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# Executive Appoint- ments under Legis- lative Oversight

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# Executive Appointments under Legislative Oversight\*

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## Abstract

A large literature argues that the executive's appointment powers may bestow them with a significant policy advantage against the legislature. In practice, however, the legislature may also deploy a variety of instruments to strike back at opportunistic executives. In this paper, we use five decades' worth of data from the Swedish government to investigate whether the executive might adapt their appointment strategies to legislative pressures. We take advantage of a vast system of *ad-hoc* commissions that the Swedish ministers have developed over time to track their sensitivity to the parliament's ideological composition. We find that, while the ministers generally oversample appointees from their own partisan ranks, the overall distribution of political appointees also tends to shift along with the parliament's balance of power. In line with recent theories of interbranch relations, our results highlight both the executive's penchant for bureaucratic opportunism and the legislature's constraining reach.

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# 1 Introduction

A central tension in modern democratic governance stems from the institutional relations between the legislative and executive branches. The legislature is conventionally bestowed with the sole authority to make law, while the executive is expected to prepare and implement that law. Because the parties in power may not always have the same goals, however, interbranch conflicts are inevitable. Instead of settling public policy cooperatively, the legislature and executive may both advance their own political interests through their respective institutional prerogatives. Because the way this tension is resolved can have far-reaching implications for the quality of democratic representation, scholars have long debated how and to what extent the branches might resolve it.

One of the most enduring issues in this debate centers on the development of the administrative state. As governments have become increasingly dependent on expert bureaucracies to make policy, many scholars argue that the executive may have gained a particularly privileged position in the democratic system by virtue of controlling most of the key appointments. If the executive can manipulate the ideological inclinations of the bureaucracy's central personnel, then they could also potentially stack the preparation and implementation of public policy in their own favor (e.g. [Berry, Burden and Howell 2010](#); [Dahlström and Holmgren 2023](#); [Kriner and Reeves 2015](#); [Lewis 2008](#); [Moe 1985](#)). Other scholars, however, argue that the legislature may seek to rein in the executive's advances through administrative procedures and oversight. If the legislature can hold the executive to account for unfavorable policy outcomes, then they could also potentially sway the executive's incentives to appease the legislature's interests from the outset (e.g. [Acs 2019](#); [Bolton and Thrower 2016](#); [Chiou and Rothenberg 2014](#); [Strøm, Müller and Smith 2010](#); [Weingast and Moran 1983](#)). Can the legislature extend its political powers to establish effective control over the executive's personnel prerogatives, or should we rather understand the executive as steering the bureaucracy relatively independently of the legislature's concerns?

In this paper, we investigate whether the executive might adapt their appointment strategies to legislative pressures. We start from the observation that the executive could in prin-

ciple incorporate a variety of political interests into their personnel management, even if the individual appointments are ultimately theirs to make. We consider two possibilities in particular. On the one hand, if the executive is unencumbered by legislative pressures, then they could safely stack the appointment process to their own advantage, without concern for the legislature's potential objections. Because the legislature would have no say over the executive's decisions in this scenario, the expected outcome would be a bureaucracy that reflects the executive's interests, while the legislature's interests become secondary. On the other hand, if the executive acts in rational anticipation of the legislature's potential objections, then they could face regular incentives to placate their legislative overseers. Because the legislature would then limit the executive's policy discretion, the expected outcome would be a bureaucracy that reflects the legislature's interests, while the executive's interests become secondary. As the branches can have both common and conflicting interests in practice, determining which scenario generally prevails requires paying close attention to whose preferences and priorities that tend to drive the appointment process.

To that end, we field five decades' worth of appointments data from the Swedish government. We take advantage of a vast system of *ad-hoc* commissions that the Swedish ministers have developed over time as part of the more general public bureaucracy. Generically, the commissions typically function as executive task forces that the ministers can ordain to supply the government with policy advice. While the commissions have a long and venerable history in Swedish public policy (e.g. [Hesslén 1927](#); [Meijer 1969](#); [Pettersson 2016](#)), for our purposes their most important feature is the underlying sequence of political decision-making. The ministers have the sole authority to appoint the commissions *ex-ante*, while the parliament may only review the commissions' policy proposals *ex-post*. This procedure gives us an empirical replica of a theoretical model that assigns the appointment prerogative to the executive and the oversight prerogative to the legislature. If executive dominance holds, then the parliament's policy positions in the review stage should have no bearing on the ministers' decisions in the appointment stage. If legislative dominance holds, then the parliament's policy positions in the review stage should be precisely what motivates the ministers' decisions

in the appointment stage. Therefore, we can evaluate which institution generally sits in the lead by investigating whether changes in the branches' respective ideologies are associated with corresponding changes in the commissions' ideologies.

Our research design capitalizes on the fact that many of the commissioners that the ministers have appointed over the years also happen to be members of parliament, which is what allows us to place the commission system in a broader ideological space. A general obstacle to applying positive political theories on real-world bureaucracies is that we typically lack public information about the bureaucrats' political leanings (e.g. Bertelli and Grose 2011; Clinton et al. 2012). Because the parliamentarians are card-carrying partisans, however, we can use their party affiliations to classify them on the same ideological dimension as both the ministers and the parliamentary majority. With information on their relative ideological positions, we can then investigate whether each individual member of parliament might become more or less likely to earn commission appointments as they move further and closer from the branches' ideological centres. Because the electoral process regularly reshuffles the distribution of political resources, the parliamentarians may sometimes find themselves aligned with the ministers, sometimes with the parliament, sometimes with both branches, and sometimes with neither branch. Our analytical dataset tracks these ideological relations for all members of the Swedish parliament between 1971 and 2021, which corresponds to the full lifetime of the unicameral *Riksdag*, and we use them to model the parliamentarians' individual appointment probabilities on a monthly basis.

We report three findings. First, the ministers generally oversample appointees from their own partisan ranks. That is, instead of allocating commission appointments evenly among all members of parliament, the ministers typically reserve a disproportionate number of positions specifically for their co-partisans. On average, we estimate that members of the ministers' parties are about 40% more likely to earn commission appointments than members of the political opposition. Second, while the ministers generally favor ideological allies, they do not stack the appointment process unconditionally. In fact, we further estimate that the magnitude of the co-partisan effect can range from around 0-80% depending on the

ministers' parliamentary support. In general, the ministers engage in more partisan sorting when the branches are relatively unified and less partisan sorting when the branches are relatively divided. Third, we also estimate a sharp rise in the parliamentarians' appointment probabilities as their party's seat share approaches 50%. Although none of the parties we observe ever actually manage to reach majority status on their own, the general trend is consistent with wider reports of majoritarian control typically leading to a swift capture of the government's key institutional resources (e.g. [Shleifer and Vishny 1998](#); [Cox and McCubbins 2005](#)). Overall, the results indicate that the ministers do not make their appointments independently of the parliament, but rather in continuous adaptation to the parliament.

We contribute to several literatures related to the organization of democratic governments. While scholars of executive politics often characterize the power of appointment as a key instrument in the executive's institutional arsenal (e.g. [Berry, Burden and Howell 2010](#); [Kriner and Reeves 2015](#)), our study indicates that the executive's actual appointment decisions may reflect a variety of external constraints. In particular, if the executive's choice of appointees depends on the anticipated reactions from the legislature, then the legislature's oversight may limit the feasible range of appointments that the executive can make. On the other hand, while our findings are consistent with legislative influence, they also indicate that oversight is unlikely to form a complete solution to the legislature's delegation problems (cf. [McCubbins, Noll and Weingast 1987, 1989](#)). In particular, if the executive only represents a legislative minority—as is usually the case in Sweden as well as many other parliamentary systems ([Bergman, Bäck and Hellström 2021](#); [Field and Martine 2022](#))—then the executive's stacking of the appointment process may place the broader legislative majority at a systematic policy disadvantage. Taken together, our study thus supports recent scholarship emphasising the strategic interdependence of the executive and legislative branches (e.g. [Chiou and Rothenberg 2014](#); [Bolton and Thrower 2016](#)), while speaking against any theory positing either executive or legislative dominance alone.

## 2 Theories of Executive-Legislative Relations

The question of whether the legislature can somehow constrain the executive’s appointment powers has deep roots. While all modern democracies grant the legislature opportunities to oversee the executive’s affairs, the executive need not necessarily respond to the legislature’s inquiries. In the United States, for example, many scholars argue that the president’s ambiguous constitutional mandate has often enabled them to define their own powers and act unilaterally, without consulting Congress (Moe and Howell 1999; Lowande and Rogowski 2021). In Europe, scholars have long raised similar concerns over the apparent “presidentialization of politics” (Poguntke and Webb 2005) and some of the most influential theories of parliamentary government essentially treat the ministers as political monopolists (Laver and Shepsle 1996). Yet, while many now take the executive’s independence as canon, others continue to dispute the legislature’s purported incapacitation. In particular, by incorporating insights from general delegation theory, scholars have highlighted a variety of both ex-ante and ex-post controls that the legislature could potentially deploy to constrain the executive’s advances (e.g. Kiewiet and McCubbins 1991; Strøm, Müller and Smith 2010). We first briefly review the foundational points of contention in this regard, before considering the appointment setting in greater detail.

The leading literature on executive politics has highlighted two main venues through which executive dominance could potentially arise. One line of scholarship focuses on the lawmaking process. In the United States, the debate has mainly centered on the president’s veto powers and use of unilateral directives (e.g. Cameron 2000; Howell 2003; Reeves and Rogowski 2016), while scholars of parliamentary systems have generally focused on the ministers’ agenda control during the initiation and transposition of bills (e.g. Martin and Vanberg 2005; Franchino and Høyland 2009; König et al. 2022). A second line of scholarship emphasizes the executive’s hold on the bureaucracy, principally via strategic appointments. Scholars of American politics have long underlined the president’s propensity to appoint government officials on the basis of ideology, loyalty, or programmatic support (e.g. Moe 1985; Lewis 2008; Cameron and Kastellec 2016), and a large literature investigating appointment



patterns in Europe suggests that ministers often do the same (e.g. [Ennsner-Jedenastik 2016](#); [Bach and Veit 2018](#); [Dahlström and Holmgren 2019](#)). If the executive can establish control over both the lawmaking process as well as the bureaucrats responsible for preparing and implementing government policy, then they would also be in a position to challenge any popular notion of parliamentary supremacy or constitutional separation of powers.

Historically, the executive's reputation for opportunism has also been supported by widespread perceptions of the legislative branch's general dysfunction. As [McCubbins, Noll and Weingast \(1987\)](#) pointed out some years ago, although legislatures typically have several means available to punish executive actions—ranging from minor verbal reprimands to outright removal from office—the individual legislators that constitute them must also overcome numerous obstacles to commit credibly to an effective oversight regime. The opportunity costs of tracking all of the decisions made within the executive branch are daunting, and much of the monitoring that legislators actually engage in depends on information supplied by the bureaucracy. To control the executive's incentives, the legislators would need to offset their limited information with formidable sanctions. And for the most formidable range of sanctions, such as impeachment procedures and votes of no confidence, they must typically face an array of collective action problems in order to succeed with an intervention. Because of the fragmented and often polarized nature of modern legislative representation, many now view the legislature as too weak and disorganized to serve as an effective check on the executive's ambitions (e.g. [Gailmard 2009](#); [Clinton, Lewis and Selin 2014](#); [Kriner and Schickler 2016](#); [Lowande 2018](#)). Or as [King and Crewe \(2013, 361\)](#) put it in the British context, “the parliament of the United Kingdom is, much of the time, either peripheral or totally irrelevant. It might as well not exist.”

Some scholars, however, argue that the legislature's capacity for political control may not always be so anemic. In the United States, much of the debate has centered on Congress' potential ability to use administrative procedures and other legal instruments to ameliorate their information problems and limit the president's discretion (e.g. [McCubbins, Noll and Weingast 1989](#); [Epstein and O'Halloran 1999](#); [McDonald 2010](#); [Chiou and Rothenberg 2014](#);

Bolton and Thrower 2016). In the European context, Martin and Vanberg (2020) argue that many parliaments both can and do scrutinize the cabinet ministers with sufficient force to ensure that government policy remains anchored in the broader legislative coalition, and not in any individual minister (also see e.g. Huber and Shipan 2002; Strøm, Müller and Smith 2010; Martin and Vanberg 2014; Behrens, Nyhuis and Gschwend 2023). In both Europe and the United States, furthermore, many scholars have noted that the party machines may seek to stack the screening and selection of executive nominees in order to assure that they remain responsive to their coalitional base (e.g. Huber and Martinez-Gallardo 2008; Indridason and Kam 2008; Cohen et al. 2017; McCarty and Schickler 2018; Sieberer et al. 2021). If the legislature can both learn about the executive’s political advances and shape the incentives that drive them, then what looks like independent executive actions could also represent acquiescence to their legislative overseers.

Building on these prior works, we focus specifically on the legislature’s capacity to constrain the executive’s appointment powers. Given the long line of research that emphasize the executive’s independence, we take seriously the proposition that the executive could potentially steer the bureaucracy without regard for the legislative context. In the extreme case, the implication would be that the executive’s appointments should generally mirror the executive’s interests, without any notable interference from the legislature. However, given the equally long line of research that emphasize the legislature’s reach, we also take seriously the proposition that the legislature could potentially shift the executive’s incentives. In the extreme case, the implication would be that the executive’s appointments should generally mirror the legislature’s interests, without any notable interference from the executive. Finally, in addition to the two boundary cases, we also believe there is a case to be made for a third characterization, namely that the bureaucracy may generally arise as a compromise between both branches’ interests. In this more moderate case, the executive may adapt their opportunism as a function of their legislative support, yielding more or less pluralist appointments depending on the branches’ ideological congruence. In the next section, we first motivate our theoretical focus in greater detail, before turning to our empirical analyses.

### 3 The Politics of Political Appointments

Our goal is to determine whether the executive might use their appointment powers not only to benefit themselves, but also to appease their legislative overseers. We proceed under the simplifying assumption that the executive has exclusive control over the bureaucracy's appointments, but that the legislature could hypothetically punish the executive for unfavorable policy outcomes.<sup>1</sup> Sequentially, the executive must then first empower a bureaucrat to act on the government's behalf. Next, the chosen bureaucrat must propose a government policy. Finally, the legislature must decide whether the bureaucrat's proposal warrants an intervention. If the legislature's commitment to an effective oversight regime is not credible, then the executive could make their appointment solely based on their own preferences and priorities, without concern for the legislature's reaction. If the legislature's commitment to an effective oversight regime *is* credible, on the other hand, then the executive may anticipate the legislature's likely response and adjust their appointment in advance. Specifically, because the legislature may now penalize the executive for appointing bureaucrats that harm the legislature's interests, the executive may suddenly find themselves better off appointing bureaucrats that please the legislature instead. To determine which institution sits in the lead, therefore, we must uncover whose interests the chosen bureaucrat tends to represent: the executive; the legislature; or perhaps some combination of the two.

The leading literature on executive appointments has mainly focused on whether presidents and ministers can use their appointment powers to steer the bureaucracy's policy-making efforts, while paying less attention to the strategic implications of the legislature's oversight. The key insight is that, so long as the executive can determine the preferences

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<sup>1</sup>In some settings, the legislature may demand to screen the executive's appointments directly. In the United States, for example, the Senate is responsible for confirming some of the president's most important appointments, such as Supreme Court justices (e.g. [Cameron and Kastellec 2016](#)). However, these types of co-decision arrangements typically only scratch the surface of the full range of appointments that real executives can make (e.g. [Lewis 2008](#)). For a pioneering analysis of the co-decision case that is similar in spirit to ours, see [Calvert, McCubbins and Weingast \(1989\)](#).

and priorities of the bureaucracy’s central personnel, then they can also assure that the bureaucracy’s policy positions remain anchored in the executive’s interests (e.g. [Bach and Veit 2018](#); [Cameron and Kastellec 2016](#); [Ennser-Jedenastik 2016](#); [Hollibaugh, Horton and Lewis 2014](#)). [Moe \(1985\)](#), for example, argues that presidents of the United States have historically politicized the federal bureaucracy mainly to advance their own political ambitions, and [Lewis \(2008\)](#) shows that presidents systematically target agencies that conflict with the president’s policy agenda. In the Swedish case, [Dahlström and Holmgren \(2019\)](#) argue similarly that the cabinet ministers generally make sure to replace their predecessors’ appointees precisely to assure that the bureaucracy’s interests remain aligned with the ministers’ interests. Recent scholarship also indicates that the executive’s control over the bureaucracy’s policy positions can have far-reaching implications, for instance, when time comes to distribute the government’s funds (e.g. [Bertelli and Grose 2009](#); [Berry, Burden and Howell 2010](#); [Kriner and Reeves 2015](#); [Dahlström and Holmgren 2023](#)). If the executive dominates the appointment process, then the bureaucracy’s ideological composition should generally follow the executive’s ideological composition, such that more conservative executives should tend to yield more conservative bureaucracies, more liberal executives more liberal bureaucracies, more socialist executives more socialist bureaucracies, and so forth.

Scholars of legislative politics, meanwhile, have paid considerable attention to the legislature’s oversight, but typically without drawing any explicit links to the executive’s appointment incentives. Instead, the key insight is that legislators can impose a variety of both ex-ante and ex-post controls on executive actions that may limit the feasible range of policies that the executive can pursue ([Kiewiet and McCubbins 1991](#); [Strøm, Müller and Smith 2010](#)). [Behrens, Nyhuis and Gschwend \(2023\)](#), for example, show that German legislators engage in more destructive oversight when reviewing bills from opposing ministers than from co-partisan ministers (also see [Martin and Vanberg 2014, 2020](#)). Similarly, a large literature in American politics show that members of Congress impose more investigations and statutory constraints against opposing presidents than co-partisan presidents (e.g. [Epstein and O’Halloran 1999](#); [Kriner and Schickler 2016](#)). If the executive’s policy agenda were

to come under sufficient legislative pressure, then the executive may be better off incorporating their political opponents' interests into their decisions than going their own way. The implication would be that the executive may then start behaving *as if* the legislature had a veto over their actions, even though no such veto opportunity may exist in the formal procedure. [Chiou and Rothenberg \(2014\)](#), for example, show that presidents of the United States often adapt their policy positions to the majority party in Congress (also see [Shipan 2004](#); [Acs 2019](#); [Chiou and Klingler 2023](#)). If these patterns extend to personnel politics, then the bureaucracy's ideological composition should generally follow the legislature's ideological composition, such that more conservative legislatures should tend to yield more conservative bureaucracies, more liberal legislatures more liberal bureaucracies, more socialist legislatures more socialist bureaucracies, and so forth.

Finally, considering that the executive and legislature may both seek to claim the bureaucracy for their own devices, the best response could constitute a compromise between both branches' interests. Specifically, because the executive may face varying degrees of partisan support from the legislature in the review stage, their incentive to adapt in the appointment stage may depend on the branches' ideological congruence. So long as the executive and legislature have common ideologies, they should both share the same political goals regardless of whether the legislature intervenes or not. Therefore, the legislature should have less incentive to constrain the executive's advances. If the executive and legislature have conflicting ideologies, on the other hand, then the executive's political gains would imply the legislature's political losses. Therefore, the legislature should have more incentive to constrain the executive's advances. To capitalize on the legislature's varying oversight incentives, the executive may then respond by taking more bureaucratic liberties when their co-partisans' legislative influence grows and fewer liberties when their co-partisans' legislative influence falters. In a pioneering analysis in this spirit, [Lewis \(2008\)](#) showed that presidents of the United States make more political appointments under unified government than under divided government. However, whereas [Lewis \(2008\)](#) was mainly interested in the *frequency* of political appointments, we focus specifically on the *type* of political appointments. In

our view, the most critical implication is that the executive should tend to moderate their screening and selection procedures as a function of their legislative support, such that their appointments become increasingly stacked in their own ideological favor the stronger their coalitional base; and conversely, more pluralist the weaker their coalitional base.

The fact that the distribution of legislative powers and resources can vary across both time and space suggests that the executive may require some flexibility in order to remain on amicable terms with their legislative overseers. While scholars conventionally assume that the executive prefers to pack the bureaucracy with ideological clones, what sort of agents they decide to empower in practice is ultimately an empirical question. In particular, if the executive faces a hostile legislature, then they may well anticipate resistance to opportunistic appointments and acquiesce to their political opponents from the outset. If this were to happen on the regular, then the actual distribution of bureaucratic appointments may not so much represent the unilateral will of the executive, but rather an amalgam of the executive's preferences and the legislature's preferences. Only in the special case of a unified government would the executive be free to do as they please, but even then they may still have rational reasons to prefer the backing of an oversized supermajority (e.g. [Groseclose and Snyder 1996](#)). In the empirical analyses that follow, we therefore consider both the executive's propensities to favor ideological allies in general, as well as their propensities to adapt to the legislature's broader ideological inclinations.

## 4 Research Design

To explore whether the executive might adapt their appointment strategies to legislative pressures, we perform a case study of the Swedish government. We have constructed an original dataset that tracks the ministers' inclinations to appoint parliamentarians to executive commissions from 1971 to 2021, which allows us to examine a concrete case of executive-legislative relations in considerable detail. Our theoretical operationalization casts the ministers as the appointing executive, the commission as the bureaucrat tasked to make

policy on the government’s behalf, and the parliament as the overseeing legislature. We have organized the data specifically to uncover whether shifts in the ministers’ and parliament’s ideological positions may make certain types of parliamentarians more or less likely to earn commission appointments, but we will also be able to examine the impact of the branches’ potential unification and division as well. Because our empirical analyses rely heavily on some of the more peculiar characteristics of the Swedish commission system, however, in this section we first introduce the institutional setting behind our research design, before presenting our data and modeling strategy in more detail.

## 4.1 The Swedish Case

Our research design is essentially an application of the Swedish lawmaking process. As Sweden is a parliamentary democracy, the parliament has the sole constitutional authority to make law, while the ministers are responsible for preparing and implementing that law (Bergman 2003). In practice, however, the ministers often *delegate* their policymaking responsibilities to various agents in the public bureaucracy, such as administrative agencies, departmental bureaus, or executive commissions. In the commission case, which is our primary focus, this act of delegation follows a formalized procedure that begins with the ministers’ ordainment and concludes with a public review of the commission’s policy proposals (Meijer 1969; Petersson 2016). We are especially interested in whether the ministers might design different types of commissions under different legislative conditions—and in particular, whether the parliament’s ideological composition might influence the choice of appointees. The organizational features of the commission system we highlight are not exhaustive, but rather represent a set of institutional arrangements that we believe are both generalizable and useful for inference in this regard.<sup>2</sup>

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<sup>2</sup>More extensive overviews can be found in Meijer (1969), Petersson (2016), and Dahlström, Lundberg and Pronin (2021). In general, the Swedish commissions can be understood as broadly analogous to presidential commissions in the United States (Zegart 2004), royal commissions in the United Kingdom (Cartwright

At the start of the procedure, the ministers must first decide the commission's organization. Since the 1970s, the ministers have used a series of executive orders to grant themselves the right to organize the commissions in any way they deem fit, with *Kommittéförordning* SFS 1998:1474 providing the most current regulatory framework. Among other factors, the rules give the ministers exclusive control over the commissions' budgets, missions, personnel, as well as any additional regulations deemed necessary. There exist no formal limits to who can serve on a commission beyond standard national security concerns, and the ministers can in principle structure them as anything from single-person investigators to as large of a committee as they want. In practice, most of the appointees serve either in a professional capacity or as representatives of some organized interest, but the ministers are also free to appoint politicians (Dahlström, Lundberg and Pronin 2021). In fact, going at least as far back as the 18<sup>th</sup> century, scholars of Swedish politics have noted a tendency among the ministers to form commissions with members of parliament (Hesslén 1927). This practice has also continued into the modern era (Meijer 1969; Petersson 2016). According to our data, out of the 5 631 commissions the ministers have enacted over the past half century, 1 169 included at least one parliamentarian.

Once the ministers have settled on an organization, the commission may start its inquiry. The commissions have no pre-defined decision-making procedure and may accordingly proceed in whatever manner they please, conditional on the ministers' directives. According to the stipulations in SFS 1998:1474, all commissions are however required to keep protocols of their meetings and deliver annual progress reports directly to the ministers. In addition, the inquiries should always culminate in one or more policy reports that present the costs and benefits associated with the commission's proposals. The reports are generally published in the Swedish Government Official Reports series (*Statens offentliga utredningar*), but less salient or preliminary findings may also be reported periodically at the ministers' behest.

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1975), commissions of inquiry in the other Scandinavian countries (Hesstvedt and Christiansen 2022), and similar executive task forces.



If a policy conflict were to arise within a commission, moreover, the rules also permit the individual members to annex dissenting opinions to the commission's official policy position. Depending on the assignment, the time to completion can range from a few months to several years (Dahlström, Lundberg and Pronin 2021).

Once the commission's inquiry is completed, the report is submitted for public review, which invites all interested parties to evaluate the conclusions. Regardless of the matter, the Swedish Instrument of Government ch. 7, art. 2 requires the ministers to solicit comments from both public and private actors before proceeding with any official decision. Although not regulated in as much detail as the American notice-and-comment procedure for instance (see e.g. McCubbins, Noll and Weingast 1987), the general idea is to give administrative agencies, employer organizations, trade unions, and other vested interests an opportunity to examine potential policy proposals before they have a chance of becoming law (see e.g. Lundberg 2014). Any potential comments that the public might submit are organized through a formalized referral system and presented to the ministers together with the commission's report (Pettersson 2016). When the public review period concludes, the ministers may then use the report and accompanying comments as a foundation for bills, orders, directives, or any other purpose they may deem worthy of pursuing.<sup>3</sup>

Finally, while the parliament has no formal role in the commission system as such, notice that the entire procedure nonetheless occurs in the shadow of legislative oversight. The parliament has the same opportunity to partake in the public review of the commissions' proposals as everyone else, and the Instrument of Government ch. 4, art. 8 explicitly requires the standing committees to follow up and evaluate all of the parliament's decisions within their subject areas. The nature of the sanctions that may be on the table in case a commission were to fail to impress the parliament depends on what the ministers sought to accomplish with their delegation. If the ministers' goal is to legislate a bill, for example, then the

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<sup>3</sup>By some estimates about 40 percent of all Swedish legislation in the late 1960s and early 1970s were based on commission proposals (Premfors 1983), but no comparable measures exist for the modern era.

parliament would have a natural veto through the ordinary legislative procedure and could accordingly block any policy that goes against the majority's wishes (Mattson and Strøm 1995, 2004). The cost to the ministers would be the time, effort, and resources they spent on preparing the bill, along with the public humiliation that comes with a legislative defeat. If the ministers were instead to proceed through executive order or some other unilateral action, on the other hand, then the parliament would need to marshal a majority in favor of an override to halt the ministers' advances. In either case, though, the parliament has access to the same reports and comments as the ministers do and could in principle decide to intervene using any conventional legislative instrument, including a vote of no confidence, if they were so inclined.

The commission system offers an empirical case that fits the theoretical logic of legislative oversight almost perfectly. In the appointment stage, the ministers are under no inherent obligation to take the parliament into account and could in principle hire whoever they want. Therefore, whatever appointments they decide to make must represent a pure incentive effect, resulting either from their own internal preferences or from some external pressure. In the policymaking stage, the commissioners are free to pursue whichever policies they may desire, subject only to the constraints imposed by the ministers' organizational design. To reduce the risk of agency loss, both the ministers and the parliament should therefore prefer appointees who share their policy goals. In the review stage, the parliament may finally evaluate the consequences of the ministers' organizational design and decide whether to punish or reward them for their administration of the realm. If the parliament's oversight is credible, then the full chain of events should play out in rational anticipation of this final step, beginning with the ministers' appointments. If the parliament's oversight is not credible, then the ministers could ignore the parliament and focus on advancing their own interests instead. In the next section, we explain how we use data on the ministers' appointment of parliamentarians to investigate which scenario generally prevails.

## 4.2 Data and Operationalizations

Our analytical dataset covers all members of the Swedish parliament from 1971 to 2021, along with any potential commission appointments they may have earned over the study period. To construct the dataset, we have combined information from the parliament’s public data archive and a series of annual cabinet reports. The parliamentary archive contains individual-level information on all parliamentarians, such as their party affiliations and tenure times, while the cabinet reports provide analogous information for the commission system. We have organized the data as a time-series cross-section, with one observation for each parliamentarian in each month, and recorded their potential commission appointments as a binary outcome. If a given parliamentarian happens to earn a commission appointment in a given month, they are coded as 1; otherwise, they are coded as 0. In total, the dataset contains 216 941 observations of 2224 parliamentarians over a period of 612 months and with 4105 positive appointment outcomes.

In Figure 1, we show the total number of parliamentarians appointed to the commission system over time. The y-axis shows the frequency and the x-axis the calendar year, which we have slightly realigned to match the election periods. For reference, note that the Swedish parliament only features 349 seats, which naturally limits the amount of appointments that the ministers can realistically make.<sup>4</sup> On average, the frequency hovers just below ten appointments per month, but with a quite uneven distribution. In the 1970s, for example, the ministers appointed about 120 parliamentarians every year on average, while in the 2010s the annual average is closer to 50. Despite the temporal variance, though, the frequency clearly implies that a sizable portion of the legislative branch has historically also been directly involved in executive branch policy-making. In fact, out of the 2224 parliamentarians we observe, 1368 earned at least one appointment at some point during their tenure.

Our principal research interest in this context concern whether the parliamentarians’

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<sup>4</sup>The first iteration of the unicameral *Riksdag* actually featured 350 seats, but after experiencing the perils of a 175-175 split in 1973 the left- and right-wing blocs both agreed to drop one seat from the roster.

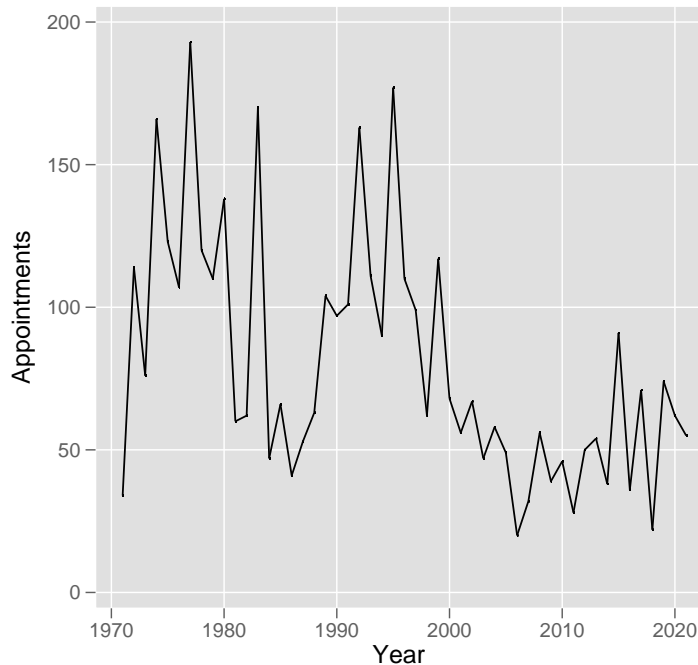


Figure 1: Frequency of Parliamentary Appointments.

individual appointment probabilities might depend on their ideological relations with the cabinet ministers, the parliamentary majority, or some combination of the two. Recall that executive dominance implies that the bureaucracy’s ideological position should follow the executive’s ideological position. In our setting, this means that the parliamentarians’ chances of earning commission appointments should depend on whether they have common or conflicting interests with the ministers. Legislative dominance, meanwhile, implies that the bureaucracy’s ideological position should follow the legislature’s ideological position. In our setting, this means that the parliamentarians’ chances of earning commission appointments should depend on whether they have common or conflicting interests with the parliament. An interbranch comprise, finally, implies that the bureaucracy’s ideological position should follow the executive’s and legislature’s ideological congruence. In our setting, this means that the parliamentarians’ ideological relations with the ministers should carry more force when the branches are ideologically unified than when they are ideologically divided. As all of these relations are theoretical constructs that lack directly observable referents, the main

empirical challenge to our study lies in defining a set of suitable surrogate measures that can be directly observed.

We take advantage of our central actors' party affiliations to chart their ideological relations. Historically, the main contenders for political control have been the Social Democratic Party on the left, who dominated Swedish politics for most of the post-war period, and a liberal-conservative multi-party coalition on the right, who first emerged as a proper alternative in the 1970s (Hellström and Lindahl 2021; Teorell et al. 2020). No single party has ever managed to establish majority control over both branches at the same time, though, which implies that all the governments we observe can be classified as “divided” to some extent (cf. Laver and Shepsle 1991). However, note that the ministers' legislative support can still vary significantly from election to election, even if the government as a whole remains in a constant state of division. For example, the Social Democratic Party have formed executive cabinets with legislative seat shares ranging from 47.3% to 28.6%, while the Moderate Party have formed executive cabinets with legislative seat shares ranging from 30.6% to 15.7%. Therefore, despite never actually observing any properly unified governments or true majority parties, we can still exploit fluctuations in the distribution of legislative seats and ministerial portfolios to connect the individual parliamentarians with the branches' political struggles. In essence, our basic idea is to first use the parliamentarians' individual party affiliations to classify their ideological proximity to both the ministers as well as the broader parliamentary majority; and then, apply those ideological relations to predict the parliamentarians' individual appointment probabilities.

First, to capture the parliamentarians' ideological relations with the ministers, we construct a binary variable, *Executive Co-partisan*, which denotes whether they are members of the ministers' parties or the opposition parties. We assume that the ministers' ideological position can be treated as more or less conservative, liberal, socialist, and so forth, depending on the ideological affiliations of the parties that formed the cabinet. When a party with a certain ideological affiliation enters (exits) the Government Offices, their parliamentary members should consequently become more (less) likely to earn commission appointments.

For example, the Social Democratic Party maintained a single-party cabinet from 1982 to 1991, but then lost the Government Offices from 1991 to 1994. Therefore, all members of the Social Democratic Party are coded as 1 in the former period and 0 in the latter period. The corresponding prediction is that members of the Social Democratic Party should have a greater chance of earning commission appointments between the 1982 and 1991 general elections than between the 1991 and 1994 general elections. We use this variable to classify the individual parliamentarians as more or less aligned with the ministers.

Second, to capture the parliamentarians' ideological relations with the parliament, we construct a continuous variable, *Legislative Seats*, which denotes the seat share held by the parliamentarians' parties. We assume that the parliament's ideological position can be treated as more or less conservative, liberal, socialist, and so forth, depending on the seat shares of the parties that formed the parliament. When a party with a certain ideological affiliation grows (shrinks) in size, their parliamentary members should consequently become more (less) likely to earn commission appointments. For example, the Moderate Party managed to secure 55 legislative seats in the 1976 general election and 73 legislative seats in the 1979 general election. Therefore, all members of the Moderate Party are coded as 15.76 in the former period and 20.91 in the latter period. The corresponding prediction is that members of the Moderate Party should have a greater chance of earning commission appointments between the 1979 and 1982 general elections than between the 1976 and 1979 general elections. We use this variable to classify the individual parliamentarians as more or less aligned with the parliament.

Third, to capture the branches' ideological congruence, we construct an interaction term between the two prior variables, *Executive Co-partisan*  $\times$  *Legislative Seats*. We assume that the ministers and the parliament can be treated as more or less aligned depending on the share of legislative seats held by the ministers' co-partisans in the parliament.<sup>5</sup> When the

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<sup>5</sup>Put differently, instead of conceptualizing the legislative and executive branches' ideological relations as a simple divided/unified dichotomy—as is conventional in American politics for instance (e.g. [Epstein and O'Halloran 1999](#); [Huber and Shipan 2002](#))—we define their status on a continuous scale from 0–100%.

ministers gain (lose) parliamentary support, their parliamentary members should consequently become more (less) likely to earn commission appointments. For example, in 2002 the Social Democratic Party formed a single-party executive with a legislative seat share of 41.26%, while in 2006 the Moderate Party formed a liberal-conservative coalition executive with a legislative seat share of 51.00%. Because the liberal-conservative ministers had more parliamentary support than the social democratic ministers, they should also have more room to stack the appointment process in their own favor. The corresponding prediction is that members of the ministers' parties should enjoy a greater appointment advantage against members of the political opposition between the 2006 and 2010 general elections than between the 2002 and 2006 general elections. We use this variable to classify the individual parliamentarians as more or less aligned with both branches at the same time.

Finally, to illustrate our key variables, in Figure 2 we show the share of commission appointments awarded to members of the ministers' parties, and with the ministers' legislative seat shares included for reference. The y-axis shows the share and the x-axis the calendar year, while the black and blue lines track the co-partisan appointments and legislative seats respectively. The time trends suggest two key relationships. First, the ministers appear to oversample appointees from their own partisan ranks. For example, when the Social Democratic Party entered the Government Offices in 1982, the social democratic parliamentarians held 47.6% of the legislative seats yet somehow managed to secure 64.7% of the commission appointments. Had the ministers' appointments simply been a random draw from the entire parliamentary population, then the share of co-partisan appointments should generally equal the ministers' legislative seat share, which is clearly not the case. Second, the political opposition appears quite well-represented in the commission system as a whole, and particularly during the weaker executive cabinets. For example, in 1978 the Liberal People's Party man-

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On this view, the branches are perfectly unified when the ministers' parties control all legislative seats and perfectly divided when the ministers' parties control no legislative seats. In practice, however, we only observe ministers with legislative seat shares ranging from 4.6% to 47.6%, which means that our room to make credible inferences will be more limited than the theoretical maximums may imply.

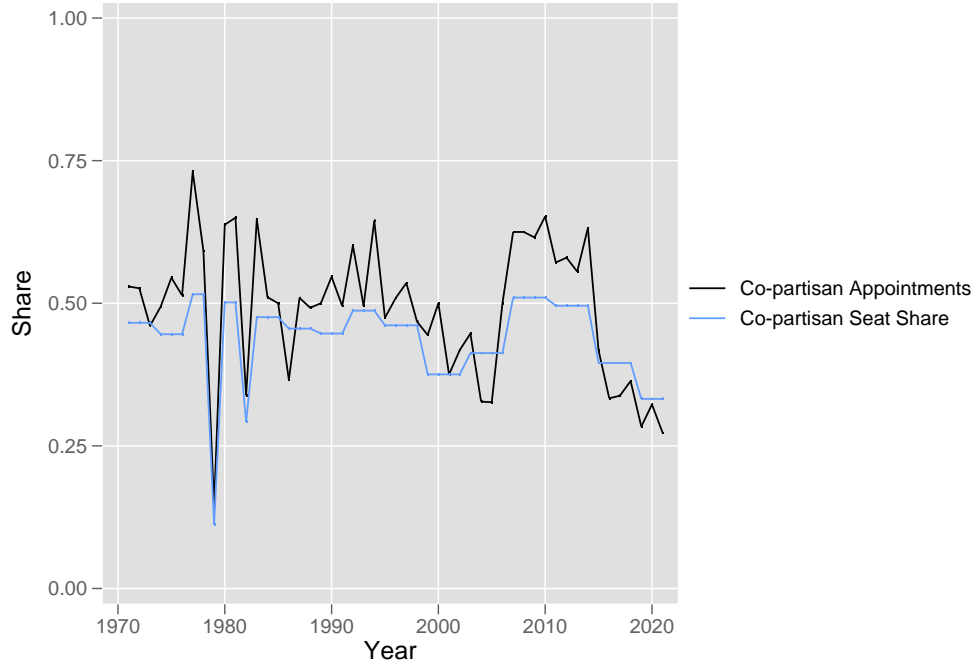


Figure 2: Share of Co-partisan Appointments.

aged to form a single-party executive with a meagre 11.2% seat share, which then netted the liberal parliamentarians a 13.6% appointment share—once again indicating a co-partisan advantage. Note, however, that this outcome also implies that the liberal ministers gave 86.4% of the commission appointments to the political opposition. While members of the ministers’ parties do appear to enjoy a distinct appointment advantage, then, the overall distribution of appointments also appears to follow the distribution of legislative seats.

### 4.3 Modeling Strategy

We implement our variables using the standard econometric tool-kit for longitudinal data. Our baseline model can be written as

$$Y_{it} = \alpha_i + \gamma_t + \beta X_{it} + \delta Z_{it} + \epsilon_{it} \quad (1)$$

where  $i$  and  $t$  index parliamentarians and calendar months, respectively.  $Y_{it}$  is the outcome variable and denotes whether a given parliamentarian is appointed to a commission in a



given month or not. Our explanatory variables are represented by  $X_{it}$ , which denotes the parliamentarians' treatment status. Additionally, the model includes three nuisance terms:  $\alpha_i$  is a vector of unobserved time-invariant unit-effects;  $\gamma_t$  a vector of unobserved unit-invariant time-effects; and  $Z_{it}$  a vector of observed factors that may vary across both units and time. These terms represent other potentially important causes of the parliamentarians' appointment outcomes, but for our purposes, they serve only to adjust for confounding. Finally,  $\beta$  and  $\gamma$  denote coefficients and  $\epsilon_{it}$  an error term, which we cluster by parliamentarian and month. We fit the model via linear regression and use the Huber-White sandwich estimator to obtain robust standard errors.<sup>6</sup>

We use the model to investigate whether the ministers might selectively target some types of parliamentarians over others when making their appointments. Our identification strategy relies on the fact that the electoral process may periodically reshuffle the distribution of legislative seats among the contending political parties—and by extension, their access to the Government Offices. As a result, each individual parliamentarian may periodically change their ideological relations with both the ministers' as well as the parliament as a whole. We focus on three counterfactual comparisons in particular. First, we compare the appointment outcomes of parliamentarians who are co-partisans of the ministers against parliamentarians who are political opponents of the ministers. For example, we can examine whether members of the Social Democratic Party earn more or fewer appointments when the Social Democratic Party gains and loses control over the the executive cabinet. Second, we compare the appointment outcomes of parliamentarians with more legislative support against parliamentarians with less legislative support. For example, we can examine whether members of the Moderate Party earn more or fewer appointments as the Moderate Party

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<sup>6</sup>Note that, because the range of probabilities that we model happens to be almost linearly related to the log odds, the linear probability model fits our data nearly as well as the logit model—but without suffering from any of the latter's well-known drawbacks in high-dimensional settings and rare events data. We have also replicated all results using a battery of Poisson pseudo-maximum likelihood regressions, which can be obtained by request.

gains and loses legislative seats. Finally, we also compare the appointment outcomes of parliamentarians with and without co-partisan status over different ranges of legislative support. For example, we can examine whether the ministers' co-partisans earn more or fewer appointments relative to their political opponents the closer they get to majority status in the parliament.

Notice that the fixed-effects cover a variety of potential confounders from the outset. The unit-effects  $\alpha_i$  represent differences between the parliamentarians that are stable over time. For example, some parliamentarians may be inherently more charismatic, educated, or skilled than others; and hence, more likely to draw the ministers' attentions. Any individual-level factor that can be plausibly treated as a constant, such as party membership, prior work experience, or sex, is included in this set. The time-effects  $\gamma_t$ , meanwhile, represent differences between the months that are common to all parliamentarians. For example, because our data covers half a century, the ministers we observe may face wildly varying cultural, fiscal, and political constraints; and hence, differ substantially in their appointment opportunities. Any month-level factor that applies equally to all parliamentarians, such as the cabinet's ideological affiliation, the parliament's fragmentation, or the electorate's public opinion, is included in this set. Because these sorts of constant background factors can be difficult to both imagine and measure, we adjust for all of them together by including one dummy variable for each parliamentarian and each month in the regression model.

The  $Z_{it}$  term complements the unit- and period-specific effects by covering factors that may vary over time within each parliamentarian, along with their treatment status. Although there are few variables that can reliably predict electoral outcomes, seniority combined with a potential incumbency advantage could plausibly correlate with both the parliamentarians' appointment propensities and their electoral fortunes. Therefore, we include a running count variable that measures how many months they have spent in parliament, which we refer to as *Seniority*. Furthermore, because the parliament is responsible for appointing the executive cabinet, the parliamentarians' propensities to become co-partisans of the ministers are likely endogenous to their seat shares. Consequently, while our legislative seats variable can help

identify the unique contribution of our executive co-partisan variable, the reverse does not hold. To respect the underlying structure of parliamentary governments, we first fit one model where we focus on estimating the average effect of the parliamentarians' legislative seats, without paying any attention to their co-partisan status; and then, a second model where we focus on estimating the average effect of the parliamentarians' co-partisan status, with the legislative seats included as a confounder. We conclude by fitting a third model that focuses on the potential interaction between the two treatments.

For our purposes, the most important feature of our modeling strategy is that we can hold the broader institutional setting constant while letting the individual ideological relations vary. While scholars have long noted a tendency among presidents and ministers to politicize the appointments process, they have rarely considered the possibility that the executive may be acting on behalf of the legislature, rather than by their own accord. This is problematic because if the executive's strategic preferences are in fact constrained by the legislature, then looking only at the executive's behavior will risk conflating the influence of both branches and promote erroneous conclusions regarding the government's true locus of power. To separate the branches' influence on the appointment outcomes, one must hold the legislature's interests constant while letting the executive's interests vary; and conversely, hold the executive's interests constant while letting the legislature's interests vary. Otherwise, any decision made by either branch could hypothetically be the result of complete domination by the other branch. We work around this challenge by moving down to the individual level. By tracking the parliamentarians' appointment probabilities as they move further and closer from the executive's and legislature's ideological inclinations, we can directly examine which institution's interests that tend to guide the appointment process. In the next section, we present our main findings.

## 5 Results

We present results from three appointment models. Model 1 serves as our baseline model and includes the legislative seats treatment, a cubic interaction<sup>7</sup>, the seniority covariate, a set of legislator fixed-effects, and a set of month fixed-effects. For Model 2, we keep the same setup as in Model 1, but add the executive co-partisan treatment. For Model 3, we keep the same setup as in Model 2, but add an interaction term between legislative seats and co-partisan status. Because the distribution of legislative seats generally functions as the prime mover of all other political operations in parliamentary systems, Model 1 first allows us to recover a parsimonious estimate of how changes in the parliament’s balance of power may shape the ministers’ appointment strategies, without paying any attention to the precise causal pathway. With Model 2, we can then hold the distribution of legislative seats constant and focus specifically on the ministers’ inclinations to favor co-partisan appointees. And with Model 3, finally, we can examine whether the ministers’ inclinations to appoint co-partisans might depend on their legislative support. We report coefficients and standard errors in Table 1 and various predicted probabilities in Figures 3-5.

In reviewing the results, we focus our attention on the graphical presentations. Because all of our models include interactions, the individual coefficients are quite cumbersome to interpret and mostly useful for making counterfactual predictions. For reference, the mean observed appointment outcome is 0.019, which means that the baseline appointment probability is about 1.9% per month.<sup>8</sup> Our legislative seats variable is a continuous measure that ranges from 0.29 to 47.56, while the co-partisan variable is a binary indicator that takes the

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<sup>7</sup>We determined the polynomial degree using the Akaike information criterion. Out of the linear, quadratic, cubic, and quartic alternatives, the cubic one proved the best fit.

<sup>8</sup>With some modest assumptions, we can translate this into an annual probability of about 20.5% or a decennial probability of about 89.9%. While we measure the appointment outcome at a quite detailed level of observation, then, the relatively low baseline probability should not be mistaken for rarity; recall that we observe several thousand appointments and that a majority of the parliamentarians in our sample were appointed at least once during their tenure.

Table 1: Appointment Models.

	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>
Legislative Seats	-0.00020 (.00056)	-0.00032 (.00053)	-0.00024 (.00056)
Legislative Seats <sup>2</sup>	-0.00003 (.00002)	-0.00002 (.00002)	-0.00002 (0.0002)
Legislative Seats <sup>3</sup>	.00000 (.00000)	.00000 (0.0000)	.00000 (0.0000)
Executive Co-partisan		.00672 (.00093)	.00054 (.00257)
Executive Co-partisan×Legislative Seats			.00022 (.00008)
Covariates	Yes	Yes	Yes
Legislator FE	Yes	Yes	Yes
Month FE	Yes	Yes	Yes
Estimation	LPM	LPM	LPM
Observations	216 941	216 941	216 941

*Notes.* Robust standard errors clustered by legislator and month in parenthesis.

value of either 0 or 1.<sup>9</sup> All predicted values include 95% confidence intervals. We consider the key results from each model in turn.

In Figure 3, we first present marginal predictions for the distribution of legislative seats, based on the parameter estimates of Model 1. The y-axis shows the probability that a given parliamentarian will earn a commission appointment in a given month, while the x-axis tracks the share of legislative seats held by the parliamentarian’s party. For reference, had the ministers’ appointments been a random draw, then the parliamentarians’ appointment probabilities would render as a straight horizontal line. The substantive implication would be that the parliament’s various parties generally receive commission appointments in perfect

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<sup>9</sup>The Swedish parliament relies on proportional elections with an electoral threshold of 4% to fill its legislative seats, which would normally prevent any seat share below 4% from arising in the data. However, individual parliamentarians sometimes leave their parties and become independents in the middle of a term. While an exceedingly rare occurrence, because these independent parliamentarians only hold 1 out of 349 legislative seats, we have coded them as having a seat share of 0.29.

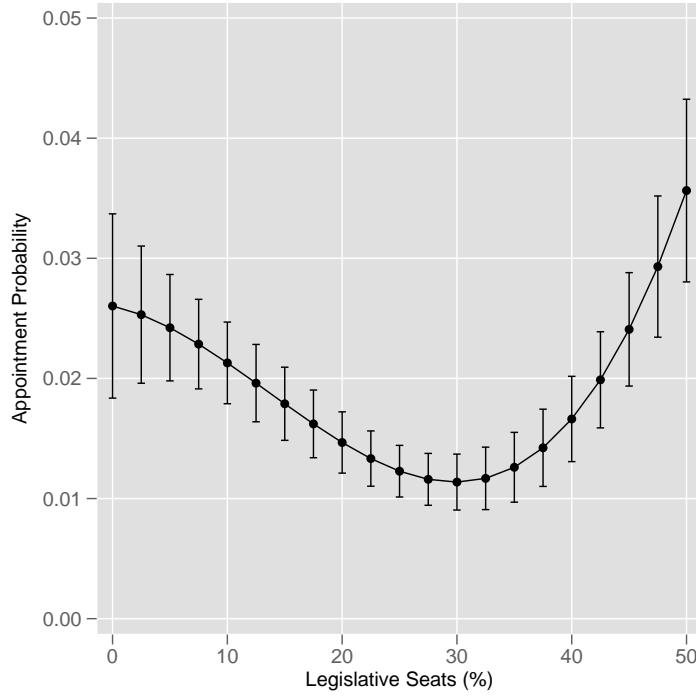


Figure 3: Marginal Predictions of Legislative Seats.

proportion with their seat shares, with no particular advantages or disadvantages arising from being a member of a smaller or larger party. What the graph shows, however, is that the appointment probability generally declines in the lower seat ranges and rises sharply in the upper seat ranges. The substantive implication is that the ministers do not treat all parties equally. While the smaller parties do receive consistent representation in the commission system, they do not generally earn appointments in proportion to their seat shares. Instead, the more legislative seats they secure, the less likely each member becomes to earn an appointment. The larger parties, meanwhile, typically earn appointments at a greater rate than their seat shares would predict, making each member more likely to earn an appointment the more legislative seats they secure. While our sample does not include any actual majority party, the counterfactual predictions strongly imply that, if a majority party were ever to emerge, then their members would be at a significant advantage in terms of appointment outcomes, with the predicted probability continuing its upwards trajectory

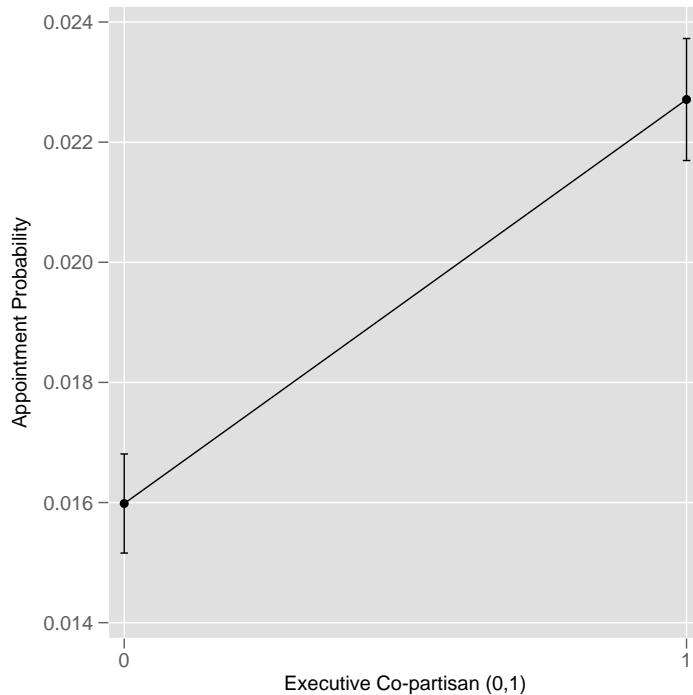


Figure 4: Marginal Predictions of Executive Co-partisan.

well beyond the 50% seat share mark.<sup>10</sup>

In Figure 4, we present marginal predictions for the parliamentarians' executive relations, based on the parameter estimates of Model 2. The y-axis once again shows the probability that a given parliamentarian will earn a commission appointment in a given month, while the x-axis tracks whether the parliamentarian is a member of the ministers' parties (1) or the opposition parties (0). While the seat share predictions offer a bird's eye perspective on how the parliament's internal politics can extend into the executive branch, the fact that the parliament is responsible for appointing the ministers naturally makes the government

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<sup>10</sup>For reference, note that most of the Swedish parties are quite small and typically operate in the seat range of 5-15%. This includes the Centre Party, Christian Democratic Party, Green Party, Leftist Party, Liberal Party, and New Democracy. Then, we have a smaller set of medium-sized parties who typically hold around 15-30% of the seats. This includes the Moderate Party and Sweden Democrats. The upmost seat ranges, finally, have historically belonged exclusively to the Social Democratic Party, who peaked at a 47.6% seat share in 1982.

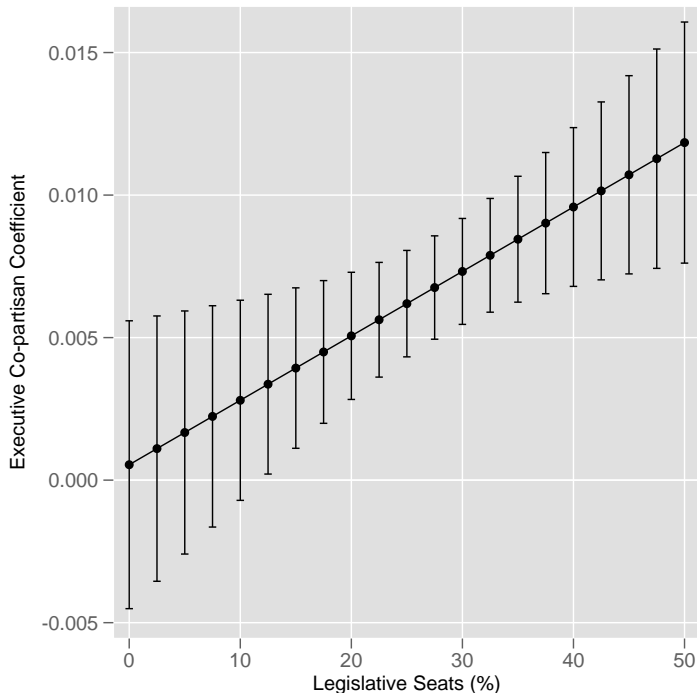


Figure 5: Conditional Effect of Executive Co-partisan.

formation process an especially important consideration in this context. Recall that Model 2 includes the parliamentarians’ legislative seats as a confounder, which means that we now focus on the unique contribution of executive control, independently of any particular seat share distribution. On average, we estimate that the ministers’ co-partisans have a 2.3% chance of earning an appointment while the ministers’ political opponents have a 1.6% chance of earning an appointment, yielding a marginal difference of 0.7%. Put differently, Model 2 implies that members of the ministers’ parties are about 44% more likely to be appointed to a commission than members of the opposition parties, providing clear evidence of partisan sorting.

In Figure 5, we present the executive co-partisan effect conditional on the distribution of legislative seats, based on the parameter estimates of Model 3. The y-axis shows the magnitude of the executive co-partisan coefficient, while the x-axis tracks the parliamentarians’ legislative seats. For reference, had the ministers made their appointments without concern for the parliament’s support, then the coefficient would render as a straight horizontal line.



The substantive implication would be that the ministers always screen and select among their potential appointees in the same way, regardless of the branches' potential unification and division. What the graph shows, however, is that the co-partisan effect grows in magnitude the further up on the seat range that we get. In fact, the ministers' partisan sorting appears to largely evaporate in the lower seat ranges, or at least become so limited in scope that the difference in appointment probabilities is indistinguishable from zero. Once the parliamentarians start approaching majority status, however, their ideological relations with the ministers also become significantly more effective. As can be seen from the rising slope, the coefficient eventually reaches as high as 1.2% at a hypothetical seat share of 50%. In contrast to the average effect estimated from Model 2, then, here we find that the appointment advantage associated with executive control can range from around 0% to 80%. When the parliamentarians lack legislative backing, their ministerial relations appear to confer no notable appointment advantage to speak of. When the parliamentarians align with both the ministers and the parliament at the same time, however, their chances of earning appointments increase quite dramatically.<sup>11</sup>

Overall, the results indicate that the ministers have sufficient discretion to sway the appointment process, but that they also make their decisions in the shadow of the parliament. While the executive co-partisan effect reported in Figure 4 implies that the ministers generally prefer to appoint ideological allies, the conditional relationship reported in Figure 5 implies that they operate under a coalitional constraint. Specifically, ministers with stronger legislative backing generally engage in more partisan sorting, while ministers with weaker legislative backing generally engage in less partisan sorting. Notably, this is also consistent with the results reported in Figure 3, which imply that, if a majority party were ever to emerge, then they would be well on their way to establish sweeping control over both branches. Had the ministers been unencumbered by the parliament's oversight, then it is unclear why they

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<sup>11</sup>Because this is a linear prediction, the co-partisan advantage could of course extend even further as the seat share continues towards 100%. However, as our observed seat share maxes out at 47.6%, we have opted to abstain from making any further extrapolations.

would exercise more restraint when their parties' legislative influence falters and take more liberties when their parties' legislative influence grows. If the ministers were sensitive to the parliament's oversight, on the other hand, then their behavior would follow as a matter of course. We therefore conclude that, despite common claims to the contrary, the ministers do not appear to make their appointments independently of the parliament, but rather in continuous adaptation to the parliament.

## 6 Discussion

On June 21, 2021, Stefan Löfven became the first Swedish prime minister to ever lose a vote of no confidence. Representing the Social Democratic Party, Löfven initially formed his cabinet with tacit approval from the Left Party, who have historically supported the social democrats' claims on the Government Offices against their more conservative contenders. On this one occasion, however, the leftists unexpectedly sided with the right-wing bloc in a motion to oust the social democratic ministers. The source of the Left Party's ire happened to be a newly published policy report on the potential deregulation of the rental housing market, which the Löfven cabinet had commissioned a year prior as part of a logrolling deal with the parliament's more liberal factions. Arguing that it was "difficult to come up with a worse idea"<sup>12</sup>, the Left Party's leaders demanded an immediate denunciation of the commission's investigation, lest they would be forced to revoke their support of the social democrats' reign. Löfven decided to call their hand, countering that the commission provided nothing more than routine policy advice. The response did not impress the Left Party's leaders, who ended the conversation by turning their no-confidence threat into effect. In the end, Löfven lost the vote with a resounding 181 against 109.

The arguments and findings we have presented in this study suggest that anecdotes like those surrounding the Löfven cabinet's ignoble defeat are rare for a reason. We started

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<sup>12</sup><https://www.svt.se/nyheter/inrikes/v-vill-satsa-tva-miljarder-pa-komvux>

from the observation that the executive could in principle use their appointment powers both to advance their own interests as well as to appease their legislative overseers. To unpack the executive’s incentive structure, we then examined five decades’ worth of data from the Swedish government, holding a wide array of background factors constant. The results indicate that the executive both can and do use their personnel prerogatives for partisan gain, but also that they adapt their appointments to the legislature’s support. In the Swedish case, the ministers typically become significantly more aggressive in terms of partisan sorting when backed by a large and robust legislative coalition than when backed by a small and fragile legislative coalition. In other words, the reason why most executives rarely find themselves in the same situation as the Löfven cabinet may not be because of the legislature’s impotence, but rather because successful executives generally make sure to take the legislature’s interests into account from the outset.

Our conclusions build on several literatures. The power of appointment has historically been viewed as the foundation of executive influence and their principal instrument for establishing control over the bureaucracy’s operations. In conjunction with the well-known “ally principle” in general delegation theory (e.g. [Bendor, Glazer and Hammond 2001](#); [Gailmard and Patty 2012](#)), this has led many scholars to proceed under the assumption that the executive may routinely exploit their bureaucratic sway to advance their own policy ambitions at the legislature’s expense. Our findings support this general notion of executive opportunism, but with an important caveat: in Sweden, the ministers also regularly use their personnel prerogatives to empower their political opponents. In fact, while the individual appointment probabilities are generally higher for the ministers’ co-partisans than for the ministers’ political opponents, the total distribution of appointments between the two groups is close to fifty-fifty. If these findings extend generally, then practicing executives may often find themselves facing a significantly larger set of agency problems than the literature on executive politics tends to assume (cf. [Lowande and Rogowski 2021](#)).

On the other hand, while our findings offer a corrective against theories of executive dominance, they also highlight the limits of legislative oversight. Of particular note in

this regard is that Swedish governments usually form as minority governments, making them quite fragile constructions by nature. Given the ministers' general lack of majority status, one could thus argue that this is a case where we should expect the executive to be particularly sensitive to legislative pressures. Yet, even under these rather unfavorable political conditions, the ministers still manage to stack the appointment process to their own advantage, implying that the executive may enjoy a discretionary residual that the legislature cannot contain. While we cannot demonstrate empirically precisely why this residual arises, a classical explanation would be that the legislative majority may usually be too fragmented to muster a response (e.g. [McCubbins, Noll and Weingast 1987](#)), since otherwise they could simply have fired the ministers and formed their own executive. If these findings extend generally, then the legislative majority may only be able to reap the full benefits of executive delegation under relatively unified governments, whereas divided governments may force them to accept some degree of agency loss for lack of a better alternative.

Overall, our results indicate that recent scholarship on interbranch conflict and cooperation is on the right track. Based on the Swedish experience, the executive does appear to have a penchant for bureaucratic opportunism (e.g. [Moe and Howell 1999](#); [Lewis 2008](#); [Kriner and Reeves 2015](#)) and the legislature does appear to have a constraining reach (e.g. [Shipan 2004](#); [Chiou and Rothenberg 2014](#); [Bolton and Thrower 2016](#)). Yet, at the same time, neither branch appears sufficiently powerful to completely escape or dominate the influence of the other. Consequently, the ordinary state of affairs in the realm of appointment politics may be more suitably characterized as an institutional tug-of-war between the branches than as arising from independent unilateral action. By presenting a case study of Sweden, then, we hope to contribute towards a better understanding not only of the peculiarities of the Swedish case, but also of the structure and process of democratic governments more generally.

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