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Published in:
Public Administration

DOI:
[10.1111/padm.12898](https://doi.org/10.1111/padm.12898)

Publication date:
2023

Document Version
Publisher's PDF, also known as Version of record

Citation for published version (APA):

Bischoff, C. S. (2023). Between a rock and a hard place: Balancing the duties of political responsiveness and legality in the civil service. *Public Administration*, 101(4), 1481-1502. <https://doi.org/10.1111/padm.12898>

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Between a rock and a hard place: Balancing the duties of political responsiveness and legality in the civil service

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Abstract

Civil servants play a key role in upholding the core democratic principles of majority rule and legality in daily government operations. Yet we know little about how civil servants balance these principles in practice—or why. This study asks and answers these questions by qualitatively and quantitatively analyzing Danish civil servants' responses to survey questions on dilemmas that force them to choose between their duty to be responsive to government and their duty to uphold the law. To explain their choices, the analysis draws on rational and sociological institutional theories of bureaucratic behavior. The results suggest that factors related to both rational self-interest and socialization explain that as many as one in four civil servants choose responsiveness over legality. Formal organizational roles also predict their behavior.

Resumé

Embedsmænd spiller en nøglerolle i håndhævelsen af de demokratiske kerneprincipper flertalsstyre og legalitet i regeringsapparatets daglige drift. Til trods for dette ved vi meget lidt om, hvordan embedsmænd afvejer disse principper i praksis – og hvorfor. Dette studie undersøger disse spørgsmål gennem kvalitativ og kvantitativ analyse af embedsmænds svar på spørgeskemaspørgsmål vedrørende

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dilemmaer, som tvinger dem til at vælge mellem deres pligt til at adlyde den siddende regering og pligt til at følge loven. Analysen bygger på rationelle og sociologiske institutionelle teorier om bureaukratisk adfærd. Resultaterne indikerer, at rationel egeninteresse såvel som socialisering forklarer, at så mange som hver fjerde embedsmand prioriterer lydhed overfor regeringen over overholdelse af loven. Formelle organisatoriske roller spiller også en rolle for deres adfærd.

1 | INTRODUCTION: CIVIL SERVANTS BETWEEN RESPONSIVENESS AND LEGALITY

Civil servants play a critical role in applying two core principles of democratic government: majority rule and legality (O'Donnell, 2004; Rothstein & Teorell, 2015). Elected governments “have a legitimate interest in controlling what government organizations do” and therefore depend on civil service responsiveness in executing their political agendas (Dahlstrom & Niklasson, 2013, p. 891). Political responsiveness, however, is only a part of the democratic equation. If the civil service does not scrupulously adhere to legal norms, the civic and institutional relationships that underpin democracy are put at risk. Mulgan (2008) formulates the two obligations as follows: “Democratic values thus generate both the principle of democratic legitimacy, which mandates responsiveness, and the principle of public integrity, which sets limits to such responsiveness. Public servants are obliged to question any requests from ministers which might require illegal or ethically improper actions” (Mulgan, 2008, pp. 350–351).

This study investigates what happens when the duties of responsiveness and legality conflict. Do civil servants resist illegal requests, as Mulgan suggests they should, or do they defer to their political superiors? And what explains their choices? Studies show that political responsiveness and legality are widely accepted norms in the bureaucracies of mature democracies (Andersen et al., 2013; Jorgensen & Bozeman, 2007; van der Steen et al., 2018). Nonetheless, we know little of what civil servants do—or why—when their political responsiveness obligation conflicts with compliance with the law. This study fills this gap by analyzing Danish civil servants' survey responses to scenarios involving a clear conflict between the two principles.

The question of how civil servants balance political responsiveness with legal compliance and professional norms, such as professional neutrality and truthfulness, has generated a great deal of interest among scholars. Some have focused on whether the politicization of civil servant appointments has tilted the balance between merit and political responsiveness in the civil service toward responsiveness (Peters & Pierre, 2004). Political appointments align policy goals and personal loyalties between the elected and the civil service (Kopecký et al., 2012). The question therefore arises as to whether political appointments enhance political responsiveness at the expense of professional norms and standards. Other studies ask how civil servants interpret and fulfill their roles in bureaucracies characterized by different, and sometimes conflicting, demands. For example, how do they reconcile their political and more traditional civil service functions (Aberbach et al., 1981; Putnam, 1973), and how do they perceive their roles (T. Christensen et al., 2010; Page & Jenkins, 2005; Rhodes, 2011; van Dorp & 't Hart, 2019).

As to the question of conflicts between different norms, some investigate how civil servants view ethical practices in public administration and the role of leadership in promoting them (Bowman & Williams, 1997), while others analyze experiences with work dilemmas involving principles such as “legality,” “effectiveness,” or “transparency” (see Jørgensen & Vrangbæk, 2011; de Graaf & Paanakker, 2015) or how performance goals may generate conflicts with ethical values (Alkadry et al., 2017). A single survey study has examined how civil servants balance political responsiveness with professional and legal norms by investigating how organizational roles determine behavior

(J. G. Christensen & Opstrup, 2018), but it stops short of examining *why* civil servants actually prioritize the way they do.

This present study advances research into bureaucratic behavior by looking beyond formal organizational positions to the role that civil servants' individual beliefs, values, and experiences play when they make decisions. With a data set consisting of civil servants in the Danish state administration, the analysis uses a survey featuring dilemmas forcing the respondents to choose between political responsiveness and adherence to legal and professional norms.

As Denmark's administrative model combines both institutional features designed to enhance political responsiveness (e.g., flexible work contracts) and measures to bolster legal and professional norms (e.g., merit-based recruitment), it constitutes an excellent case for studying variation in responses to cross-pressures at the individual level. Indeed, in administrative models that are not as balanced as Denmark's in this respect, we would typically have insufficient variation to allow for a robust study of the influences on individual behavior. The analysis combines qualitative and quantitative approaches: First, to identify and code common themes relevant to explaining civil servants' behavior, the study conducts a theoretically based qualitative analysis of civil servants' stated responses to the dilemmas. Second, it presents a quantitative analysis of systematic associations between coded statements and civil servants' responses in a model that also includes relevant organizational and individual variables.

The survey shows that as many as one quarter of all Danish civil servants choose political responsiveness over legal obligations. The qualitative analysis of their statements reveals two recurrent expressions of belief and two distinct types of experiences that theories of bureaucratic behavior predict will influence their choices. The quantitative test of the theoretical model lends support to explanations derived from rational and sociological theories: When civil servants express concerns that resisting requests may have adverse consequences for their careers and believe that responsibility for acts lies elsewhere, they are acting as rationally as self-interest predicts and are thus significantly less likely to resist illegal instructions. Moreover, prior personal experiences with political pressure to compromise norms also make them less likely to resist. This underscores the role of workplace socialization. Finally, both formal organizational roles and other variables related to socialization (e.g., work experience, education) significantly affect their behavior.

The article is structured as follows. The first section reviews the applicable literature and theories relevant to explaining civil servant behavior. The second section describes the Danish institutional case, the data, and the analytical methods. The third section (a) outlines the themes found in the civil servants' qualitative statements and (b) presents the quantitative analyses linking coded statements and organizational and individual characteristics with behavior. The fourth section discusses the findings, draws conclusions, and suggests directions for further research.

2 | POLITICAL RESPONSIVENESS VS. LEGAL COMPLIANCE: DRIVERS OF CIVIL SERVANT BEHAVIOR

There is ample evidence that personal interests and, political (and other) preferences play a role in how agents handle executive power at all levels (Meier & O'Toole, 2006; Torenvlied, 2000). As mentioned, however, only few deal directly with systematic patterns in civil servants behavior when faced with dilemmas pitting normative constraints against political responsiveness. A recent study by Christensen and Opstrup (2018) systematically investigates how organizational roles influence the behavior of Danish civil servants in relation to such dilemmas. They suggest and test three hypotheses related to formal organizational positions with the same underlying logic that the closer a civil servant works to the political level, the higher premium they place on political responsiveness. Moreover, they expect generalists to do the same as their education trains them to balance "a wide array of concerns that are relevant to reaching a decision" (Christensen & Opstrup, 2018: p. 485). The analysis focuses on how civil servants' respond to scenarios depicted in seven different vignettes. The results support the hypotheses with respect to dilemmas involving responsiveness when pitted against professional standards and truthfulness, but not when there is a conflict with legality. Here they find that civil servants in the departments and occupying positions higher in the

hierarchy place higher premium on legality than their colleagues in agencies and those lower in the hierarchy. It is doubtful that the difference in “norm” alone explains this apparent reversal, however. As pointed out elsewhere, while the vignettes involving legality ask civil servants what they would do if tasked with clearly illegal acts, the other vignettes do not depict a clear-cut conflict between following instructions and the norm in question (Bischoff, 2018; Boye Koch & Bischoff, 2018). Consequently, none of the civil servant responses to the non-legal vignettes clearly violate the norm in question to obey the Minister. Arguably, a large share of the variation in responses to the different vignettes relates to whether the specific norm is clearly violated rather than to differences in regard for the norm itself. The latter would also be a strange given how a clear violation of the truthfulness norm, for example, would also constitute a breach of legality (Fenger & Gram, 2016). In any case, the results clearly demonstrate that organizational factors matter significantly to civil servant behavior.

This study aims to complement and deepen our knowledge of civil servant behavior by scrutinizing *why* they act as they do; that is, beyond the role played by formal organizational positions, what motivations, beliefs, or experiences influence their behavior? Rational and sociological institutional theories offer different insights into this question.

Rational theories of bureaucratic behavior assume that civil servants are principally motivated by furthering their own interests. Their actions reflect rational calculations weighing the costs and benefits of different courses of action. In the tradition of Downs (1964) and Niskanen (1994), the coveted goals for civil servants relate to such things as power, budgetary increases, career advancement, prestige, effort etc. In broader interpretations of rationality, other-regarding preferences, such as policy preferences, also play a role for behavior (North, 1990; O’Leary, 2020). It is widely acknowledged that individual rationality is more “bounded” than perfect (Jones, 2001; Simon, 1987). This means that knowing what courses of action are *known* to actors—and what outcomes they *expect* from them—is key to predicting their behavior. Consequently, we expect civil servants to deviate from the wishes of their political principals if they expect the costs of deviating to be greater than the rewards of obeying. Principal-agent theory is the branch of rational choice theory dealing with hierarchical relationships; that is, between principals (here: Ministers) and agents (here: civil servants) who act on their behalf. Asymmetric information is the condition rendering it possible for agents to deviate from principal’s wishes (Bendor et al., 1987). This condition does not obtain in this scenario, however. Failure to follow through on an instruction—even going against it—would be noticed. Instead, the problem is one of multiple principals—a situation often linked to issues of “agency drift” (see Gailmard, 2009). A government minister on the one hand versus parliament and the courts representing the rule of law on the other. Civil servants who *expect* that acting contrary to political wishes will adversely affect their career prospects in the state administration have an incentive to follow instructions. However, this incentive to follow instructions must be weighed against the potential costs of obeying superiors in the event that illegal acts are subsequently exposed and sanctioned. An important factor in this respect is how civil servants assess their own risk of being held accountable for illegal acts commissioned by their superiors. The perception of liability, risk of exposure, and degree of risk-aversion typically varies for different personality types. In hierarchical organizations, however, subordinates are prone to believe that their superiors hold responsibility for the acts they commission (Burger, 2009).

Against individualistic accounts of behavior associated with the rational choice models are theories viewing human beings as socialized agents. Sociological institutionalism proposes that actors internalize the norms, values, and principles prevalent in the specific organizations and social institutions of which they are a part (Amenta & Ramsey, 2010; Pierson & Skocpol, 2002; Wanberg & Choi, 2012). The “logic of appropriateness” refers to behavior driven by rules of appropriate or exemplary behavior organized into institutions (March & Olsen, 1995, pp. 30–31). In other words, employees do not merely act according to abstract norms, they also take cues from the behaviors they observe. High standards of ethical conduct among colleagues provide a blueprint adopted by new employees and ensure the continuation of such norms. Conversely, exposure to illicit practices can also influence employee perceptions of what is acceptable behavior. This is a powerful mechanism in the reproduction of corrupt practices in organizations (Ashforth & Anand, 2003). In the context of the dilemmas addressed in this study, civil servants who

experience political pressures to compromise professional or legal norms at work—and/or see that colleagues succumb to such pressures rather than stand up to them—are more likely to internalize a perception of appropriate behavior that sets obedience to superiors over legal compliance. They will tend to view this as more “normal” or even as “what is expected” of you in your role as civil servant than will those who have not experienced to such pressures.

For studies of public bureaucracies, the literature on how “public values” shape employee behavior is also pertinent to the research question. Public values include standards of behavior such as integrity, honesty, efficiency, and the rule of law, and they include “principles on which governments and policies should be based” (Jorgensen & Bozeman, 2007, p. 13). Public values do not prescribe one course of action, however, consisting instead of different—and sometimes conflicting—sets of values. Each value set can be associated with a particular mode of governance—“hierarchy,” “market,” “network,” and “clan”; “Hierarchy” is associated with values rooted in the Weberian bureaucratic model and is particularly pertinent to the discussion at hand. It includes values such as neutrality, loyalty, due process and rule-following. Here, we find values emphasizing lawful or rule-following behavior that provides reason to resist illegal requests; but also loyalty to superiors that predicts the opposite (see Andersen et al., 2013). The question then becomes: What values will dominate in case of a conflict? Socialization occurring before and after entering the civil service is likely to matter. For instance, education has been shown to be an important predictor of professional values (J. Christensen & Mandelkern, 2022). While no university degree puts particular emphasis on loyalty or obedience, it is fair to say that civil servants who have studied law are more likely to view legal norms as particularly fundamental.

To summarize; in response to the dilemma of how to respond to an illegal instruction, we would expect the “rational concerns” of civil servants to center on questions regarding the costs/benefits to their career in the state administration and the risk of punishment upon possible exposure. In terms of sociological factors, workplace experiences, values and principles related to hierarchy and legality as well as prior training are all likely to matter. An overview of the relevant explanatory variables is summarized in Table 1 (presented at the end of section two), which presents the data and operationalized variables in the study.

3 | DATA AND METHODS

The data used to explore civil servants' expectations, attitudes, experiences, and behavior stem from a large survey of Danish civil servants employed in the state administration. As argued above, the Danish case is ideal for examining how civil servants respond to the cross-pressures between political will and normative constraints. On one hand, the conditions underpinning legal compliance are strong: Recruitment to the civil service is merit-based; political loyalties (i.e., “direct politicization” of the civil service) play an extremely limited role in personnel decisions (Bauer & Ege, 2012, p. 448; Kopecký et al., 2012); and merit-based recruitment is widely expected to foster “an ethos of professionalism in the civil service” (Rauch & Evans, 2000) and to safeguard its professional integrity (Dahlstrom & Niklasson, 2013, p. 660; Meyer-Sahling & Mikkelsen, 2016). Denmark receives consistently high rankings regarding the quality of governance and low levels of corruption (Economist, 2016; Porter et al., 2005), which further raises expectations that civil service behavior is firmly grounded in both professional and legal principles. On the other hand, political pressures are strong. Denmark has a highly competitive party system where new parties frequently enter the political system and slim vote margins tend to separate the coalitions vying for government power (Green-Pedersen, 2006). Moreover, Danish government ministers have broad powers to organize and interfere in work within their portfolios, as long as they respect the legal framework (e.g., nondiscrimination acts that protect meritocratic hiring practices). The extensive use of flexible contracts in the state administration makes it relatively easy to dismiss or transfer employees at all levels if they do not live up to performance expectations (see Bischoff, 2011). The Danish civil service has therefore been described as a case of “Professional politicization” (Peters & Pierre, 2004) where the merit-based civil service has been adapted “in a way that ensures a high degree of political

TABLE 1 Explaining responsiveness to illegal request

| | Theoretical concepts | Empirical concepts | Indicators | Hypothesis × predicts |
|-----------------------|-----------------------------|-----------------------------------|------------------------------------------------------------------------------------------|-----------------------------------|
| Independent Variables | Rational self-interest | Perceived consequences for career | “Career consequences” (code) | Responsiveness over legality (H1) |
| | | Perceived responsibility for acts | “Not my responsibility” (code) | Responsiveness over legality (H2) |
| | | | Subordinate vs. head | |
| | Socialization in work place | Experiences in the work place | “Political pressure” (code) | Responsiveness over legality (H3) |
| | | | “Respect for norms” (code) | Legality over responsiveness (H4) |
| | Prior socialization | Primacy of legal norms | Education in law | Legality over responsiveness (H5) |
| | Organizational role | Proximity to politics | Department vs. agency | Responsiveness over legality (H6) |
| | | | Primary job functions | Responsiveness over legality (H6) |
| | | Control variables | Gender, age | |
| Dependent variable | | Response to illegal request | Vignette responses | |
| | | | Answers 1–2 = 1 (illegal responsiveness to request) vs. 3–4 = 0 (resist illegal request) | |

responsiveness” (J. G. Christensen et al., 2014, p. 2016). In fact, the ability to “think politically” and provide political-tactical advice is considered a key qualification for those seeking high-ranking positions in the civil service (Bischoff, 2011; Jørgensen & Rutgers, 2014).

The survey was conducted under the direction of an independent committee appointed by DJØF, the largest union for civil servants in Denmark (Smith-udvalget, 2015). A random sample of 3795 civil servants received the survey, 2611 completed and returned it, resulting in an impressive response rate of 68.8%. The respondents are employees in agencies and departments of six ministries.¹ The sample contains a high number of respondents for whom the dilemmas explored in this study were not relevant, such as staff working with economic and administrative support functions, as well as IT, technical consultancy, or laboratory work. These respondents were removed from the data set. The reduced sample size of 1883 respondents is used in the following analysis.

The survey asks civil servants how they would respond to a range of different fictive situations (described in vignettes) involving a dilemma. Two of the vignettes involve a clear choice between responsiveness and legality. The dependent variable of the study is the responses to these two vignettes. Because they depict a clear conflict with legal obligations, the answers can be coded as illegal responsiveness and legal resistance (c.f. below). In addition to a number of standard questions on background variables (e.g., age, gender, education), the survey concluded with an open-ended question: “In the questions above, you have been asked to give your best judgement on some dilemmas as a civil servant. If you would like to elaborate on your answers or provide supplementary remarks, you can write them here”.² Many of the civil servants (386, or 20.5% of all respondents) used the open category to make a comment.

They were broadly representative on all parameters, with only a small overrepresentation of persons employed in departments compared to agencies and an underrepresentation of those working with concrete casework (see details in Appendix A). The responses contain interesting observations, attitudes and experiences in relation to the dilemmas confronting civil servants in the vignette questions. It is therefore highly relevant to include them in the analysis.

As mentioned, the analysis of the data follows a two-step approach: First, a qualitative analysis and coding of the statements offered in response to the invitation to comment on the dilemmas presented in the survey. Second, a statistical analysis with both closed-questions and coded responses based on the open-ended question are predictors of responses to dilemmas involving a conflict between legal and responsive duties.

3.1 | Open-ended survey questions: Methodology and coding

Comments made in response to open-ended questions can “offer insights or issues not available in the closed questions,” and if so, it is considered good practice to integrate them in the subsequent data analysis (O’Cathain & Thomas, 2004). This was quite clearly the case in this survey. The statements contain interesting and detailed opinions and experiences directly relevant to the topic were explored. There are both advantages and pitfalls in using these, however. First, compared to qualitative data, respondents’ comments lack the context and depth of statements generated in interviews (Kvale & Brinkmann, 2009). However, such comments have the distinct advantage of being unconstrained by researcher agenda. Using them can therefore “capture dimensions not represented in the numerical items or anticipated by the survey designer” (Fielding et al., 2013, p. 3261) and “redress the power balance between researchers and respondents” (O’Cathain & Thomas, 2004, p. 2). However, it is necessary to submit the text to a rigorous content analysis to preclude “cherry picking” to suit the researchers’ agenda. The analysis therefore follows the standard coding procedure recommended by O’Cathain and Thomas (2004) for this type of survey response (c.f. below). A second methodological caveat is that answers to open-ended questions are not representative in the same way closed survey questions are. The latter support inferences about shares of the population with certain characteristics, hold certain views, etc. A general open-ended question invites respondents to comment on “a general experience in relation to the topic of the survey” (O’Cathain & Thomas, 2004, p. 3), but does not require them to do so.³ The fact that respondents *volunteer* an opinion without being asked makes them likely to differ from the other respondents, for instance by “having a greater interest in the survey topic” (O’Cathain & Thomas, 2004, p. 5). It is for this very reason that open-ended questions have proven useful for investigating what issues are important to people (Geer, 1991). However, it limits the type of inferences such responses support. They cannot support descriptive inferences (e.g., how many hold a certain opinion), but do support causal/associative inferences.

The procedure used for coding the open category statements included the following four steps:

1. The first step was inductive-deductive in nature. The author and one other senior researcher⁴ read the material with an eye to identifying common themes in the statements. We noted recurring themes—that is, opinions, experiences and perceptions mentioned by multiple civil servants—of relevance to the survey topic.
2. We discussed the themes we had identified in the text and subsequently agreed on a coding frame employing four codes; the first code is “Career consequences,” which is defined by statements expressing that failure to obey requests from superiors has negative repercussions for future career and/or job safety. The second code, “Not my responsibility,” covers statements indicating that the responsibility for acts lies with the superiors who request them. It includes statements squarely expressing this opinion and/or describing a strategy of documenting such requests, and expressions of personal reservations that are about avoiding liability if the actions in question later come under scrutiny. The code “Political pressure” includes statements describing experiences on-the-job political pressures. Here, we understand political pressure as requests by

superiors to oneself or colleagues to change decisions, reports, recommendations, conclusions and the like to fit a political agenda in perceived violation of ethical, professional, or legal standards. The final category is “Respect for norms,” which includes statements expressing that they have never experienced situations where their professional judgment or legal concerns were not taken seriously.

3. In the third step, we applied the codes to the statements. We did this independently in order to reduce error and increase the reliability of the scores assigned. Fifty-one statements were given the code “Political pressure,” 24 statements were coded “Respect for norms,” 60 statements were coded “Not My Responsibility,” and 37 statements were coded “Career Consequences.”
4. In the final step, we entered codes in the data set. In the relatively few instances where we had assigned codes differently, we discussed the statements and agreed on a code. Using this procedure enhanced the reliability of the scores.
5. Finally, a graduate student coded the material independently on basis of the definitions stated above. The inter-coder reliability of the original coding with the new codes was tested using the Krippendorff's Alpha for dichotomous codes. The score for “Political pressure” is 0.80, “Respect for norms” = 0.85, “Not my responsibility” = 0.77, “Career consequences” = 0.84; that is, all scores are at or higher than the cut off point for strong inter-coder reliability (0.8). Only “Not my responsibility” falls slightly below. This can be explained by the broader definition of this code compared to the other codes. To ensure that differences in the application of the code would not bias the statistical results, the analysis was repeated using the second code for “Not my responsibility” instead of the first. The coefficients in this model were only slightly different from the original analysis and do not alter any conclusions.

The civil servant comments may contain statements coded in more than one category as the views and experience are not mutually exclusive (with the exception of “Political pressure”/“Respect for norms”). This could spawn multicollinearity problems in the multivariate regression analysis. The overlaps were analyzed but no major problems were identified (see details in Appendix B).

3.2 | Variables in the study

The dependent variables are the responses to two questions, both of which involve ministerial requests for actions that conflict with legal principles. The questions were formulated as “vignettes” describing a situation where the civil servants are asked how they would respond to a particular request by the minister. They will be used as indicators of whether civil servants choose responsiveness to illegal requests.⁵

Vignette 1—the legal basis-vignette:

“Your minister wishes to have some rules in the area that you work with changed very quickly. He is convinced that it can be accomplished by issuing an administrative rule. Your office assesses that this would require a change in law, since there is insufficient legal basis in the existing law to warrant issuing the administrative rule. The Minister regards the case as too small/insignificant to justify disturbing Parliament [Folketinget] and maintains that the change must be possible in the form of an administrative rule. Will you assist in this?”

Vignette 2—case-decision vignette:

“You are dealing with a concrete case and you are notified that your minister would be pleased to see that the applicant receives a favorable decision. It is apparent from the media coverage that there is wide public support for this outcome, and that the minister would be in dire straits were the application to be rejected. In your opinion, the law and common practice does not make the desired result possible. Would you assist in giving the permission?”

Both vignettes have the same four answer options: (1) Yes, without reservations. (2) Yes, but I would raise my concerns/reservations with my superior. (3) Only after a direct order, and I would warn my superior in unambiguous terms, and (4) I would clearly say “no” and not assist.

The question is whether civil servants have a legal duty to choose certain response options when faced with such dilemmas. Under Danish law, civil servants have an obligation to “act in accordance with valid law. They are not allowed to act in violation of the constitutions or other law, including EU law in force.” (Ministry of Finance, 2015: p. 20). On the other hand, civil servants also have a general duty to obey instructions from their superiors. They are, however, obliged to “refuse, if it is clear that the act is illegal” (see Ministry of Finance, 1998: p. 2.5. & 2015: p. 0.21; see also Bønsing (2017) and Christensen (2022) on duties of civil servants). What obligations the civil servants have in the fictive scenarios presented in the vignettes depend therefore on whether the instructions given are “clearly illegal.” According to the expert judgment of two Professors of administrative law,⁶ the instructions in the vignettes are “clearly illegal” under Danish law. Moreover, the Professors agree that the duty “to refuse” would clearly be violated if civil servants choose answer options 1 or 2. They also state that answer option 4 is clearly in accord with the duty to refuse while it can be discussed whether option 3 constitutes sufficient refusal (see fuller discussion of the vignettes and legal principles involved in the answer options: Bischoff, 2018: pp. 71–75 and Boye Koch & Bischoff, 2018: pp. 14–16).

In light of this, I therefore follow the expert judgment to code the answer options 1 and 2 as illegal responsiveness (=1). The other answer options 3 and 4 are coded as resistance to illegal request (=0).

A final caveat regarding a “social desirability bias” in the responses is necessary. Like all other respondents, civil servants are likely to give answers in line with social norms and expectations rather an honest reflection of reality (see Krosnick, 1999; Naher & Krumpal, 2012). The vignette method used here can diminish this bias, but cannot remove it completely (see Hainmueller et al., 2015).

3.2.1 | The independent variables

The closed question variables included in the analysis were as follows: gender (male/female) and age (years) are included as general background variables, while the other variables are related to theoretical expectations; Of the variables related to organizational roles that capture *proximity to the political level*, two variables are relevant: (1) “department vs. agency.” (2) Primary job function: civil servants who work with “servicing the minister” work in closer proximity to the minister than do those doing “analysis- and policy work” or “concrete case-work.” The “other functions” category includes a combination of the first three and therefore falls in-between.⁷ In this study, the variable “subordinate vs. head” is used to *capture perceptions of responsibility (and liability) for bureaucratic acts*. As mentioned, subordinates in hierarchical organizations tend to believe that those higher up who issue instructions bear responsibility. Finally, the “university degree” variable is used to differentiate between civil servants *with a degree in law* compared to other degrees.

The coded variables “Career consequences” and “Not my responsibility” are expected to predict higher responsiveness due to heightened concerns for adverse effects on one’s career of failing to be responsive and lower expectations of being held accountable for illegal acts. “Political pressure” predicts higher responsiveness, as experiencing pressure from superiors to violate norms influences perceptions, whereas “Respect for norms” predicts the opposite.

An overview of the theoretical concepts and hypotheses is presented in Table 1.

4 | ANALYSIS OF SURVEY RESPONSES

4.1 | The attitudes, experiences and expectations of civil servants

Analyzing the many statements volunteered in response to the open-ended question made it clear that concern for negative repercussions for one’s career is a salient theme. It is striking that many civil servants express their belief

that resisting a request is tantamount to the beginning of the end of one's career; or at least a serious impediment to having one. Some examples are: *"I would clearly say no, and 'not assist' entails dismissal or another 'sanction,' like having assignments taken from you or losing career prospects. If you have done it once, I don't think you will want to do it again."*—*"the option of saying clearly no and not assisting would probably be viewed by many as the prelude to writing your own redundancy notice."*—*"Refusing to carry out an order would be to make oneself impossible in a way that would be strongly detrimental to a future career."*—*"It is evident that as a civil servant you have to deliver what is in demand politically—irrespective of whether it is professionally defensible or not. If you can't deliver what is being asked of you, you will be deemed uncooperative and might as well begin looking for another place to work!"* Statements of this nature make clear that the extent to which at least a share of the civil servants believes that standing firm on norms by resisting requests would involve considerable personal sacrifices.

The second recurrent theme in the statements concerns the issue of responsibility. A number of statements reveal the perception that the responsibility—and thus liability—for an action belongs to those issuing requests for them. This might not be surprising in a hierarchical organization that demands obedience to superiors, but in reality the obligation to abide by legal constraints cannot be delegated "upwards." Some examples illustrate what civil servants say on this topic: *"Generally, I don't feel that it's my responsibility to say 'no' to decisions reached by my superiors."*—*"Generally, I feel...that the decisions rest with my superiors, and they are therefore their responsibility."*—*"The leader is responsible. When attention has been drawn to concerns/reservations, then the leader is responsible for deciding how a given case should be handled."*—*"I have to obey my superior or Minister—and then I have to protect myself by being able to document the concerns etc. that I've raised if the issue arises at some a later point."*—*"To me, it's completely clear that I will obviously do as I'm told. But when I believe something to be illegal, I will always send my reservations in writing to my superior."*—*"It's not fun to be the one who points out the illegality of a desired solution. I do it routinely if I think it's illegal. But if my superior wants the illegal solution, I carry out the task and make sure to protect myself with the necessary documentation."*—*"I would 'comply' with my superior's request... But in every single case, I would make a note with my assessments, recommendations, and the order from my superior that are put on file."* If the ideas expressed here capture prevalent views among civil servants, it does not bode well for the ability of the civil service to prevent politicians from violating important norms.

The third recurrent theme appearing in the statements offered by civil servants pertains to personal experiences of pressure to violate norms for political expedience in relationship to concrete assignments. Some examples include: *"it's mostly in connection with the final brush-up of political proposals—that I've experienced being exposed to massive pressure in the form of erasing information from texts with the result that the texts appear incorrect."*—*"How do you deal with the fact that you are informed that the EU-office in the Ministry of Justice will not be heard, even though the initiative is about [a key issue for EU law], because they will only say 'no' [if you try to get a second opinion and something to which you can anchor your arguments],"* *"Under XX Minister's 'reign,' there was a clear tendency for politicized casework in the agency, and it was shocking how the top tiers of leadership just played along without a murmur."*—*"The pressure comes from the department, which repeatedly sends the same comments and wants the same things erased."* One civil servant describes being asked to *"find a paragraph to base a denial of a request for access to public records, even though—in my legal opinion—there was no basis for such a refusal."* As discussed in the theoretical review, such experiences likely influence how civil servants perceive of what constitutes acceptable behavior in the organizations for which they work. Finally, there are also civil servants who indicate feeling prompted to express an experience of respect for norms and standards. For instance: *"In most cases, I have experienced a discussion similar to this, but never that a professional and consistent argumentation was not respected;"*—*"The examples aren't realistic in my work life. If I warn my closest superior of problems related to instructions, it's taken very seriously. And, typically, it will be noted and not carried out;"*—*"I have never experienced that my superiors have overruled my concerns on a matter;"*—*"[I] haven't experienced such dilemmas. I am not pressured in my position, and I feel that my legal assessments are taken seriously."*

4.2 | Predicting civil servant responsiveness to illegal requests

How do Danish civil servants respond to the situations depicted in the aforementioned vignettes? Around 23% respond that they would follow the illegal request in the “legal basis” scenario and 8% in the “case-decision” scenario. The data do not support inferences about why a lower share of civil servants obeys the illegal instruction in the case-decision compared to the legal basis vignette. It is possible to speculate that both concerns for the severity of the offense and risk of being held personally responsible play a role. It is an interesting question for further research to investigate how civil servant weighs different types of illegal acts, but beyond the scope of this study.

In the following analysis, I focus on explaining obedience to illegal requests using responses to the “legal basis” vignette only. As the pattern of association between independent and the dependent variables is similar for both vignettes, there is little added value in presenting both in full (c.f. below). Moreover, as the share of civil servants willing to obey an illegal request is higher in the responses to this vignette, it is possible to control for different factors while retaining sufficient degrees of freedom in the statistical analysis. However, for reference, the full analysis of the case-decision vignette is displayed in Appendix C.

A binary logistic regression model is used in the statistical analysis reported in Table 2. The dependent variables are coded as follows: 1 = illegal responsiveness; 0 = resistance to illegal request. The model predicts the odds that an event occurs; in this case, that a civil servant chooses to follow requests and, in so doing, breaks the law. Two models are tested. Model 1 only includes closed question variables, whereas Model 2 also includes the coded statements from the open-ended question.

The first hypothesis (H1) was that concerns for *career and job* security would induce civil servants to be responsive to the wishes of their political superiors rather than standing firm on their legal duties. “Career consequences” include statements resisting requests with adverse career consequences. The results of the statistical analysis clearly indicate that civil servants who expressed such sentiments have significantly higher odds of following illegal instructions compared to those who did not mention such issues. In fact, the odds of prioritizing responsiveness over legal compliance are 2.7 times higher for those who call attention to the career consequences of resisting requests.

The second hypothesis (H2) proposes that civil servant beliefs regarding responsibility for bureaucratic acts play an independent role for how civil servants respond to the dilemmas. First, it was suggested that the subordinates in hierarchical organizations tend to see their superiors (rather than themselves) as bearing responsibility for actions—regardless of what the law stipulates. The analysis supports this expectation. Subordinates are much more likely to comply with illegal orders than are heads. The odds of illegal compliance are reduced by a factor 0.6 when heads are compared to their subordinates. Secondly, voicing the opinion that the responsibility and liability for actions fall on those requesting them (“Not my responsibility”) is also strongly associated with responses. Those voicing such beliefs are twice as likely to follow illegal instructions as those who do not.

The third hypothesis (H3) proposes that experiences with *political pressure* in the workplace influence perceptions of what constitutes appropriate behavior. As discussed, exposure to pressure to alter work products to fit a political agenda—in perceived violation of professional norms and standards—can normalize such practices and reduce the resistance to illegal instructions. The analysis strongly supports this expectation. The likelihood of illegal compliance with ministerial requests more than doubles for those who mention an experience of political pressure at work compared to those who do not. Interestingly, stating experiences of respect for norms does not predict behavior.

The fourth hypothesis (H4) asserts that civil servants with a law degree are more likely to emphasize legal values over other values. The results clearly reveal that civil servants with a law degree are significantly less likely to comply with ministerial wishes at the cost of violating their legal obligations than are all other educational groups. The likelihood of a lawyer being willing to comply with an illegal request is one-half to one-third that of civil servants with other educational backgrounds.

The final hypothesis (H5) concerns the expectation that working in closer proximity to the political level enhances emphasis on values of responsiveness and obedience, which increases the odds of compliance. The results show the contrary, however: Civil servants employed in the departments are less likely to comply with illegal

TABLE 2 Explaining responsiveness to illegal requests

| Binary logistic regression | | |
|----------------------------------------------------------------------|-----------------------------------------|------------|
| Vignette: Assist in issuing administrative rules without legal basis | MODEL 1 | MODEL 2 |
| Illegal responsiveness = 1 | Only closed question variables included | Full model |
| | Odds ratio | Odds ratio |
| Consequences for career (H1) | | |
| “Career consequences” | | 2.69** |
| Perception of responsibility (H2) | | |
| “Not my responsibility” | | 1.84* |
| Subordinate (ref. Head) | 1.77** | 1.67* |
| Experiences in the work place | | |
| “Political pressure” (H3) | | 2.21* |
| “Respect for norms” (H4) | | 1.15 |
| Education in law (H5) | | |
| Education dummy (Ref.: Law) | | |
| Economics | 2.14** | 2.37** |
| Political Science | 2.35** | 2.60** |
| Other Social Science | 2.75** | 2.89** |
| Other University degree | 2.69** | 2.72** |
| Other | 2.12* | 2.55** |
| Organization: Proximity to political level (H6) | | |
| Department (ref: agency) | 0.48** | 0.50** |
| Primary job functions (ref.: service minister) | | |
| Analysis and policy | 0.78 | 1.33 |
| Case-work | 1.37 | 1.45* |
| Other | 0.57 | 0.88 |
| Control variables | | |
| Age (years) | 1.00 | |
| Woman (ref. man) | 0.93 | |
| Constant | 0.13** | 0.14** |
| Nagelkerks R^2 | 8.70 | 10.7 |
| N | 1641 | |

Note: Hosmer og Lemeshow tests show both models are significant.

*Significant at 0.05 pct. level.

**Significant at 0.01 pct. level.

requests than are their colleagues in the agencies. In fact, they are only half as likely to comply. Similarly, primary job function has a different impact than expected. Civil servants who work with directly servicing a minister are significantly less—rather than more—inclined to comply with illegal requests than those doing concrete casework and no different from those doing analysis and policy work.

The two background variables (age and gender) do not influence the propensity for illegal responsiveness.

5 | DISCUSSION OF RESULTS

This study raises questions about how civil servants navigate situations where their duty to be politically responsive is at odds with their duty to uphold the law. We already knew that organizational roles influence their behavior but not why they act as they do. Survey responses made by Danish civil servants to vignette questions involving this type of conflict have provided important insights into this issue. As many as one in four civil servants in the Danish state administration choose responsiveness at the expense of legal compliance in one of the scenarios with which they were presented. This shows that, even in a strongly meritocratic system, the bureaucracy does not necessarily constitute a strong bulwark against legal violations. Before discussing the results of the quantitative analysis, it is worth dwelling on the high share of civil servants who do not resist an illegal request. Denmark is, as mentioned, known for the high standard and low corruption in its civil service. Over the past decades, however, a number of highly publicized scandals in the civil service have brought attention to the problem that politics in some cases crowd out respect for legal and professional norms. Two recent high-profile cases exemplify this; following the trial and conviction of the former Minister for Immigration and Integration (2015–2019) in December 2021 for issuing an illegal instruction to the civil service, two senior civil servants have received disciplinary reprimands from the Ministry of Justice for failing to observe their legal duties by resisting said instruction. Moreover, a report issued in June 2022 regarding the government decision to eliminate the entire mink population in response to fears of new variants of corona virus spread, contains strong critique of top civil servants for failing to ensure the legal basis of the decision and preventing its implementation (Granskningskommissionen, 2022). A number of prior cases have raised similar concerns for the ability of the civil service to uphold the norms (see overview in Boye Koch & Knudsen, 2014). Less high profile, but perhaps also indicative of wider problems, is evidence from judicial reviews of decisions taken by the civil service. For instance, it was recently reported that 71 pct. of the decisions to deny residence to Syrian refugees taken by the Immigration Service (under the Ministry of Immigration and Integration) have been reversed by the Refugee Appeals Board. Similarly, at the municipal level, 42 pct of the decisions in the area of support for handicapped persons have also been reversed on legal grounds. In both instances, it is likely that political and economic pressure for certain outcomes (i.e., fewer residence permits and lowering expenditures) have put pressure on civil servants to deliver decisions in conflict with legal regulations.⁸ It is a contentious issue whether the cases that “make headlines” are symptomatic of more systemic problems or represent isolated cases. Systematic research into the presence of political pressure to compromise norms and civil servant responses to this is needed to settle this question.

The analysis proceeded in two steps; a qualitative analysis and coding of civil servants' statements, followed by statistical analysis. The qualitative analysis revealed four recurrent themes in the statements that resonated with key explanatory concepts in the theoretical literature: the belief that resistance to requests has adverse career effects, the belief that the responsibility and liability for acts fall on those who issue instructions rather than those who execute them, and, finally, accounts of experiences of political pressure to violate norms as well as experiences of respect for norms. The statistical analyses found the beliefs as well as experiences to be strongly associated with behavior; civil servants voicing that the failure to follow requests made by superiors has negative career consequences were much more likely to obey illegal requests. Similarly, the belief that one does not hold personal responsibility for acts commissioned by superiors also increases the probability of obeying. It is hardly surprising that expectations regarding personal gains and losses influence the actions of civil servants, not just rules and norms. However, the analysis suggests that rational self-interest also influences legal compliance among civil servants; that is, participating in illegal acts does not appear to be “off limits” for civil servants concerned with their careers.

On the one hand, this finding raises the question of whether it is possible to implement measures for protecting the careers of civil servants. The link between job (in)security and employee behavior including loyalty and willingness to voice critique is well established (Breevaart et al., 2020). In the context of the Danish civil service, Christensen et al. discuss how the use of more flexible contracts, particularly for top positions, has created strong incentives for civil servants to be responsive to demands of the incumbent political executives (Christensen et al., 2014). This flexibility has allowed the Danish civil service remain merit based while accommodating political wishes for greater responsiveness. However, it

is possible that reforms directed at the terms of employment may encourage civil servants to stand firm on norms in face of political pressure as, for instance, suggested by two former Danish top civil servants (Loft & Rosted, 2016: p. 270). On the other hand, whistleblower arrangements, “confidential integrity advisors,” and similar measures may also play a role, although identifying effective institutional fixes are not easy (de Graaf, 2019; Svara, 2014).

The results also suggest that educating civil servants on their legal liability could make a difference. It might help eliminate misconceptions that a documented request from a superior provides absolution from liability. The effects of such initiatives would probably depend on how civil servants perceive the risk of exposure and sanctions. The data did not allow investigation into perceptions of such risks and whether it influences behavior. This would be an interesting line of inquiry for future research.

The results also underscore the powerful impact that experiences in an organization have on perceptions of “normal” or “appropriate” behavior. Civil servants who indicate having experienced political pressure are much more likely to assist in carrying out illegal acts than those who do not. Mostly, the experiences involved pressures to compromise professional rather than legal norms. Even so, it would appear as though this type of experience tends to undermine the willingness to resist illegal requests, which underscores the importance of investigating how widespread such experiences actually are.

The most powerful predictor of resisting illegal orders is having a law degree. Law school would appear to socialize students to place premium on legal norms over other concerns. Better knowledge of legal obligations might obviously also explain some of the strong association. However, since the dilemmas posed in this study are basic and do not require advanced legal knowledge, socialization is likely to explain much of the difference in behavior. Some of the statements given in the survey indicate that at least some lawyers experience that it is not always popular to point out legal constraints. As one lawyer explained, “*I experience that my profession—lawyers—is frowned upon. You get the sense that we're the reactionaries who always say 'no' and that we can't think politically.*” The data in this study does not allow conclusions on how widespread such experiences are, however.

Finally, this study confirmed earlier findings regarding the role of organizational factors with respect to legality. Although the hypothesized relationship is that those working in functions closer to the political level would value responsiveness over legality, this is clearly not the case. A cynical reading of the finding would be that those working closer to the political level are more keenly aware of how survey answers to questions such as these are likely to play out in the public debate. This means that they are more inclined to give an officially correct answer than a sincere one. The other explanation—and more likely in my view—is that the civil servants in such positions are much more attentive to the potential public scandal and political fallout if their minister is caught giving illegal instructions. Thinking politically also implies protecting a minister from carrying out their own designs when doing so would be risky.

6 | CONCLUSION

This study showed that when it comes to understanding why civil servants resist or obey when tasked by political superiors to carry out illegal acts, organizational roles provide only part of the answer. We must pay attention to the experiences of civil servants in the organizations in which they work, their beliefs concerning the consequences for their careers, as well as beliefs about personal responsibility/liability for actions and decisions. While the study has found interesting associations, it cannot answer the question of how widespread such experiences or beliefs are in the Danish state administration. We need new—and comparative—survey studies that probe more deeply into values, beliefs, perceptions, knowledge, and interests to better understand what institutional and individual factors make civil servants make the choice to resist illegal—or unethical—requests. The study also emphasizes the need for theoretical pluralism when seeking to explain behavior in bureaucracies: rational and sociological motifs are at play. Casting “rational” and “sociological” explanations as rival (instead of complementary) theories of behavior is less productive, as others also argue (Lowndes et al., 2018). Finally, as argued, the Danish case is particularly interesting because it combines a strong meritocracy, rule of law, and record of good governance with strong institutional

incentives for political responsiveness and involvement in the political processes and advice. However, we are likely to find similar dynamics in other European countries (e.g., Britain, France, Germany, the Netherlands, Norway, Sweden) that similarly involve civil servants in the political process providing advice and which also have strong legal states. Even if the degrees of responsiveness to illegal or unethical request most likely vary according to the institutional traits, there is no reason to suspect the underlying relationships between beliefs, experiences, and behavior not to be the same.

PEER REVIEW

The peer review history for this article is available at <https://publons.com/publon/10.1111/padm.12898>.

DATA AVAILABILITY STATEMENT

The data that have been used for the statistical analysis are available upon request.

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ENDNOTES

- ¹ Ministry of Employment (Beskæftigelsesministeriet), Ministry of Finance (Finansministeriet), Ministry of Foods (Fødevareministeriet), Ministry of Environment (Miljøministeriet), Ministry of Social Affairs (Socialministeriet) and the Ministry of Economy and Domestic Affairs/Home Office (Økonomi- og Indenrigsministeriet).
- ² "I ovenstående spørgsmål er du blevet bedt om at give din bedste vurdering i nogle dilemmaer som embedsmand. Hvis du har nogle uddybende bemærkninger til dine svar eller øvrige bemærkninger kan du anføre dem her."
- ³ O'Cathain and Thomas (2004) lists three other types of open-ended questions in addition to the "general" type. These are: (1) Extension, which is listed at the end of a list of response options to ensure that all options are covered (ex. "others, please specify"), (2) Substitution, where an open question substitutes for a closed question, which is recommended for questions about socially undesirable behavior, and (3) Expansion, which invites respondents to elaborate on a particular answer given to a question.
- ⁴ Pernille Boye Koch.
- ⁵ The two vignettes appeared along 5 other vignettes that involved the norms of truthfulness and adherence to professional standards. Unfortunately, unlike the vignettes for the legal norms, the latter did not depict a situation where the request made was in clear contradiction with the basic norm and is therefore not included in this study.
- ⁶ Ph.D. Michael Gøtze, University of Copenhagen, and Dr. Jur Carsten Henriksen, University of Copenhagen.
- ⁷ The original answer categories also included the primary task of "economy and administration," but since respondents in this category were removed from the data-set, this answer category is void and thus left out.
- ⁸ See e.g. www.information.dk/indland/2022/06/dramatisk-stigning-70-procent-sager-syreres-opholdsgrundlag-inddrages-omgjort. www.berlingske.dk/samfund/borgere-med-handicap-faar-igen-og-igen-ret-i-klager-over-kommunen.

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How to cite this article: Bischoff, C. S. (2022). Between a rock and a hard place: Balancing the duties of political responsiveness and legality in the civil service. *Public Administration*, 1–22. <https://doi.org/10.1111/padm.12898>

APPENDIX A: OPEN CATEGORY ANSWERS AND OVERREPRESENTATION OF CERTAIN GROUPS OF RESPONDENTS

Total number of answers

| | Open category answer (yes/no) | | |
|-------|-------------------------------|---------|---------------|
| | Frequency | Percent | Valid percent |
| No | 1497 | 79.5 | 79.5 |
| Yes | 386 | 20.5 | 20.5 |
| Total | 1883 | 100 | 100 |

Representation of different groups

Gender. Small difference, not significant

| Crosstabulation | Gender (male/female) × open category answer (yes/no) | | |
|-----------------|------------------------------------------------------|-------|-------|
| | No | Yes | Total |
| Female | 898 | 220 | 79.5 |
| | 80.3% | 19.7% | 100% |
| Male | 561 | 158 | 719 |
| | 78% | 22% | 100% |
| Total | 1459 | 378 | 1837 |
| | 79.4% | 20.6% | 100 |

Age. No significant difference of mean age

| Open category answer (yes/no) | Open category answer and mean age | | |
|-------------------------------|-----------------------------------|----------|------|
| | N | Mean age | SD |
| No | 1437 | 42.0 | 10.7 |
| Yes | 375 | 42.5 | 10.7 |

Education. No significant differences

| Crosstabulation | Education × open category answer (yes/no) | | |
|-------------------------|-------------------------------------------|--------------|----------------|
| | Open category answer (Y/N) | | Total |
| | No | Yes | |
| Education | | | |
| Law degree | 409 80.8% | 97 19.2% | 506 100.0% |
| Economics | 115 77.2% | 34 22.8% | 149 100.0% |
| Political Science | 232 75.1% | 77 24.9% | 309 100.0% |
| Other Social Science | 250 81.2% | 58 18.8% | 308 100.0% |
| Other university degree | 436 80.1% | 108 19.9% | 544 100.0% |
| Other | 51 81.0% | 12 19.0% | 63 100.0% |
| Total | 1493 79.5% | 386 20.5% | 1879 100.0% |

Primary work tasks. Difference significant at the 1% level

| Work tasks | Work tasks × open category answer (yes/no) | | |
|---------------------------|--------------------------------------------|--------------|----------------|
| | Open category answer (Y/N) | | Total |
| | No | Yes | |
| Service the Minister | 295 76.2% | 92 23.8% | 387 100.0% |
| Analysis and Policy tasks | 456 76.3% | 142 23.7% | 598 100.0% |
| Case work | 474 86.5% | 74 13.5% | 548 100.0% |
| Other | 272 77.7% | 78 22.3% | 350 100.0% |
| Total | 1497 79.5% | 386 20.5% | 1883 100.0% |

Position in hierarchy (leadership position or not). No significant difference

| Position in hierarchy | Position × open category answer | | |
|-----------------------|---------------------------------|-------|--------|
| | Open category answer | | Total |
| | No | Yes | |
| Head | 190 | 54 | 244 |
| | 77.9% | 22.1% | 100.0% |
| Subordinate | 1295 | 325 | 1620 |
| | 79.9% | 20.1% | 100.0% |
| Total | 1485 | 379 | 1864 |
| | 79.7% | 20.3% | 100.0% |

Department vs. agency. Differences significant at 5% level

| | | Department/agency × open category answer | | |
|------------|-------|------------------------------------------|-------|--------|
| | | Open category answer (Y/N) | | Total |
| Workplace | | .00 | 1.00 | |
| Agency | Count | 1143 | 275 | 1418 |
| | | 80.6% | 19.4% | 100.0% |
| Department | | 354 | 111 | 465 |
| | | 76.1% | 23.9% | 100.0% |
| Total | | 1497 | 386 | 1883 |
| | | 79.5% | 20.5% | 100.0% |

APPENDIX B: ANALYSIS OF THE EXTENT TO WHICH ONE OF THE CODES HAVE BEEN APPLIED MORE THAN ONCE TO ANY CIVIL SERVANT COMMENTS

No overlap between statements codes “Respect for norms” and “Political pressure,” “Respect for norms,” and Career consequences.”

| | Political pressure × not my responsibility | | |
|--------------------|--------------------------------------------|---------|-------|
| | Not my responsibility | | Total |
| | No mention | Mention | |
| Political pressure | | | |
| No mention | 1776 | 56 | 1832 |
| Mention | 47 | 4 | 51 |
| Total | 1823 | 60 | 1883 |

| | Political pressure × career consequences | | |
|--------------------|------------------------------------------|---------|-------|
| | Career consequences | | Total |
| | No mention | Mention | |
| Political pressure | | | |
| No mention | 1808 | 24 | 1832 |
| Mention | 38 | 13 | 51 |
| Total | 1846 | 37 | 1883 |

| | Not my responsibility × career consequences | | |
|-----------------------|---------------------------------------------|---------|-------|
| | Career consequences | | Total |
| | No mention | Mention | |
| Not my responsibility | | | |
| No mention | 1795 | 28 | 1823 |
| Mention | 51 | 9 | 60 |
| Total | 1846 | 37 | 1883 |

| | Respect for norms × not my responsibility | | |
|-----------------------|-------------------------------------------|---------|-------|
| | Career consequences | | Total |
| | No mention | Mention | |
| Not my responsibility | | | |
| No mention | 1801 | 58 | 1859 |
| Mention | 22 | 2 | 24 |
| Total | 1823 | 60 | 1883 |

APPENDIX C: BINARY LOGISTIC REGRESSION. CASE-DECISION VIGNETTE

Table C1

TABLE C1 Explaining responsiveness to illegal requests

| Binary logistic regression | | |
|-------------------------------------------------|-----------------------------------------|------------|
| Vignette: Case decision without legal basis | MODEL 1 | MODEL 2 |
| Illegal responsiveness = 1 | Only closed question variables included | Full model |
| | Odds ratio | Odds ratio |
| Consequences for career (H1) | | |
| “Career consequences” | | 2.51 |
| Perception of responsibility (H2) | | |
| “Not my responsibility” | | 0.73 |
| Subordinate (ref. Head) | 1.42 | 1.38 |
| Experiences in the work place | | |
| “Political pressure” (H3) | | 1.28* |
| “Respect for norms” (H4) | | 1.15 |
| Education in Law (H5) | | |
| Education dummy (Ref.: Law) | | |
| Economics | 0.68 | 0.70 |
| Political Science | 0.95 | 0.95 |
| Other Social Science | 2.38** | 2.28** |
| Other University degree | 1.5 | 1.63* |
| Other | 0.71 | 3.05** |
| Organization: Proximity to political level (H6) | | |
| Department (ref: agency) | 0.48** | 0.67 |
| Primary job functions (ref.: service minister) | | |
| Analysis and Policy | 0.78 | 0.91 |
| Case-work | 1.37 | 1.11 |
| Other | 0.57 | 0.91 |
| Control variables | | |
| Age (years) | 1.00 | |
| Woman (ref. man) | 1.19 | |
| Constant | 0.03** | 0.00** |
| Nagelkerks R^2 | 8.70 | 5.1 |
| N | 1641 | |

Note: Hosmer og Lemeshow tests show both models are significant.

*Significant at 0.05 pct. level.

**Significant at 0.01 pct. level.