long and well established tradition of control by the Storting that is passive and general and gives the civil service much leeway.

Our main interpretation is that the effects of increased parliamentary control of the executive cannot be characterized simply as a reflection of oversight. Nor are they purely the product of competition or of mutuality. Rather, the dynamics of the control process are a complicated mix of hierarchical components, interest representation and bargaining, political-administrative culture and tradition, and also elements of randomness. One example of this mixture or hybrid control forms is performance auditing. While this practice to some extent reflects oversight and the hierarchical superior-subordinate relationship between the legislature and the executive, it also includes elements of negotiation and consultation – between the audit office and the audited agencies and between the parties in government and opposition – and bears the legacy of the Norwegian style of governance, characterized by mutual cooperation and a high level of trust. Adding to this there is an element of randomness in performance auditing in selection of cases for this kind of auditing. Another example is the introduction of the spontaneous or oral question time, which is a combination of retrieved randomness and oversight. The same is to some extent the case with open hearings.

What influence have structural devolution, MBOR and adaptation to the EU had on the effects of increased control by the legislature over the executive? Structural devolution of commercial activities undermines political control of state companies, and to some extent administrative control as well. Given the unchanged principle of ministerial responsibility, political executive leaders are now experiencing more difficulty in fulfilling their obligations towards the Storting, meaning that they will probably more often than before have to take responsibility for issues they have little control over. The gap between formal responsibility and real influence will increase (Brunsson 1989). MBOR has more potential for control by the political leadership in the executive but will often give administrative leaders more influence, which may also undermine their authority vis-à-vis a more active parliament. Thus, these two reform features are likely to make the ministers feel hemmed in between increased parliamentary control, on the one hand, and the increased autonomy of administrative leaders of independent agencies and state companies on the other. Adaptation to the EU and the EEA makes the situation even more complicated, because the influence of the executive is increasing relative to the Storting, and the influence of bureaucrats is increasing relative to the Cabinet, thus undermining both the control potential of the parliament over the executive and the ministers over the bureaucracy. At the same time, the super-national features of the EU will also limit the role of the executive.

Our argument is that it is important to recognize that the organizational structure is often such that managers accountable to the government and ministers accountable to the legislature cannot answer directly for the actions and performance of service providers and regulators. The role of political

leaders is ambiguous under NPM. Elected officials have a role as strategists in defining long-term goals and assessing the results, but at the same time they are expected to give considerable discretion to operative agencies. This represents a great challenge for the control function. The emergence of NPM and Europeanization thus seems to have made control and accountability more ambiguous and complex. There is an in-built inconsistency in the claim that managers can be freed and political control strengthened simultaneously.

## Control of Universities and higher education<sup>2</sup>

The core idea of New Public Management (NPM) as the ideology manifested itself in the area of higher education is the notion that a university ought to be organized and governed like a corporate enterprise. The ideology has not only been expressed in terms of the new tools of governance and control such as management by objectives, activity planning and performance control. It is also expressed in a series of other reforms that have been implemented within the Norwegian civil service the last decade. First we shall present some characteristics of traditional regulation of the university sector. Then we shall sketch the ideas behind the reforms as they apply to the university sector in Norway.

In the following three sections we shall analyse the introduction of a number of measures that constituted central elements of the NPM policies in the Norwegian university sector. First, after a brief overview of the Norwegian higher education system, we focus on the internal reorganization process that led to a series of mergers of departments into bigger and presumably more efficient units. Secondly we analyse measure was the introduction of activity planning and evaluation. In the third section we shall take a closer look at the third and perhaps most elusive reform element, the decentralization and strengthening of leadership at all levels of the university organization. Finally we conclude by giving a brief assessment of the extent to which and how the introduction of the measures described above has led to fundamental changes in the regulation of higher education.

### Higher education

Norwegian higher education is made up mainly by three major categories of institutions: research universities, university colleges and state colleges with a total of almost 200.000 students in 2001. The first university (Oslo) was established in 1811, followed by the universities of Bergen (1948), Trondheim (1969) and Tromsø (1972). In 1960 there were 9.600 university students and the number has since been rising constantly with particularly rapid growth periods from the late 1960s to the early 1970s and from the late 1980s to the mid-1990s and the student population had reached about 74.000 in 2001. The eight university colleges are specialized institutions in economics and business administration, agriculture, veterinary medicine, architecture, physical education and sport, theology and music. Their student population in 2001 was close to 7.800. The 26 state colleges, some of which have campuses in different locations, straddle a system that until 1995 comprised more than 200 institutions. They provide a great variety of educational tracks among which vocational training of teachers, social workers, nurses and engineers are among the most important ones in numerical terms. The state colleges had a total of slightly more than 91.000 students in 2001. In addition there are a number of other colleges that has a total of about 25.000 students. The higher education system is predominantly public, and only some 25.000 students find themselves in private institutions.

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<sup>2</sup> This section is based on Bleiklie et al. (2000).

Until 1976 universities and university colleges made up the Norwegian higher education system, and there were separate individual laws for some of the institutions. The University and College Act of 1989 brought universities and university colleges under a common legal framework. The Higher Education Act of 1995 went one step further and unites today all higher education institutions within a common higher education system. The upgrading of previous vocational schools to higher education institutions has, therefore, caused a substantial part of the rapid growth of higher education during the 1990s.

## Nature of traditional control

The regulation of the Norwegian university sector has traditionally been based on two different and potentially conflicting university functions. The first is related to the university as part of the national civil service and as implementer of public policy. As such the university is in principle a *public agency* and finds itself within a hierarchical bureaucratic order where it puts knowledge at the disposal of superior political administrative units. In this capacity *loyalty* is the central expectation directed towards a university, the primary task of which is to implement state policies. The most important responsibility of the universities in relation to the state has traditionally been the education of properly prepared candidates for top positions in the civil service and the learned professions.<sup>3</sup> This university function is primarily regulated by *oversight*. The importance of the universities as public agencies is evident in the Scandinavian university systems based as they are on the traditional German university ideal. The character of Norwegian universities as degree providing institutions, where the emphasis is put on the certification rather than the teaching of students, is one manifestation of this heritage.<sup>4</sup> Today the public agency expectation has been reinforced by the integration of the universities in a unified national activity planning system and in a national legislation for higher education institutions.

However, political authorities have traditionally been reluctant to manage the universities in ways that might be portrayed as attacks against the freedom of teaching and research. This would run against the deeply entrenched second function of the universities as *cultural institutions*, the primary task of which is to engage in academic activity, based on autonomous research and teaching. The modern notion of the university as a cultural institution is historically rooted in the Humboldtian university ideal. Within the Humboldtian university the internal organizational structure was based on autonomous chairs with affiliated apprentice students (Neave and Rhoades 1987: 283ff). The most important expectation of the university as a collegium of chair holders was academic *excellence*, in the sense that each one of the chair holders asserts their scholarly authority through outstanding research, by attracting talented students and by creating good research environments. The authority thus rested primarily with «the visible and horizontal collegium» of chair holders emphasizing *mutuality* as the legitimate form of regulation.

As the Norwegian universities, as well as their English, French, West German and Scandinavian counterparts, were democratized during the 1970s a small elite of full professors was replaced by representative bodies comprising all the different functional groups of the organization, but were still dominated by tenured academic staff. Nevertheless, the role of public authorities is still to secure the freedom of research and teaching by legal and financial means and mutuality is still emphasized as an important form of regulation. The relationship between oversight and mutuality has traditionally been struck in the following way: Certain decisions, e.g. on hiring of professors, the establishment of

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3 Ben-David and Zloczower (1991) argue that according to the Humboldtian «idea of a university», this aspect was decisive for the «contract» which regulated the relationship between the university and the Prussian state. Its core idea was that the universities were given the right to organize their education and conduct research and scholarly activities as they pleased provided they saw to it that the state's needs for qualified bureaucrats and academic professionals were satisfied.

4 According to Øverland (1988) this characteristic is clearly different from the teaching oriented American universities, which in comparison emphasize the teaching process heavily, and the certification process relatively lightly.

academic degree studies, the sanctioning of curricula rested formally with the Ministry, but were in reality made by the disciplinary communities within the universities. Another set of decisions, in particular budget decisions, were often very detailed, specifying such things as individual new professorships and the distribution of funds between different functions in a rigid manner. The size of the budgets was estimated on the basis of existing needs in terms of number of staff, students and infrastructure. In budget matters oversight was tight and rigid, but the content of academic activity itself was almost entirely left to the institutions (teaching) or the individual academic (research). In sum, oversight was tight, focusing on process rather than outcome and confined to a limited set of activities, whereas mutuality was formally circumscribed, but in practice a dominant form of regulation. Competition was used mainly in connection with the announcement of academic positions.

## Changes and new forms of control

The changing ideas of what a university ideally should be can be understood in terms of the notion of the university is to be a *corporate enterprise* the primary responsibility of which is the efficient production of research and candidates (Bleiklie 1998, Keller 1983, Olsen and Peters 1996, Pollit 1990). The ideology behind the university reforms introduced after the Hernes Commission Report (NOU 1988:28) from the late 1980s on emphasizes the importance of higher education for national economic growth. This implied an emphasis on *quality* as a fundamental objective of the university, an idea that apparently is well attuned to more traditional notions about the cultural mission of the modern university. However, the emphasis on efficiency in student output is clearly dominant if one looks at the operational measures that were put in place. This emphasis was recently strengthened further by the latest reform officially named «*The quality reform*» in higher education that was introduced in 2002 and is scheduled to be fully implemented by mid-2003. Together with the idea that increased efficiency can be achieved by means of performance indicators, these notions tend to imply that the administrative element in university governance should be strengthened in order to ensure a standardized and controllable handling of the growing burden of teaching and research. As we shall return to in the discussion, «*The quality reform*» signals drastic changes that may entail a sharp and radical break with Norwegian higher education reform traditions.

The expectation of increased efficiency implies that the tasks of formulating production goals, mobilizing resources and support by means of incentive systems become crucial concerns. This implied a move from the traditional *ex ante* regulation to *ex post* control where the focus is on performance in relation to formulated policy goals, first and foremost of output of student exams and candidates and a new funding model more based on these kinds of output. When the emphasis was moved from rule production and rule adherence to goal formulation and performance control *evaluation* became a core activity and thus changed the way in which the state went about its business of governance in the university sector. But it also meant a drive for reorganizing the university in order to make it into an organization with characteristics of a corporate enterprise implying increased competition on resources and students. Economy of scale and leadership are concepts that became important in this connection, in addition to evaluation and performance control. In the rest of this part we shall focus on these three topics.

**Merging Departments.** One of the measures that were introduced during the late 1980s and early 1990s was the merger of smaller university departments into bigger ones. A government white paper on research policy from 1981 pointed at problems associated with small departments (St.meld.nr.69, 1981–82, p.7). As was the case in many western countries, the idea of economy of scale in academic management gained hold during the late 1980s (Goedegebuure 1992; Skodvin 1999). In Norway this belief was clearly expressed both by the Hernes Commission and by those who introduced NPM reforms. The general idea was that a department ought to have an academic staff of at least 15–20 persons in order to be administratively efficient. The introduction of activity planning was also based on the presumption that the administrative capacity of each individual department should be increased. The administrative argument was thus at the heart of the matter. In the years after the

Hernes Report this policy led to a number of mergers in the university sector. At the University of Bergen the number of departments at the Science Faculty was reduced from 18 to 14 departments and at the Psychological Faculty from eleven to five departments. At the Medical Faculty of the University of Oslo 110 departments were merged into six 'departmental groups' in which the former departments have the status of sections (Kyvik and Marheim Larsen 1993). The disciplinary field least affected by mergers was the social sciences whereas the most conflict-ridden mergers took place within the humanities, particularly at the University of Oslo. In the following we shall focus on the merger processes within the humanities in order to see what sort of tensions that were present between traditional and new ideas about the organization of academic activity.

Many of the arguments that were used by the involved parties in the debates on mergers in Oslo and Bergen are similar. The arguments in favor of mergers were based on the way in which changing external conditions affected the humanities. Most important among these were its relations to other academic fields, the need to gain political confidence by supporting public policies and to improve the general image of the humanities in the face of a general lack of legitimacy. The fierce opposition to changes was in turn based on the support of well-established stable historical patterns and a pronounced skepticism against the economy of scale argument. The departmental structure was partly a remnant of the chair-faculty system. It is however also important to keep in mind that university departments usually formed the resource-base within the institution for the various disciplinary groups and was the basis for representation on the Faculty Board that makes funding decisions. Changes in the basic principle of this structure, the identity of disciplinary and departmental divisions, might change the whole structure of alliances of academic politics through which disciplinary groups watch and control one another. Because of their almost total dependence on internal university funding the humanities were more vulnerable to such changes than other disciplinary areas with more ample external funding. This observation may explain some of the differences between humanities faculties and other faculties' reactions to mergers.

In contrast to the college sector where the mergers were imposed from above by the government, the mergers in the university sector were actively promoted by institutional leaders among whom the idea of economy of scale apparently has gained wide acceptance (Vabø 2002). The main concern of the opposition to department mergers was to secure the future position of their disciplines at the university by preserving some sort of status quo. They considered mergers to be a threat against the established system of relations between the various disciplinary groups and between the disciplines and the faculty leadership. The disciplinary groups considered it of vital importance to have a department of their own, not only because it guaranteed 'slice of the resource-pie', but also because it entailed a certain security for their future existence. Changes in department structure were therefore, considered a threat against the very existence of the discipline. Those who were in favor of mergers were concerned about the relations between the humanities and the public at large. They regarded political 'capital' in the form of goodwill and support as vital to the future existence of the humanities.

The main outcome of the merger processes was to separate disciplinary allegiances from administrative structures. Disciplinary groups and administrative units are not necessarily identical any more. This is an outcome that may weaken the ability of certain disciplinary groups to fight effectively for their own interests in the internal struggle for resources. The split between administration and discipline may thus weaken the position of particular local disciplinary perspectives and pave the way for a departmental administration that may become more independent of specific disciplines and their particular needs. This development facilitates the comparison of disciplines according to standardized criteria of efficiency and quality. This latter point is even more relevant in connection with the development of new planning and evaluation procedures. Thus it was no coincidence that the conflict about mergers at the Faculty of Humanities in Oslo spilled over into the conflicts about activity planning. The process also turned the issue of internal reorganization, which traditionally has been regarded as an internal matter, into process where the central authorities formulate the goals (bigger departments) and the institutions are given responsibility and freedom to implement them as they see

fit, but with the implicit assumption that their ability to comply may be of importance to future evaluation and funding.

**Activity Planning and Performance Control.** A mobilization and resistance from academics that increased as the implementation date drew nearer met the implementation of activity planning, and it culminated in a heated debate about activity planning in 1989–90. The criticism against activity planning was mainly raised by academics at the University of Oslo. This controversy turned out to involve the most important principal discussion of the last decades about academic freedom. According to the opponents activity planning and the principles on which it was based threatened the academic freedom.

The controversy focused on the ideal of management by objectives. The concept of 'goal' for a university was itself questioned in the controversy at the University of Oslo. Should a university formulate goals? To what extent is it possible or advisable for an organization the purpose of which is to discover the unknown, to settle for a specific goal that necessarily cannot include what is unknown? How is it possible to plan for a pursuit that is without direction (Vabø 2002)? Less principled discussions concerned the ideal content of the goals of a university or a university department and the question of who is qualified to evaluate the degree of goal achievement (Christensen 1991).

Some of the goals of a university may under certain conditions be in clear conflict. Although research and teaching both are vital goals, increasing the effort in one area may decrease the effort in the other. However, the planning regime imposed on the universities was quite mild. The goals and their operational criteria were not imposed on academics from above. The actors themselves were at each level to formulate general as well as operational goals. Therefore it is easy for each unit to formulate goals and commit themselves to whatever goals would help them look good in they eyes of their superiors. Thus it was argued that activity planning would easily become a costly annual ritual with no other purpose than pleasing university administrators and ministry bureaucrats. What the opponents considered attempts by the government to control Academia, as if they were technical instruments that might be used for whatever utilitarian purpose politicians fancied, added to the intensity of the controversy. The conflict followed already latent conflict patterns – generated by the established controversy about the question of positivism. The then Minister of Education – Gudmund Hernes – is by profession a mathematical sociologist and represented thus the ominous combination of both positivism and dirigisme in the eyes of the opposition. Another element that contributed to raising the temperature of the Oslo controversy was the entrenched notion about the University of Oslo as *the* academic center of nation. If the government could force the University of Oslo to comply with its instructions about introducing activity planning, this would affect the entire learned culture of the nation (Vabø 2002).

It was also argued against too strong reliance upon performance indicators because they measured only the level of activity and consequently gave an inadequate and limited picture of academic work. The indicators did not give any information about the *quality of the content* of research or teaching. Peer reviews were in this connection pointed out as the only acceptable method for quality assessment. The purpose of the reviews should not be administrative control, but to set off a learning process for those involved. Peer reviews would also help making the qualities and needs of the various disciplines visible.

These arguments represented a similar concern that was evident in the controversy about activity planning. It raised several questions about activity planning such as: what is 'management by results' actually supposed to mean? Would this entail some kind of 'bureaucratization' of academic relations? While the academic groups themselves formulate both general and operational goals in the activity planning process, performance indicators represent a class of operational goals that are explicitly formulated outside the institutions that are affected. This latter point became evident when a proportion of university budgets were linked to performance indicators. These funds were distributed

according to achieved scores on indicators representing government targets for teaching and research productivity.<sup>5</sup>

Due to the elements of autonomy that was built into the implementation process and the widespread use of peer reviews for evaluation purposes, the introduction of activity planning has not yet had the drastic consequences that some its opponents feared. Our data on higher education reform lends stronger support to the objection against activity planning as a time consuming ritual rather than as a control instrument that threatens academic freedom. On the other hand, the use of performance indicators makes activities like research and teaching that previously were inaccessible to outsiders, more transparent and open for evaluation and control by outsiders. Therefore they have a potential as instruments that may be used to impose control or justify cuts in funding, as have been the case in other countries where similar NPM policy instruments have been introduced. Likewise peer-reviews may be used as an academic justification for administratively defined positive or negative sanctions. This is clearly the case with the 'selectivity exercises' in Britain where peer-reviews are used to give grades to departments influencing research grant allocations. Yet, peer-reviews may also end up as fairly empty rituals if they become guided by a collegial solidarity where fellow academics give their colleagues the evaluation they ask for.

***Delegation and Strengthening of Leadership.*** Decentralization of administrative authority was an important element in the Civil Service Reform Program in general and for the higher education reforms in particular. The university legislation of 1989 comprised measures that aimed both at insuring governmental control and delegation of powers. One of the most important principal changes that were introduced by the new legislation was that deans were barred from membership on the university board, and that members of the board could not participate in other representative bodies. This represented a radical break with a representative system that relatively systematically had been based on disciplinary representation and overlapping memberships in the sense that department chairs automatically were represented on the faculty boards and the deans on the university boards. Towards the late 1980s as ever more groups, subordinate university teachers, fellows, students and administrative staff had gained representative rights, bodies like the faculty boards and the university boards had become quite large (up till 50 members) and were often accused of inefficiency and poor leadership. The characteristics that remained constant were the solid majority of academic staff and the overlapping representation of bodies at different levels. The Ministry wanted to reduce the size of the representative bodies radically to a standard size of 9 members that was modified by legislators to between 9 and 13 members. The intention was to strengthen the board and enable it to act more efficiently and responsibly as a representative body for the entire institution rather than as a collection of the special interests of the disciplines. By keeping the numbers low and the deans out, the idea was that the boards would be less ridden by partisan infighting. The new bill also proposed a larger university council that only had a consultative status, but in which the deans could be represented. The deans were not particularly happy about this situation, but their grievances were to some extent redressed through informal meetings with the board. Thus the need for mutual information and contact circumvented the formal prohibition that bars the same person from participating in the in decisions on the same matter at two different organizational levels. The council itself, however, remains a body devoid of power and apparently of little consequence (Høstaker, 1997). It is difficult to ascertain whether the level of partisan struggles actually has been reduced, but the partisan interest of tenured teachers as a corporate group is assured as they still make up a majority in representative bodies at all levels. The Storting carried the university bill in 1989. In 1995 a new higher education bill

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<sup>5</sup> Among the indicators were the number of publications, number of degree candidates and number of doctors. The production of higher degree candidates was emphasized particularly in connection with the performance-based part of the funding, and the compensation for doctoral degrees was better than for master level degrees. In the former case female candidates counted more than male candidates.

was introduced that modified and extended the principles of the 1989 legislation to the entire higher education system.

One of the important tasks that were delegated from the central government to the university boards was the appointment of professors. This delegation of authority meant that new professors would no longer be conferred the status and privileges of top civil servants (*embetsmenn*) since the Government has the exclusive privilege of appointing top civil servants. The law furthermore delegated the task of appointing the middle tier of teaching positions from the university board to the faculty boards. Finally the universities were granted more autonomy in economic and real estate matters. The means by which the Ministry exercised its formal control over the universities were by demanding an annual report providing information on performance on a number of indicators, and retain its traditional privilege to have the final say concerning the establishment of faculties, degrees and study tracks.

The higher education reform dealt with leadership issues in a way that was similar to the Civil service reform program. The higher education reform proposals of 1988 emphasized that there ought to be a clearer distinction between administrative and academic issues. The type of representative rule that developed in the 1970s and 1980s was considered too time-consuming, involving too many people in decision-making on too many issues. They proposed therefore to strengthen the administration and delegate decisions on 'trivial' and 'non-academic' matters to it. Faculty councils and university boards ought to deal less with detail and more with strategic issues. This meant more delegation of authority in matters of local interest to the departments concerned. Finally the higher education reform proposed to strengthen academic leadership at all levels within the universities.

Stronger leadership at the department level was regarded as a logical consequence of the increased administrative workloads that came with activity planning, annual reporting and the delegation of tasks and authority to the departments. The discussion on governance in particular focused on the position of the department chair. After the transition to representative rule in the 1970s the department council elected the chair for a two-year term. Only tenured staff members were eligible for a chair position. Always an office with arduous administrative tasks, the position evolved into an unwanted obligation most tenured teachers had to endure sooner or later when their turn was up. The vast majority of the tenured teachers thus became chairs at some point in their career. Even among the tenured mid-tier academic staff a majority seems to have held this office.

One reason why leadership positions are regarded mainly as an administrative obligation is the leadership ideal that became deeply entrenched in Norwegian universities during the democratization process of the 1970s. Leadership has since tended to be defined only vaguely and negatively. The ideal envisions the leader as a *collegial coordinator* who claims authority in his or her capacity as a member of an egalitarian and autonomous disciplinary community. The collegial leader (be it a department chair, a dean or a rector) is an elected representative of a discipline or a group of disciplines who is expected to co-ordinate the activities of the disciplinary community internally and to fight for its interests externally. As a colleague and a coordinator he or she is expected to be an accomplished *interest representative* and *politician* rather than a disciplinary entrepreneur. The leader is correspondingly, met with few expectations apart from keeping a minimum of order in his own house, acquiring as many resources as possible for the common household, and not meddling in the affairs of his disciplinary peers without being invited to do so (Bleiklie 1997). A department is therefore often seen as a place that is notoriously difficult to lead, and where negotiations on important academic matters tend to be slow and time consuming. The overall picture underscores the weak position of the Norwegian department chair. The chair is typically a person who is mainly busy performing administrative duties and keeps a low profile in matters that may generate internal controversy.

It has been a political aim for the universities throughout the 1990s to strengthen the authority of the department Chair. The head should not only be an academic leader, but also a business manager with a more active and strategically oriented profile. There are conflicting views among professors and chairs on the desirability as well the realism of this attempted role definition. University leaders also

indicate that they feel the attempts to strengthen the role of department chairs within the present election system have not been very successful, and that the role of department chair has not changed substantially in practice. The overall impression is that until now the changes have primarily taken place at the ideological level. This does not mean however, that department governance and leadership have not changed. In faculties where mergers have taken place, an elected chair from one of the disciplines does break with former principles of disciplinary autonomy, as it has been traditionally understood in Norwegian universities. In addition, most departments today have normally been furnished with a chief officer who is supposed to take care of administrative leadership functions. Furthermore, both at university level and faculty level, attempts are made at strategic policy formulation. This means that the need to bolster the leadership function may be supported by a number of developments in addition to the direct attempts at strengthening the role of department chairs.

## Discussion

Compared to the lofty ambitions in the late 1980s it may seem striking how little has been achieved in terms of managerialist policies as they initially were presented by the government. Activity planning and stronger leadership have so far not had very tangible effects on practices at the departmental level. This strengthens the impression of the remarkable stability that in comparative terms has characterized the Norwegian state-university relationship in modern history. Nevertheless some changes during the 1990s regarding managerialism can be observed. There have been clear tendencies in the direction of standardization and formalization of planning and budgeting. Management by objectives and result does, furthermore, have the potential of becoming a rigid form of regulation by oversight, particularly in connection with budget cuts. Each year the universities report their results measured in terms of performance indicators. These indicators have achieved the *de facto* status as the only *common* operational goals of the university. Finally the attitudes of the parties involved have become more pragmatic, and the professors involved in university decision making seem to have realized that the managerialist planning and evaluation tools are just as susceptible to politics and contextual factors as previous arrangements.

As an overall assessment, the changes we have observed in the university sector do not primarily represent a change in the type and composition of controls. The important changes are rather evident in the way in which the existing control types are used. In terms of regulation more detailed oversight over a limited area has been replaced by less detailed oversight over a wider array of issues. Furthermore the focus of regulation by oversight has shifted from process (rule following) to outcome (goal attainment). Mutuality has been weakened in the area of university governance but has been strengthened through the spread of peer review evaluation of disciplinary and institutional performance. Competition for academic positions and research funds has been a longstanding form of control. With an increasing share of total university budgets funded by competitive research grants, competition has become more important. Institutional competition for students has also increased since the early 1980s. This has been triggered by two factors: the reduced student supply and the introduction of funding mechanisms that reward institutions for attracting students and efficiently producing successful candidates. Contrived randomness has no visible role in the regulation of the Norwegian university sector.

As indicated above, «The quality reform» may signal a period of more drastic changes of the higher education system. There are several reasons for this. Firstly, a new degree structure based on the 1999 European Bologna declaration, will introduce Bachelor, Masters and PhD degrees and a course credit system across the entire higher education sector. For most academic disciplines this entails profound structural changes in the organization of educational programs and exam systems. The speed and intensity with which the new degree system is implemented means that this part of the reform will be completed in the course of one year by the fall of 2003. The second reason is that the reform presupposes an increased teaching effort that is not matched by increasing funds. At least partially this

effort has to be funded by reallocation of resources within the system. In addition, a funding system is scheduled to be introduced in 2003 that puts a premium on teaching efficiency. One way in which this may be achieved is by hiring more teaching personnel on short-term contracts. If this happens the traditionally homogenous corps of academic personnel in the Norwegian university sector will become more differentiated. Thirdly there seems to be an increased willingness to accept diversity in the organization and leadership of higher education. The institutions have now more external representatives on their boards from January 1, 2003. After the government opened up for changes in organization and leadership structures it is up to the individual institution to decide whether they want to change the existing dual leadership at department and faculty level or replace it with a single appointed leader. This means that some institutions have started to introduce leadership reforms that were not possible previously when reform oriented institutions were bound by standard arrangements based on system wide compromises. The government has indicated that appointed leaders might replace the dual system entirely in the future. These developments are likely to strengthen the trend observed above in a much more forceful way than previously so that the manner in which existing control instruments are used might change more radically in the same direction. Although the system seems poised for a period of radical change, it is important to remember that we need to see how the reform is implemented before we make any definite judgment.

## Control of prisons<sup>6</sup>

### Introduction to the Norwegian prison system<sup>7</sup>

The first modern prison in Norway came into use in 1851. The thought behind this «new» prison was that isolation in cells would benefit the prison's goals, because of the fact that the prisoners would not be able to influence each other in a negative sense. During the next decade, 56 local «cell-prisons» were built. The prison law of 1903 introduced a prison system characterised by a «class strategy», in which the prisoners could move up in the prison structure and receive more privileges or goods when behaving properly. Also the practice of allowing inmates a trial release originates from this period. The «cell system», although introduced for its expected benefits and positive influence on prisoners, was slowly abandoned, as the negative effects of isolation became obvious, and also because it hindered work operations. However, a high degree of isolation was common until the 1940s.

The new prison law of 1958 clearly stated the negative effects of isolation. From this moment, the inmates would be allowed a high degree of fellowship during the day, but of course they would still be locked up at night. Another characteristic of the new law was «treatment optimism», i.e. believing that it is possible to reform an inmate to a well-functioning, law-abiding citizen. For this reason, it would be necessary to adjust the prison operations so that they as much as possible resembled «real life». Therefore, the inmates should be given meaningful employment, such as work or schooling, and meaningful leisure activities. The most recent prison law, approved in 2000, includes for the first time the Norwegian probation service, the system that from 1841 has taken care of ex-inmates after their release. The probation service also has the responsibility for the administration of community work, which has been approved as an alternative correction method since 1984.

**Organisation and reorganisation of the prison system.** The Ministry of Justice has the overall responsibility for the prison system in Norway. The central management is organised both as a division within the ministry and as an independent agency/directorate, named The prison and

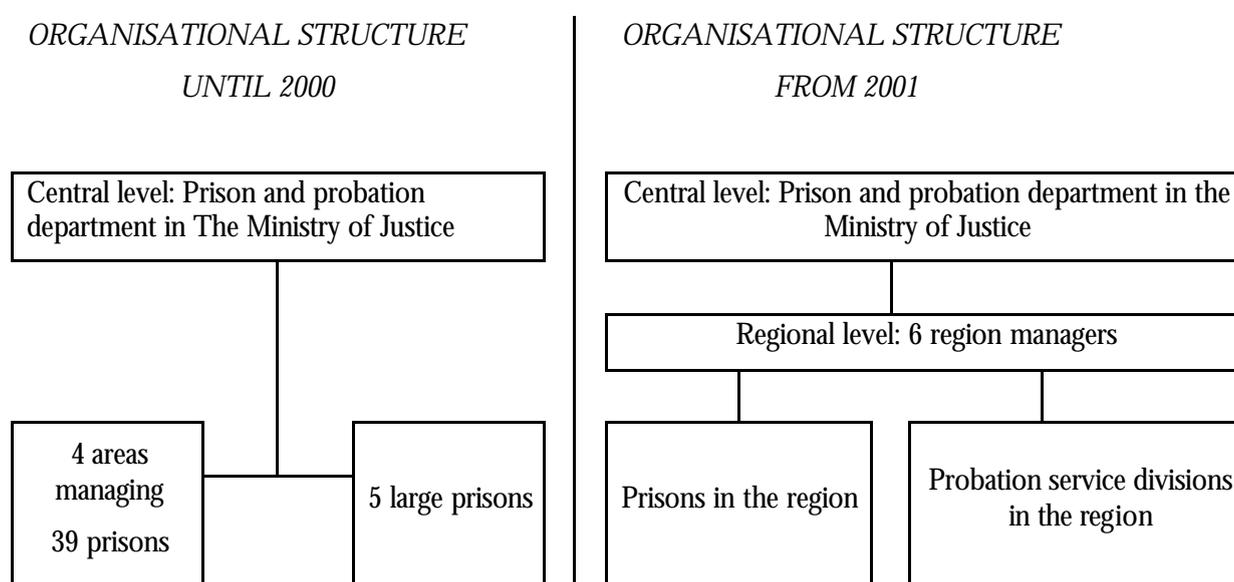
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<sup>6</sup> The data used in this paper are public documents, such as reports by Statskonsult, and interviews with respondents from different areas in the prison system. In order to maintain the respondents' anonymity, information and quotes from the interviews have been used without referring to the exact source.

<sup>7</sup> This part is based on Statskonsult's report 2001:11.

probation department. In earlier years, this kind of «mixed directorate» was a relatively common organisational structure in Norwegian central government, but during the last 40 years most such directorates in other departmental areas have been unwound. The reason for this has been that such organisational forms often result in unclear steering relationships between and within governmental units. During the last 10–15 years, the Ministry of Justice has looked into this argument, but for the time being, the prison system continues to be organised as a mixed directorate.

Until 2001, when the prison system was reorganised, the organisational structure consisted of a central management at the Ministry of Justice, and a sub-central level, consisting of the managers of the 5 largest prisons and the leaders of the 4 regions, which included 39 prisons of different types. Independent decision-making authority was usually limited to these levels, but could be delegated further down the organisational structure. The loyalty between the prisons and the ministry was generally low. At the sub-central level, there were no organisational links between the prisons and the probation service. There was a generally weak common culture within the prison service and especially between the prison service and the probation service.



**Figure 1:** Organisational structure of the Norwegian prison system before and after January 1, 2001

From 2001, 6 regions were established, which contain all prisons and divisions of the probation services within their borders. Unlike the 4 areas in the old structure, the 6 new regions follow the province borders.<sup>8</sup> Every region has its own manager and a staff of 15–22 employees, depending on the region's size. In this way a third regional level has been introduced in the prison system's organisational structure.

<sup>8</sup> For this reason, some prisons were moved from one region to another after the reorganisation. In these cases, prison management was confronted with even more changes.

<sup>9</sup> The numbers are similar to those of Sweden and Denmark. The rest of Europe has a rate of 100 per 100 000 in prison, and in the USA the rate is 680 (Nishio 2002).

The main reason for this reorganisation of the Norwegian prison system has been to improve the Ministry of Justice's steering and managing functions. Instead of having to confer with 9 local managers and 21 managers of probation service divisions, the prison and probation department is now able to communicate directly with the 6 region managers. The new organisational structure should also contribute to more delegation to the regional level and to a more flexible use of means and staff because of the joint regional management for prisons and the probation service divisions.

Total prison capacity is about 3000 inmates and each inmate has his own cell. The largest prison has a capacity of 350. All together a total of 62 persons for each 100 000 Norwegians citizens were in prison in 2001.<sup>9</sup> It is about 2500 full time positions in the Norwegian prison service.

**Management and decision-making.** Until the recent reorganisation, the professional and administrative management were separated. The directorial part of the prison and probation department has been responsible for the professional management of the prison system, such as dealing with cases concerning individual inmates. Another task was to formulate, within the legal framework, regulations and guidelines regarding the treatment of inmates. The departmental part has been responsible for the administrative management, such as personnel management and the processing of complaints from or on behalf of inmates.

The new organisational structure has resulted in a new division of tasks within the prison and probation department. The separation of professional and administrative responsibilities is no longer desired. The department's main responsibilities are formulating prison policy, preparing legislation and laying down the annual budget. The directorate now has responsibility for the execution of policy, personnel and administrative management, and individual cases regarding inmates, except for mercy cases.

There is ample possibility for delegation of the executive power from the central level to the various prison governors. The main rule is that the prison governor takes all prison-related decisions, of course within the legal framework, unless another decision-making authority is specified. Furthermore, the prison governor can delegate responsibilities down the prison hierarchy. However, only the prison governor can make decisions about inmate penalties or granting permission.

## Different forms of management and control<sup>10</sup>

The four types of control are of different importance in the management of the Norwegian prison system. The element of competition seems to be less used. The other three forms, on the other hand, have played or play an important role in the management of the prison system. In this paragraph, we will take a closer look at the different types of control and management.

**Competition.** The element of competition seems to be generally weak. Contraction out or privatisation of the prison service has not been an issue in Norway. Neither is there any significant competition between the prisons. Traditionally the individual prison has little influence on the budget allocations. There is, however, a strong union within the Norwegian prison service. More than 90 per cent of the employees in the Norwegian Prison Service are union members. The dominant union is the Norwegian Prison and Probation Union, which organize 75 per cent of the prison officers. This is an active and high profile union working for the best possible professional, social and economic conditions for the members and also taking active part in the public debate on this policy area and in the administrative reform processes. Thus it plays an active role in consultation and negotiation

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<sup>10</sup> This part is mainly based on interviews with 5 administrative leaders at the local level (prisons), regional level and central level (Ministry of Justice) and one leader of a control board.

processes and this represent an element of rivalry and competition within the Norwegian Prison Service. There is also an element of competition in the recruitment of students to the prison school. The number of applicants is normally much higher than the number in each class.

**Oversight.** Control over prisoners by oversight is obvious both within the prisons and in the probation system. This is, however, not the main focus in this paper, which concentrates more on control over the prisons. The introduction of a regional level has resulted in a more distinct division of tasks between the Ministry of Justice and the regional and local authorities. The prison and probation departments responsibilities are now limited to policy, politics and legislation, whereas the 6 newly established regions are responsible for the management of the prisons and county jails. Although the introduction of the regional level may have resulted in a more clear division of tasks,

«which makes life easier in many ways, the problem is that you lose the homogeneity in the execution of punishment, which means that the 6 regional managers must make a conscious effort to make the practice in the various prisons as co-ordinated and as comparable as possible.»

However, the respondents also reveal that to maintain an absolute homogeneity in the different prisons and county jails is neither possible nor desirable. The different correctional facilities should not be as similar as possible, according to the managers. They report that it is important to make the most of the various resources and talents that exist in the different institutions, while harmonising these with the prison system's goals and expectations. This means that an inmate in one prison can experience the daily prison life in a different way from an inmate in another prison. It will be obvious that this can be problematic.

As for the reason why the daily life in one prison can differ from the daily life in another prison, Statskonsult's report states that especially the management of the smaller institutions has experienced difficulties in following the developments in the late 1980s and 1990s. Their main concern was to administer as much peace as possible. To engage in processes of change, even though these were initiated by the parliament, would mean to cause commotion and unrest in the organisation. The governors of the smaller institutions did not consider this a desirable development and chose to ignore the Ministry of Justice's instructions. This was possible, because the Ministry of Justice seemed to be more interested in policy-making and goal-defining than in controlling the execution of these policies and goals (Statskonsult, 2001:41). Different policies have been implemented to a far higher degree in some prisons than in others. One example is the personal contact officer policy, which enhance the part of the job of the prison officer as supporting and motivating prisoners to use their period of incarceration constructively. Each inmate is assigned to one officer who he/she can contact for all questions and inquiries. Another example is different «plans for the future» policies (programs) dealing with various problems the inmates may experience, such as alcohol, drugs, or controlling feelings of e.g. rage or frustration. Statskonsult concludes that

«this has resulted in substantial variations between the different correctional institutions, both with regard to which (...) policies they have implemented and with regard to how these policies have been implemented. There have been ample possibilities for the prison management to introduce local actions, and some prisons have through the years changed their (...) profile, because of creative prison managers taking initiative and using the opportunity that presented itself. Because of the fact that the central control of the implementation seems to have been relatively weak, the danger exists that some prisons have specialised themselves in a way that was not intended.» (Statskonsult, 2001:41–42)

One of the reasons for reorganising the Norwegian prison system was the fact that the sector did not function in a coherent way (Statskonsult, 2001). The different prisons, in the hands of their governors and inspectors, acted largely in an individual way and according to local norms and rules. Even though the system today is more coherent than 10 years ago, it is still possible to prioritise local actions, instead of departmental policies. This becomes especially clear when we look at the different policies in

order to create a «fitted» prison stay for each inmates, by means of the contact-officer policy and the inmate programmes, as mentioned above. Even though the Ministry of Justice issued guidelines about the implementation of these policies, it was possible for prison governors to decide not to implement them, and continue in the same way as before. A former prison governor remembers the dilemmas related to this:

«When they [Ministry of Justice] told us to implement the contact-officer policy, I thought it meant that we had to do that, and if we did not have the financial means, that we had to free financial means from other areas. And that took me a lot of time during the 1990s. And then I saw that there were many [other prison governors] who did nothing. They said they did not have the financial means. And of course, I could not say whether my colleagues' financial situation was worse or just as bad as mine was. I could not be disloyal, and criticise the fact that they had newer cars than I had, but I did wonder.»

Statskonsult concludes that the ministry has been less concerned with the control of results than with creating understanding for their goals. Feedback regarding implementation results has not been a part of the «control circle»; results have not been used in the steering of the various prisons, but have only been reported in the budget proposals. The existing differences between the institutions have been accepted and continued to exist. Pressure and incentives in order to achieve actual improvements have been absent. The responsibility for the implementation has been transferred to the prisons that often lack necessary resources to implement new policies. By transferring the responsibility for redistributing resources to the prisons the ministry also delegate the responsibility for making unpopular decisions. The department has been more concerned with «management by objectives» than with «management by (objectives and) results». Management by use of performance indicators and performance assessments has been difficult to execute.

As a possible reason for this weak result management, Statskonsult reminds us of the mixed directorate and its double role. The ministerial responsibilities – policy advice and legislation – can be assumed to be prioritised at the expense of the directorial functions, such as executing and following up the contact-officer policy. Another reason may be the department's possible over-emphasizing of one part of MBOR; the local level's responsibility for the budget allocation in order to achieve a more efficient management. But the other part of MBOR consists of the department executing overall control over the results and the use of this knowledge in the continuation of the steering process. When we look at the Norwegian prison system, this type of result management has regularly been absent (Statskonsult, 2001).

**Contrived randomness.** Besides the formal steering relationship between the departmental and regional level, and the various prisons and county jails, as discussed in the previous paragraph, the Ministry of Justice has other means to check what is going on in the institutions. The most important is the Control Board. Another important – although not under the control of the Ministry of Justice – are the media and civil society organisations. Because of the fact that both of these «controlling institutions» incorporate an element of randomness, they are examples of the second type of control and management to be discussed in this paragraph.

*Control Board*<sup>11</sup>. The members of the Control Board represent various groups in society and are characterised by their concern for prison inmates. The leader of the Control Board has to be somebody with legal knowledge, such as a judge. The other members are laypersons. According to the law, there have to be at least 3 members, but usually a Control Board has more members. The Control Board visits the different divisions in a prison or county jail about once a month. These visits happen randomly. The prison management does not know that the Control Board is coming to visit, «until the

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<sup>11</sup> This paragraph is largely based on an interview with a previous leader of the Control Board for a large prison in Norway. Therefore, information about this Control Board does not need to be representative for other Control Boards and other prisons.

moment when we ring the doorbell». The element of randomness is important to ensure that the members of the Control Board get a realistic view of the situation inside the prison. However, since the most important function of the Control Board is to be available for inmates who want to talk or file a complaint, this randomness can be said to cause logistical problems, especially in the larger, open prisons. Because of the fact that neither management nor inmates know when the Control Board will be visiting, it can happen that an inmate is not able to meet with a member of the Control Board. On the other hand, it is possible for inmates to contact the Control Board in order to make an appointment, so that a meeting between inmate and board member is ensured when the Control Board is visiting the prison the next time. One respondent, a former prison governor, reports another solution to this problem, namely that most visits of Control Board members were announced one day in advance. While reducing the logistical problems and increase the chance that every inmate gets a fair chance to meet with the Control Board, it will be clear that the element of contrived randomness is rapidly disappearing.

When visiting the prison, the Control Board members are seated in a room, such as a library, and file the complaints that inmates have. A special form is filled out. Not all complaints are noted on these forms; when a Control Board member feels or knows that writing down the complaint will not result in any action from a higher level and/or improvement in the inmate's situation anyway, the board member can decide – together with the inmate – not to file the complaint, and «just write down that we had a conversation about this-and-that». Sometimes the Control Board might not be the right institution to file the complaint. In these cases, the inmate gets help to file the complaint at the right place. Most complaints are about the food, the possibility to make phone calls, the right to be seen by a doctor, unfair treatment by a prison employee, and other «practical things». Complaints of a far more serious character, such as abuse, are rare, simply because they almost never happen, according to the chairman of the board. On the other hand, one can wonder whether an inmate experiencing abuse from for example a prison employee will have the courage to file this complaint, because of fear for retaliation. In these cases, another inmate or prison guard may take responsibility and file a complaint, but one can never be completely sure that even the Control Board members get a complete and correct overview of everything that is happening inside the prison. This, however, seems to be an «unsolvable» problem. Yet, it is not likely that such problems exist to a high degree. One of the main functions of the Control Board is to «prevent a culture in which these things could happen, from establishing itself. The whole system is built on the assumption that somebody – anybody – would have let us know if there are serious problems with regard to an inmate. That is also the reason that we are there so often, once a month.»

When a complaint is filed and registered, the form is sent to the prison management. As most complaints are about «practical, day-to-day» matters, the prison management can often deal with the complaint themselves. Their response is sent back to the Control Board and communicated to the inmate concerned. If the Control Board is not satisfied about the way in which the prison management has dealt with the complaint, they will formulate a response to the prison management's response, which is sent back to the management. However, in most cases the members of the Control Board accept the way in which complaints are dealt with the prison management. Nevertheless, the responses from the prison management are thoroughly discussed on the Control Board meetings. It is not just a tradition to accept every excuse from the prison management. Financial limitations are often a reason for the prison management not being able to solve a problem or deal with a complaint. But even though the Control Board members can demand to be informed about the prison's financial situation, this does not happen. «When financial arguments are used to show us why it is not possible for the prison management to adequately deal with a complaint, we base our opinion on the believe that this is true.»

*Media and civil society organisations.* Both the media and national and international public organisations can execute random control over the prison system. The prison governor's responsibility for handling media is complicated and he has to deal with questions such as «should we control interviews between

media and inmates?» and «should we have the right to decide which parts of interviews with inmates are published, or should they have total freedom of speech?» It will be obvious that the prison management can influence to a large degree which image media get from the prison system, by only showing them parts of the prison, or only giving them the opportunity to interview certain inmates, or no inmates at all. Although there are rules how to deal with the media, and which rights both inmates and journalists have, it is the prison governor who has the responsibility to interpret the rules. Besides the controlling function the media have on the inmates' situation, another factor is the controlling risks that arise when many people from outside, enter the prison walls. Also this type of control is important – and often prioritised – when dealing with this type of questions.

National and international public organisations, such as Amnesty International, The Red Cross, or various EU-organisations and – committees also have a function when looking at control and oversight of the Norwegian prison system. The European Torture Commission has been in Norway twice to check the inmates' situation in the various prisons. Their criticisms and suggestions have been communicated to the Ministry of Justice, and have been largely followed up. These visits were unannounced, and therefore represented a possibility to get a realistic view inside the prisons and county jails. But again, the randomness of the commission could have caused problems. One prison governor remembers to have tried to find out when the commission would visit his prison, in order to prepare for their visit. However, this preparation did not have anything to do with improving the image of the prison the commission would get, but simply to make sure that the prison management was around and to be able to welcome the commission members.

**Mutuality.** Another form of control within an institutional system, such as the Norwegian prison system, is mutuality; exposing individuals to peer-group pressures. While the function of the Control Board is partially based on this mechanism, in the sense that ideally a system exists in which any employee would have prevented systematic abuse of an inmate by a colleague, it will be clear that colleagues checking on each other, also can have another element, namely protection. The degree of job rotation is very low, and prison employees usually work in teams. This may result in a situation where, after a period of some years, these employees «become more close than a married couple. They spent much more time together. And of course the effect can change from controlling to protecting.» Job rotation to prevent this type of protection – or for example to prevent a situation where a prison guard can establish a large degree of power over one or more inmates – is not usual. Especially in the smaller prisons, which may employ as few as 10–12 people, it is difficult. However, the element of mutuality has experienced some changes during the last decades. This will be the theme of the next part of the paper.

## Changes in the Norwegian prison system

**Opening the prisons: The import model.** When asked what they consider as the major change in the Norwegian prison system during the last 30 years, the respondents' answers vary. However they agree that there has been a change from a policy of self-sufficiency to an import model. Up to the early 1970s the prisons were closed to the outside world. The internal staff and the prison officers themselves conducted all treatments and services. This policy was strongly criticized by some prominent professors at the Department of Criminology at Oslo University. They argued for opening up the prisons and the introduction of an import model (Christie 1969). This research group was central in The Norwegian Association for Penal Reform (KROM), founded in 1968, and which became a high profile non-governmental political organization and pressure group in the area of penal policy (Mathisen and Heli 1993). They argued that the prison in a much larger degree should become an arena for rehabilitation by opening it up to external groups offering education medical treatment, etc The government white paper on prison and probation policy from 1977 represented a radical change in this direction (St.meld. nr. 104 (1977–78). Gradually educational and medical facilities were imported into the prison system. The managerial architect of the import model and one of our respondents remembers the time when prisons were closed systems, or, as he calls them, «impenetrable

fortresses». He considered it vital that the prisons became a part of society. As an assistant governor of Trondheim county jail in the early 1970s, he managed to get the education authorities to start a learning institution inside the jail. This was the first prison in Norway where inmates over the compulsory school age received education. When, some years later, he became assistant director in the Prison and probation department, he continued to import educational facilities in the various prisons. Being now responsible for all prisons and county jails, he travelled around and opened the prisons.

«I started where the money was, that was in Stavanger. After that, we went to Bergen and Oslo. Today 4.500 inmates receive education during the year. We have almost 300 teachers.»

When asked whether the import of education met opposition, he recalls some incidents. However,

«... we had a very strong argument. It is very difficult to be against education. And this led to the Ministry of Education taking on both the financial, administrative and professional responsibility for the schooling of prison inmates. The next step was to achieve the same regarding medical services. And we succeeded. After that, we managed to get the culture authorities to start libraries inside the prisons. Today, 15 of the largest correctional facilities have their own library, managed by the State Library Supervision. It is a whole different world.»

In 1988 the responsibility for the health care in prisons was transferred from the Ministry of Justice to the Ministry of Health. Today the biggest prisons have full time medical teams of doctors, nurses, psychologists and physiotherapists. There are also close relations between the prisons and employment centres, rehabilitation centres, libraries, the social welfare office, and the social insurance office. There has been a long cooperation with the Church of Norway that appoints prison chaplains. From 1995 the National Touring Theatre of Norway has regularly played small theatre performances in the prisons, and there are cooperation arrangements with local culture and sports authorities for arranging leisure activities for the inmates. Adding to this there is a growing social science research on the prison service system also representing a contribution to the extended external control through mutuality (Fridhov 1994, Johnsen 2001, Ravneberg 2002).

**Changes in management and control.** Also with regard to management and control, there have been some major changes during the last 30 years. In the same way as the previous chapter, we will discuss the different control forms – oversight, contrived randomness and mutuality. The effect of these changes will then be discussed.

*Oversight.* When we look at the central level's control over the Norwegian prison system during the last decades, it becomes clear that there never has been a very strong and strict management from the department. One respondent assumes this is «a cultural thing». Another respondent calls the symptom for «Norwegian kindness», which means that although the department issues detailed and often quantitative guidelines, no sanctions are given when these guidelines or regulations are not followed. However, the financial management has become a little stricter during the last decade.

«Until 1995 it was not very important whether you managed to hold the budget. But a change happened, and it became a bigger, more traumatic experience to not hold the budget than before. That does not mean that we could do whatever we wanted before 1995, but they [the Department of Justice and the Norwegian parliament] tolerated more.»

Management by objectives and results (MBOR) has not been a large element of the management and control of the Norwegian prison system earlier, especially not the use of quantitative indicators. However, in one of the larger prisons, a project with balanced scored card started in 2001. This form of result management forces the prison management to prioritise goals and find a balance between all the guidelines and indicators that have to be followed. At the end of the project, all indicators have to be quantitative. This is supposed to enable the department to control the results in an easier way. Feedback on results, and sanctions when the results are not satisfying, is a necessary part of this

balanced result management. When functioning adequately, this form of management will improve the department's possibilities for control and oversight of the prison system.

*Contrived randomness.* The most important element in the random control of the Norwegian prison system, the Control Board, has existed continuously during the last decades. However, neither its form nor its function has changed dramatically. As the situation in the prisons improved, the complaints changed accordingly. As mentioned earlier, cases of serious abuse are rare, and most complaints deal with food or inmate privileges.

As the prisons opened up to society, the relationship with the media changed accordingly. The media have found «a less black-white style» to write about prison management. There are more nuances, and their accounts have become much more accurate and fair. Because of the fact that the prisons now are open to «all kinds of civilians», the contrived randomness is higher than it was 30 years ago.

*Mutuality.* Even though the negative effects of mutuality such as colleagues protecting instead of checking each other can still exist in the Norwegian prison system, some changes have happened during the last 30 years in order to diminish this problem, and to ensure the controlling effect of mutuality. One of them has been the introduction of female guards into the prison system. Three decades ago, there were almost no female employees inside the prison walls, except for some female nurses. Today, most prisons employ female guards, and this has together with the personal contract officer policy resulted in a reduction of the «old boys network», in which male guards can «overprotect» each other. «Female guards bring different norms and values into our system», one of our respondents remarks. Another change with regard to mutuality has to do with the employees' education. 30 years ago, all prison guards were graduates from the only prison school in Norway. Also many of the supervisors and in some cases even the prison governors, who had started as prison guards, were graduates from this school. This of course meant that other influences did not penetrate the system to a large extent. The «inside protection» within the small group was high, everybody knew everybody, and loyalty was often necessary in order to stay in the system and to get promoted. Nowadays, even though the prison school is still the only place for future prison guards to receive their education, there is more variation in the educational background of the students and the school itself is changing towards more focus on the role as educator and therapist and less focus on the role as a jailer and guard through a two years education (Ravneberg 2002). Furthermore, after the prisons and county jails were «opened to the society» in the 1980s, other professional groups, such as teachers, nurses, psychologists, library assistants and leisure activities consultant spent much time inside the prison walls. This reduces to a large degree the negative effects of internal mutuality, and can ensure the controlling factor.

## Discussion

The case of prisons illustrate that important changes in the control have occurred over the past generation, but also that these changes might be more a result of substantive sector policy within this area than of a general and comprehensive administrative policy derived from the Government's modernization programs. The policy of «opening up» the prisons based on a new prison policy characterized by treatment optimism and rehabilitation, is the most obvious example. This has brought new professions and external groups into the prisons and also changed the role of the prison guards into prison officers with more educational and therapeutic tasks and with a higher variation in educational and professional background. There has been a professionalisation and feminisation process going on changing the role of the prison officer. Thus the control through mutuality and peer groups has changed from internal group processes towards external processes and is being based on new norms and values and also might be enhanced. At the same time the traditional control by contrived randomness through the activity of the control boards continues more or less as before. In spite of some criticism of the control board policy it has remained as a major control device.

There has been a general implementation deficit in the area of performance management. The effect of NPM-reforms by introducing MBOR with performance indicators, performance assessments, arms-length monitoring and standard setting seems to have been implemented in a «soft» way. It is more or less treated as a semi-manufactured method that has to be assembled and made ready for use locally. In this process the MBOR has to go through a compatibility test and is transformed so that it fits to the established working methods and administrative procedures in the prisons. Thus the control by oversight has not changed from controlling processes and procedures to controlling output and performance, but rather that the performance assessment is added to, or adopted to the process control. In this way the old public administration and the new public management melt together into a hybrid that is much less radical than the reform agents had intended. This also implies that the control forms not necessary appear in pure forms but often emerges as hybrids: group judgments and randomness, elements of peer groups and oversight. The discussion has also revealed that there are large variations between prisons to what extent they adapt new systems of performance management and prison service policies. This can be understood in the light of the strong tradition of independent prisons in Norway both vertically from the Ministry and horizontally from other prisons. But new prisons, with younger cohorts of prison officers and managers adapt more easily to the modern control and prison service policy enhanced by an active director general in the prison and probation department.

## Assessment of contemporary control system

We have described and analyzed the effects of the revitalized control activities of the Norwegian parliament on the relationship between the legislature and the executive, on the internal workings of the high civil service and within two policy areas: the higher education and prison system. Furthermore, the question of whether these effects are constrained by NPM reforms in the civil service and of Norway's adaptation to the EU has also been discussed.

In accordance with a traditional control by *oversight* approach parliament has tried to reinstall its formal rights and authority as a controlling authority through the introduction of new control devices, such as public hearings and performance auditing. These new control instruments seem very much to be based on distrust towards the executive, thereby challenging the traditional Norwegian cultural-institutional control tradition characterized by mutuality and internal, informal and trust-based identities and control.

The constraints represented by NPM-oriented civil service reforms like MBOR and structural devolution, and increased integration into the EU through the EEA agreement has, however, undermined or weakened the effort to re-establish a strong hierarchical control of the executive by the parliament and also strengthened the role of the administrative leadership within the executive. It has introduced new forms of secondary oversight by more use of contract and contract-like arrangements, performance budgeting, performance pay and performance assessments and management more generally. The general trend moves from process control and rule following to output control and performance assessment. The external control from the EU through ESA stick, however, more to traditional oversight control by emphasizing procedure and rule following.

This main change in control by oversight can also be seen in universities and prison services. The MBOR technique was made mandatory in all public administration authorities in Norway from 1991 upon the introduction of activity planning, but as we have seen it has been implemented in a soft and mild way both in the university and in the prison area. There has been more focus on objectives than on performance assessments and the balance between decentralized autonomy and flexibility on the one hand and central control and scrutiny on the other has tilted in favour of local autonomy. The main reason for this might be strong traditional values of professional autonomy in the university field and correspondingly a strong tradition of independent self-ruled prisons in the case of prison service

administration. Adding to this the tasks of universities and prisons make it difficult to find reliable and valid quantitative performance indicators for the outcome of the services. This means that the MBOR is edited in a pragmatic local adaptation process to fit the existing managerial and control procedures. The new form of oversight has challenged the procedural oversight but in practice it rather add to the old form or combine with it than replaced it.

The NPM control devises challenge the traditional Norwegian strong control by *mutuality* within the high civil service. Informal, indirect, internal and collegial control by peer groups and professional standards based on mutual trust has been supplemented by more use of formal, direct, external control through the use of experts on contract enforcements, performance indicators and assessments. This kind of control is more based on distrust. This being said, the absence of politicians in this kind of control is more in accordance with a cultural-institutional perspective with a traditional strong Norwegian civil service with great discretion. Mutuality has also been weakened in the area of university governance, but has been enhanced through the increasing use of peer review evaluations of disciplinary and departmental performance. In the prisons new forms of mutuality has emerged by opening up the prisons to different professional groups from other public authorities and from civil society and also because of changing the recruitment patterns and education of prison officers. Thus informal peer control changes as the peers change.

The relevance of the *competition* approach to control has been revealed through the revitalized scrutiny committee in the Storting, which has introduced new forms of specialization and interest constellations, but also through the existence of weak and shifting minority governments, adding to the increased pressure from parliament towards the executive. The absence of politicians in NPM control is in accordance with a competition approach focusing more on negotiations between different bureaucratic actors than between parliament and the executive. Competition has also been enhanced by the introduction of elements of performance pay and performance budgeting and by structural devolution and marketization of authorities that formerly were part of high civil service. Within the university field there has traditionally been competition for positions and research funds. This has now spread into university budgets, by introducing funding mechanisms based on candidate production. The element of competition is, however, generally weak in the prison services.

These new control instruments seem to be very much based on distrust towards the executive, thereby challenging the traditional Norwegian cultural-institutional control tradition characterized by internal, informal and trust-based identities and control. They have also introduced a stronger emphasis on control by *contrived randomness* through public hearings, performance auditing and oral question time. Contrived randomness is a much more used control form in the relationship between parliament and the executive and high civil service than in the university field were this kind of control is almost absent. In the prison service contrived randomness is a traditional control form that still is popular.

Summing up, this analysis illustrates the relevance of a combination of an oversight approach, competition, mutuality and contrived randomness in describing and understanding control instruments. The changes that we have observed do not primarily represent a change in the type of controls. The important changes are rather evident in the way in which existing control types are used and in the balance between them, but also in the composition of some of the control measures. More external oversight and oversight by performance assessments has been added to the traditional internal procedural oversight; and the content of mutuality has changed in the prisons from a closed group of colleagues protecting each other to opening up for mutual peers from outside. We have also revealed that in practice we often find combinations of different control measures rather than pure forms.

The change in control is not only a result of an active administrative policy, but also reorganisation of the control function in the Storting, increased integration into the EU and substantive policy within the different areas contribute to the change in the control over the public sector. The effect of all these changes seems to be a general growth of control over time, first of all because enhanced use of

competition and oversight by performance assessments. In contrast to what one could expect from the decentralization and deregulation components of the NPM movement, there seems to have been an increase in the formality, the intensity and the complexity of control over the past 10 years.

The conclusion is that our findings do not fit very well to our initial assumptions. First, there is a greater use of external control of the high civil service by parliament than we expected. Second, the prison service is more resistant to control from above and more open to external groups than we expected. Third, the universities are more open to control by competition in new areas and to new forms of oversight. This means that the traditional view of powerful high civil service, universities with strong professional autonomy and prisons as closed and loyal authorities in a bureaucracy with strong hierarchical authority need to be modified. The implication is that there is no single explanation of changing control patterns of public sector organizations. The changes that have taken place may be explained by a variety of factors, and we have to move towards a multi-causal theory to understand this kind of change processes. This will make the story less elegant, but in our view more realistic.

A general reflection from this discussion is that there is a paradox or a dilemma in the legislative-executive control function. On the one hand, the Storting, through its own internal reorganization has strengthened the focus on control by revitalizing the Scrutiny Committee, introducing public hearings, extending question time and expanding the audit function. On the other hand, both the active national NPM-inspired administrative policy, employing the instruments of structural devolution and MBOR, and the external environmental pressure exerted via increased integration in Europe through the EEA agreement reduce the scope for control by the Storting. Adding to this the media, after the deregulation of the media sector in the 1980s, have become a more important controller of public sector agencies, as illustrated both in the case of high civil service and the case of the prison service. The result for the Storting is more control over less; a more intense control focuses on a narrower sphere. The indirect effects of NPM reforms and the EEA agreement on parliamentary control of the executive are that the control function has been challenged whilst the Storting has experienced more difficulty in controlling devolved state companies and more autonomous agencies and in handling rules and regulations issued by EU authorities. The Storting appears to have responded to this challenge by revitalizing its own control functions, thus compensating for the loss of control through devolution, MBOR and Europeanization (Nordby 2000). This general reflection covers, however, best the case of high civil service, and does not describe very well the policy areas of universities and prisons where the control focus of the Storting has been rather weak. What the net effect of these divergent processes will be remains to be seen.

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