

Paper to be presented at NoPSA Nordic Political Science Congress, Bergen 25-28 June 2024.  
Workshop 7: “The politics of bureaucracy: New perspectives on politics and administration”.  
Chairs: Tobias Bach, Stine Hesstvedt, and Mikael Holmgren.

# **Restraining Politics: The development of a meritocratic appointment system, Norway 1660-2023**

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June 18, 2024

## **Abstract**

This paper studies the development of the norms that guide appointments to top administrative positions in Norway and the way these norms steer recruitments between merit-based criteria and politization. Contemporary Nordic administrations are known to favor merit-based recruitments. This paper maps how key formal regulations of different kinds have been introduced between 1660 and 2023, as well as the key debates that have led to introduction of these regulations, and describes how Norwegian administration gradually has become a merit-based system. Our data show that politicians to a certain degree nevertheless are involved in key appointments. Rather than describing administrative systems as black or white, as politicized or as purely merit-based, we use the case of Norway to develop a more nuanced understanding of the various forms of political interference that are perceived as legitimate, and how these are related to norms of meritocracy. To categorize and qualify the different types of norms unveiled by our qualitative analysis of legal acts, legal annotations, white papers, parliamentary reports and debates, protocols from cabinet meetings, and interview data – and to explain how these become effective in steering administrative appointments and avoiding excessive politization or patronage – we draw on Elinor Ostrom’s theories on the development of regulation of common pool resources.

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## 1. Introduction

The key defining feature of merit-based bureaucracies is that they “select and reward candidates or employees based on their individual merit and hard work rather than for their political connections” (Suzuki & Hur, 2022, p. 1229). Politicized appointments, that is appointments where criteria are political rather than merit based, to top administrative positions are rare in the contemporary Nordic administrative system (Allern, 2012; Christensen et al., 2014; Dahlstrom & Niklasson, 2013; Trangbæk, 2022). Along with other Nordic countries, some Asian countries (e.g., Singapore), and some Anglo-Saxon countries (e.g., Canada), Norway is held up in contrast to countries with administrative systems where political appointments to key administrative positions are the norm, such as in the US (Nistotskaya et al., 2021). Beyond classifications of different types of administrative and recruitment systems, the question of merit versus politicization is key in debates on whether systems are corrupt or not (Meyer-Sahling et al., 2018), and their performance (Fuenzalida & Riccucci, 2019; Lewis, 2008; Oliveira et al., 2024). However, in most countries, including the Nordic ones, the question of appointments is not necessarily black and white, that is, either politicized or merit-based and either based on patronage or competence.

Although the use of political criteria remains limited, interviews with Norwegian ministers over the last six decades show that they do indeed take an interest in and sometimes interfere with such appointments (Askim et al. 2024). The Norwegian system is not void of politization, although it is limited. Rather than dichotomously characterizing systems as either merit-based or politicized, it is useful to ask which norms have guided and now guide the precise forms of political intervention that are perceived as legitimate within each system and what types that are not (cf. Staroňová and Knox, forthcoming).

To answer this question, we describe how formal regulations of the appointment of senior administrators have developed between over time, thus producing the framework for the current system, which is generally described by expert assessment-based comparative studies as highly meritocratic (Cooper, 2021; Kopecky et al., 2016; Nistotskaya et al., 2021). As our analysis shows, however, the legal framework does give political executives important positions in the process of appointments to a large number of senior administrators. That the outcome is still judged as meritocratic, suggests that formal rules beyond ones that give political executives a legitimate position in the decision-making process, for example ones constraining choice and ensuring transparency, check political executives’ opportunities to use their power of appointment to deviate from meritocratic criteria in favor of party politicized

appointments. Additionally, historically rooted and widely shared informal norms may provide additional checks on the executive's use of their power of appointment.

To better describe and understand the norms guiding the power of appointment, we draw on Elinor Ostrom's theoretical perspectives developed in her research on the governance of common-pool resources (Ostrom, 1990, 2005). In addition to facilitating nuance and providing a structure to the description, applying this theoretical framework can help explain why the use of partisan or patronage criteria are restricted despite the lack of wall-to-wall detailed formal regulations.

Empirically, we analyze legal acts, legal annotations, white papers, and secondary historical sources from 1660 to 2023 and map out the historical development of formal regulations governing appointments to key senior administrative positions. To uncover the informal norms that provide additional checks on the power of appointment, we study protocols and detailed minutes from cabinet meetings (1945-1981 [not in this version]) and reports and debates from parliamentary committees tasked with overseeing the executive's appointment practices (1814-2023 [not in this version]). In addition, we utilize data from interviews with Norwegian top civil servants and ministers serving between 1955 and 2021 [not in this version].

Our study takes a broad and exploratory approach, recognizing that there is currently no similar study available. We will analyze any developments in terms of the expansion of rules, increased clarity of rules, changes in rules over time, or the formalization of existing working rules. These aspects will be interpreted and discussed in later sections of our study. In some cases, we propose hypotheses based on our exploratory findings that can be tested in future research.

## **2. A Framework for Studying the Power of Appointment: The Rules of the Game**

Although initially focused on natural resources, Elinor Ostrom's theoretical framework (1990, 2005) has since been expanded to encompass the study of various other shared resources (Poteete, 2015; Cole and McGinnis, 2017). In the context of mass democracy, we view the effectiveness of the executive's power of appointment (i.e., ensuring the presence of a competent and responsive civil service), its legitimacy (i.e., averting perceptions of patronage and clientelism), and its political sustainability (i.e., preventing repeated cycles of retributive politicized appointments following changes in government) as a resource collectively managed by the political parties that take turns in governing. A collective resource to be balanced between political accountability and professional autonomy (Dahlström & Lapuente, 2022).

The power of appointment is a complex phenomenon, and to accurately capture its related practices, norms/working rules, and formal rules, we employ Ostrom's (2005) framework for types of rules utilized in "governing the commons." These include position, boundary, choice, aggregation, information, payoff, and scope rules (the latter will not be further discussed here). Importantly, "rules" encompass both informal working rules (shared norms and conventions) and formal rules.

When it comes to whether or not the degree of formalization of a rule is of interest, we follow Ostrom (2005) in focusing on whether or not a norm, law, or other institution that posit expectations on the behavior of actors, is a rule-in-use (it is known to the actors and being taken into account by the actors when choosing an action), and not just that they are rules-in-form. This allows for the classification of rule type, for the rules that actually matter to governments when making appointments, regardless of their degree of formalization. However, since formalization of norms, for example, in the form of laws, can impact rule adherence, legitimacy, scrutiny, and sanctions (DeHart-Davis et al., 2013), we also pay attention to developments in the degree to which the rules-in-use are formalized.

Furthermore, the degree of shared understanding for a rule also needs to be taken into account, as the government, the bureaucracy, and the parliament need to have a shared understanding of a rule for it to dominate praxis and for violations to be sanctioned against in a predictable way (Ostrom, 2005). Here we distinguish between rules that are contested (by the government or the opposition) and uncontested rules. This is primarily relevant for informal norms and government guidelines, as laws and regulations that has been passed by a qualified majority of the legislative assembly is viewed as uncontested due to their degree of formalization. Informal norms on the other hand leaves room for contestation between the government and the opposition with regard to both the existence and the interpretation of the rules.

The function of *position rules* is to establish the positions that individual and institutional actors may assume in the governance of a shared pool of resources (Ostrom, 2005). In the context of bureaucratic appointments within a parliamentary system of government, the fundamental allocation of positions is determined by the constitution and electoral politics: the ruling government holds the power of appointment, the legislative branch possesses specific legal and political control prerogatives *ex post facto*, and the legal branch may similarly have the authority to conduct legal oversight. Legislation, quasi-legal procedural guidelines, and conventions place more nuanced constraints on the executive's power of appointment. For instance, a space can be defined where the civil service manages recruitment processes without

interference from political superiors (e.g., using civil service boards, see Flinders et al., 2012). Additionally, various clearance, confirmation, or veto points for appointments can be institutionalized, as described under "aggregation rules" below.

The function of *boundary rules* is to define the eligibility criteria for holding a particular position, such as the role of a kingmaker when appointing individuals to prestigious offices, and how such positions may be vacated (Ostrom, 2005). In addition to the boundary rules established by electoral and parliamentary politics, whereby parties and ministers receive and lose the power of appointment, impartiality institutions also play a significant role. Rules and conventions dictate scenarios in which a minister must recuse themselves from the recruitment process, typically due to a personal interest in the outcome of a competition for a public office involving a close friend or ally.

The function of *choice rules* is to outline the actions that individuals in specific positions must, must not, or may take under various circumstances (Ostrom, 2005). Choice rules are highly significant in the context of the power of appointment. They establish the boundaries of what is considered legitimate selection criteria for filling positions (e.g., political acumen, specialized professional training, task-specific expertise, seniority). Choice rules also specify aspects of a candidate's profile that disqualify them from being considered for a bureaucratic position (e.g., personal and political allegiances, views on contentious issues, nationality). Furthermore, choice rules determine which positions can and cannot be filled based on non-merit criteria, such as political affiliations (Kopecký et al., 2012), and under specific conditions, e.g., following a major change in political regime (Meyer-Sahling & Toth, 2020) or in anticipation of certain events or circumstances such as Brexit (Shipton, Whysall, & Abe, 2021).

The function of *aggregation rules* is to determine how many, and which, actors that must participate in a given choice decision (Ostrom, 2005). Aggregation rules significantly shape the power of appointment (Lewis & Waterman, 2013; McCarty, 2004). Confirmation, clearance or veto points for appointments can be institutionalized at various stages of the recruitment process (such as announcing vacancies, ranking applicants, selecting the winning applicant, and authorizing employment; see e.g., Nielsen (2017)) and involve a variety of actors, including:

- Within the executive; e.g., the civil service's own ranking or nominations requiring the minister's approval (Veit & Vedder, 2023), and similarly, the minister's nominations

necessitating approval from the prime minister (PM), the full cabinet, or a cabinet committee (Nielsen, 2017).

- With civil society; e.g., certain government appointment nominations requiring clearance from influential vocational or professional organizations, or the party apparatus of the governing party (Ennser-Jedenastik, 2016).
- With the political opposition; e.g., certain government appointment nominations necessitating clearance from the leader of the opposition (Flo, 2014).

The function of *information rules* is to authorize the channels through which information flows, including assigning obligations, permissions, or restrictions on communication for participants (Ostrom, 2005). When applied to the power of appointment, information rules are closely connected to choice rules. They determine the extent and timing of announcing vacancies and the information that should be provided to potential applicants about a vacancy, e.g., evaluative criteria (Wood et al., 2022). Depending on their specifications, these information rules can either maximize the candidate pool and promote a fair competition or favor certain individuals, such as bureaucratic insiders or allies of the minister, by providing them with informational advantages.

Information rules also intertwine with aggregation rules. They define the bounds of legitimate arguments and points of contention at different clearance points in the appointment decision-making process (e.g., legality, substantive competence, party political considerations) and the manner in which confirmation, clearance, or veto takes place (e.g., openly or discreetly, levels of publicity and formality).

The function of *payoff rules* is to assign rewards or sanctions to actions taken or outcomes achieved (Ostrom, 2005). In the current context, payoff rules are linked to position rules that distribute appointment-related competencies among the various branches of government and among actors within the executive branch. If ministers violate, for instance, position, choice or aggregation rules, they may face political repercussions from the prime minister, such as demotion or dismissal from the cabinet. If formal rules have been violated the legislature may similarly penalize the government (Dahlstrom & Holmgren, 2023), either through political means (e.g., a vote of no confidence) or legal mechanisms (e.g., formal censure or impeachment). Violations of formal choice rules may also lead to ministers facing legal consequences involving the legal system.

In our longitudinal study of the power of appointment in Norway, our expectation is that we will observe the development of laws, quasi-legal regulations, and conventions in all

the rule categories described above. Our study takes a broad and exploratory approach, recognizing that there is currently no similar study available. We will analyze any developments in terms of the expansion of rules, increased clarity of rules, changes in rules over time, or the formalization of existing working rules. These aspects will be interpreted and discussed in later sections of our study. In some cases, we propose hypotheses based on our exploratory findings that can be tested in future research.

### **3. Research Design**

We study the politics of restraint in Norway, focusing on the development of norms surrounding the government's power of bureaucratic appointments since 1660. We employ a qualitative mixed methods design:

1. Firstly, we identify the formal regulations that governed governments discretion to appoint people to the state administration since 1660, then we trace any changes or additions to these regulations up until 2023.
2. Second, we analyze the content of the annual parliamentary treatment of the appointment decisions made in the Council of State (not in this version), seeking to categorize the norms revealed by the discussions and identify critical junctures where new norms or formal regulation are formed (1814-2023). When parliamentary commissions bring up these appointments, and different views are confronted with each other, these may unveil a confrontation between different appointment norms.
3. In addition, we utilize interviews with top bureaucrats and cabinet ministers (1955-2021) to identify the norms of merit and patronage appointments (not in this version).
4. Lastly, we exploit a unique dataset of the protocols of cabinet meetings 1945-1981 (not in this version) to show which appointments have been on the cabinet agenda and which norms the cabinets discussions reveal. When appointments are actually discussed in cabinet meetings, there is reason to investigate whether these discussions are signs of political interference and if yes, of what kind.

### **4. Formal Regulation of the Power of Appointment**

The section presents a longitudinal study of the development of rules, norms, and practices regarding the executive government's power of appointment to non-elected positions in

Norway's state bureaucracy from 1660 to 2023<sup>4</sup>. The presentation will refer to Ostrom's rule categories and is organized in two historical periods. The first is the period from 1660, when absolute power of the monarch becomes the legal starting point for the development of appointment rules in the Kingdom of Denmark-Norway (see Box 1) until the position and aggregation rules are revolutionized by the 1814 Norwegian constitution.

The second period is between 1814 and 2023. The 1814 constitution introduced checks and balances with three branches of government, where Norway's national parliament, the *Storting*, became an important ex-post actor in the scrutiny of appointments. This period also covers the beginning and end of Norway's Monarchical union with Sweden (see Box 1), where the power-struggle between the Parliament and the King is integral to the development of parliamentarianism and parties (both in 1884); the establishment of the cabinet as the center of executive power, independently from the Monarch; and meritocratic appointment norms. The introduction of political parties and parliamentarism came with frequent changes of government, and sparked debates about the use of party-political criteria in the appointment of civil servants. The beginning of the 20th century also saw large developments in the size of the public sector, increasing formalization of appointment norms and a particularly focus on choice and information rules – largely to guard against personal politicization.

Data limitations necessitate that for the first period and the start of the second period, the presentation will focus on formal regulations and secondary literature from archival research of the central administration. The presentation will be richer and based on a larger selection of sources for developments later in the 20<sup>th</sup> Century.

#### Box 1: Norway's road to independence

Denmark-Norway (1524-1814), also known as the Oldenburg Monarchy, was a real union consisting of Denmark, Norway, the Faroe Islands, Iceland, Greenland, the Duchy of Schleswig, and the Duchy of Holstein. The Kingdom's political and economic power emanated from the Danish capital, Copenhagen, especially following the introduction of absolutism in 1660. In 1814, towards the end of the Napoleonic Wars, the Treaty of Kiel decreed that Norway be ceded to Sweden.

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<sup>4</sup>The government also appointed clergy (until the separation of church and state in Norway in 2012), military and political civil servants. We do not consider the rule development for these positions, limiting our scope to administrative and judicial civil servants.



Sweden-Norway (1814-1905), officially the United Kingdoms of Sweden and Norway, was a personal union of the separate kingdoms of Sweden and Norway under a common monarch and common foreign policy. The two states kept separate constitutions, laws, legislatures (S: *Riksdagen*, N: *Stortinget*), administrations, armed forces, and currencies. The kings resided in Stockholm and the Norwegian government was presided over by a cabinet government led by a viceroy or a prime minister. Continuing differences between the two realms led, in 1905, to a unilateral declaration of independence by the Storting and Sweden's acceptance of the union's dissolution.

A 1905 plebiscite confirmed the election of Prince Carl of Denmark as the new king of the independent state of Norway, and he accepted the Storting's offer of the throne and took the regnal name of Haakon VII.

Source: Wikipedia

#### *4.1. 1660-1814: Origins of the Position and Aggregation rules*

During the 17<sup>th</sup> and 18<sup>th</sup> century, the Danish-Norwegian bureaucracy gradually became professionalized, with civil servants (see Box 2) increasingly being recruited from a larger strand of society and having the opportunity to climb the ranks on the basis of the merit of their work, however, top civil servant positions were with few exceptions still the domain of aristocrats (Evju, 2014). The civil servants in Norway remained a homogenous group of men, mostly with Danish origin, throughout this period (Nakken, 2000). They developed into their own strand of society. As an illustration, in 1814, 65 percent of the magistrates (*sorenskrivere*) were sons of a civil servant of the crown (Næss et al., 1991). Moreover, the main change in recruitment background of civil servants in the period was the university where they had conducted their studies, which gradually changing from the University of Copenhagen to the University of Oslo (*Det Kongelige Frederiks Universitet*) after the dissolution of Denmark-Norway.

#### **Box 2: The Norwegian Civil Service System and Civil Servant Rank**

The Norwegian civil service legislation distinguishes between civil servants (*embetsmenn*) and other government employees. The term civil servant coins a person appointed by the Council of State (the King until 1814) to a position in Norway's state civil service (this includes or have included: certain bureaucrats in the ministries, agencies or foreign service; judges; certain military and clergy personnel; ministers and state secretaries; professors). The rank of civil

servant, particularly for those outside of the ministries provide the government employee with stronger constitutional independence from political meddling with their employment (for instance against removal or displacement) than other public employees. Moreover, the constitution strictly outlines the procedure through which they are to be appointed and how these appointments are to be scrutinized. The appointment procedure and rights of other government employees were first put into legislation in 1918 with the government employee act (*Tjenestemannsloven*).

We use the term civil servant to refer to positions with the legal distinction outlined above, within this category we also separate between top or senior civil servants which are at the top of the hierarchy within their organization, and other lower-level civil servants. We label non-civil service status employees as government employees and make the same distinction here between top/senior and lower-level employees. The appointment process for top government employees will typically be the same irrespective of whether the position has a civil servant or government employee status (as we discuss below).

Political power was, since the estate assembly (*Stenderforsamling*) gave up its power to select the king in 1660 and made Denmark-Norway into a hereditary kingdom, in the hand of the King and his council (*Geheimstatsråd*) at the royal court, and access to this was largely class based (Nakken, 2000). Serving as the country's constitution (until 1814 in Norway and 1848 in Denmark), the King's Act (*Kongeloven*) of 1665 gave supreme lawmaking and appointment power to the Danish king and made him second only to God (Danmark-Norge, 1982).

Denmark-Norway's central administration was located in Copenhagen, Denmark; in Norway, the entire administrative apparatus was decentralized. The central administration was by royal instructions divided into a handful of collegial bodies that prepared cases and advised the king on decisions by royal decree (Nakken, 2000). The Danish Chancellery (responsible for justice, church, school and social policy) and the Treasury (responsible for monetary and financial policy) were the key institutions for the governing of Norway. Between 1660 and 1720 there was about 63-85 senior civil service positions tied to these collegial bodies (Dyrvik,

1998). Above the collegial bodies, there existed a council of privy advisors to the monarch<sup>5</sup> (Nakken, 2000). The main developments in the central administration of Denmark-Norway up until its dissolution, was growth in personnel, increased administrative complexity and delegation of decision-making authority to the administration, but appointments stayed with the king (Nakken, 2000).

The local administration in Norway was divided into 10 regions where the county governors (*stiftamtman* or *amtman*) was the most senior civil servants, other important local civil servants appointed by the king included the bailiffs (*fogd*), the magistrates, the highway commissioners (*generalveimester*), the Paymasters (*Zahlkasserer*), the customs commissioners (*generaltolldirektør*) etc. Agencies such as those for customs, roads or mining were usually also specialized on a geographical area and placed at the same hierarchical level as the county governors, being accountable to the central administration in Copenhagen – all civil servants of the crown in these organizations were ultimately appointed by the King (Nakken, 2000). In 1671 four main regions (*stiftamnt*) and 8 sub regions (*amt*) (Nakken, 2000). There were 4 regions until 1814, the number of sub regions increased to 17 by 1815.

The convention was that all appointed bailiffs and most county governors in Norway needed first to have served in the Treasury (Frydenlund, 2014). By convention, the top civil servant (*stiftamtman* or *stattholder*<sup>6</sup>) in Norway's most populous region, Akershus, was recruited from a high standing Danish aristocratic family. Other conventions were to staff regional and local offices with civil servants hailing from or otherwise knowledgeable about the local area and populous (Frydenlund, 2014). The main criteria for important appointments in Norway prior to 1814, was patronage, that is, reward based on presumed personal loyalty and usefulness to the King, combined with class, personal or family standing in the local community, and personal character (Frydenlund, 2014). All top civil servants in Denmark-Norway were directly selected by and responsible only to the king, as formalized in article IV of the King's act:

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<sup>5</sup> This council took different forms throughout the period depending on the will of the King. The main differences were in the people that got a seat at the table, and it's the power and role in decision-making (Nakken, 2000). The cabinet was at times remnant of a ministerial cabinet with the leaders of the central administrative bodies having a seat at the table.

<sup>6</sup> Viceroy

The king shall have supreme power and authority to appoint and dismiss all servants, high and low, whatever name and title they may have, according to his own free will and liking, so that all offices and civil servants, in whatever authority they have, shall have been delegated this power by the king [authors' translation]. (Danmark-Norge, 1982, p. 288)

The King thus was the only actor to formally having a say in the appointment of civil servants and the King's act provided no limitations as to the choices the king could make. The boundary rule for taking up the position was being born as the heir to the crown. There were no formal information rules, but informal praxis that developed over time was that the central administration asked the county governors for advice (information rule) when preparing the list of candidates. Figure 1 visualizes the stages in the primarily unchecked appointment process pre-1814 that contained 3 positions: the King, the council of privy advisors and the central administrative body responsible for the policy area that the appointment sorted under.

### Appointment process 1665-1814

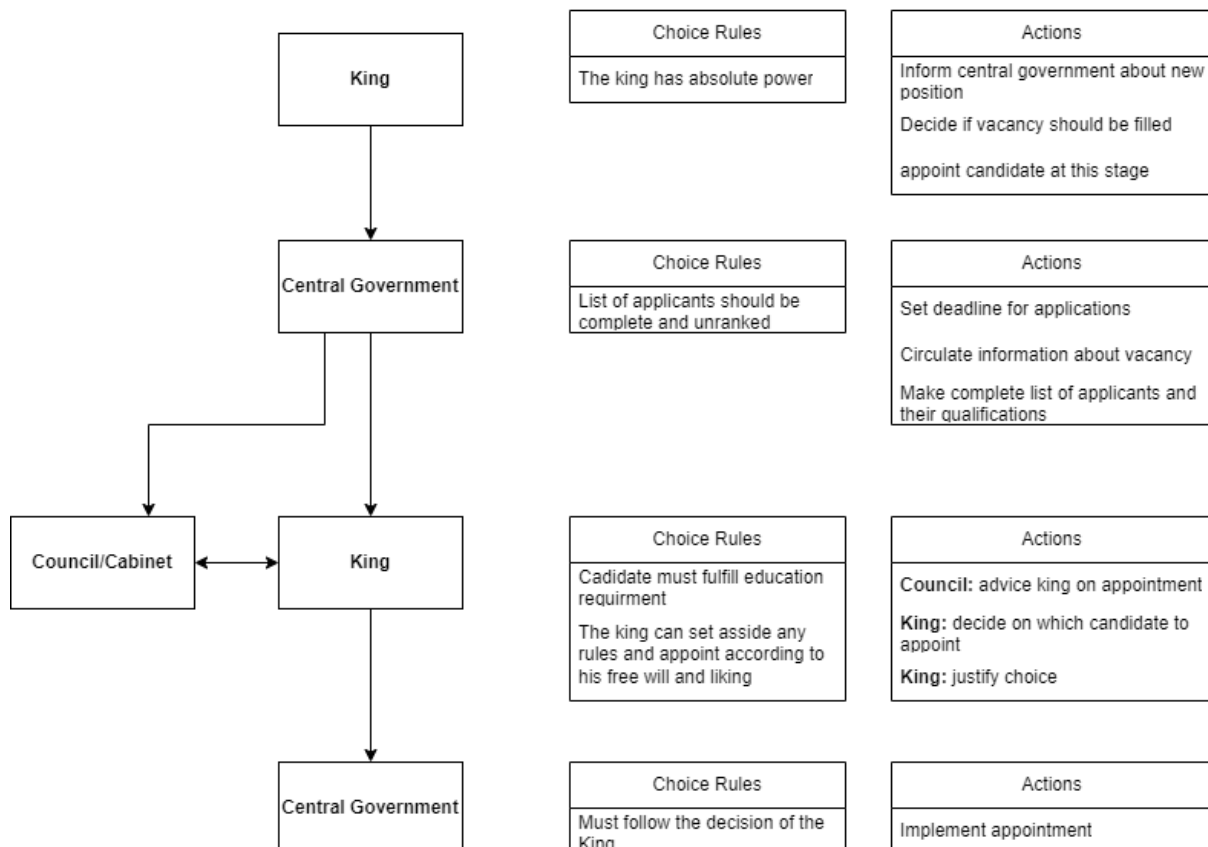


Figure 1. Flowchart of appointment process 1665-1814. Highlighting the choice rules and possible actions that can be taken in each position of the aggregation process.

The aggregation rules start with a county governor or other institution reporting a vacancy or initiatives for new civil service positions being made by the king (who could choose

a candidate to appoint already at this stage). The central administrative body for which the position falls under is then responsible for making the vacancy known and set a deadline for applications. They then receive the applications for the civil service position and process these into an unranked list for the king's personal decision, after being discussed in the council of privy advisors from 1703-1770 or just in the king's cabinet from 1770-1814 (Nakken, 2000). The king then makes a justified decision by royal decree, that is then sent back to the central administration to implement by sending out a royal letter informing of the appointment decision and collect the appointment fee (Nakken, 2000). The king sometimes used the regulation of agencies to name the people that should be appointed to the positions there, such as with the mining agency in the early 1700s (Weidling, 2000). Weidling (2000) notes that in the 1660-1814 period not all civil servants that was supposed to be appointed by the king, was appointed by the king. Less important appointments could occasionally be made at a lower level, in the name of the king (such as by the viceroy or a county governor) (Weidling, 2000). No institution existed to scrutinize the decision of the king.

Between 1665 and 1814 some more specific laws and regulations were passed by the king to condition the choice of the king to for instance only people with a university degree in law for magistrates (1735) and theology for priests. In 1776 the King also passed regulation that demanded that appointees to civil service positions henceforth needed to be born within Denmark-Norway (Nakken, 2000). Similarly informal choice rules regarding having experience from the treasury or a relevant civil service body could be salient, but not necessarily rule bound. There was for instance an expectation that civil servants in the mining agency had mining competence, but no formal educational requirement, even though a 5-year mining science degree was established in Kongsberg, Norway in 1757 (Nagel, 1985). However, under the King's act, the king could set aside any choice rules and make royal patronage appointments, as exemplified by the king's justification to appoint a bailiff in 1734: "By considering our dear sister princess Charlotte Amaliæ's recommendation, We have decided to appoint Henrich Hønne to this vacant bailiff position" [authors' translation] (Nakken, 2000, p. 55).

#### *4.2. 1814-2023: Ex-Post Control and Party-Political Criteria*

The dissolution of the Kingdom of Denmark-Norway in 1814, saw the establishment of Norway as a new and (briefly) independent constitutional democracy. The Napoleonic wars had made difficult the steering of Norway from the central administration in Denmark, so

temporary governments had been installed in Norway at different points between 1807 and 1814, to act in time sensitive matters. The temporary organization of a viceroy and a commission where every member had responsibility for a policy area defined ministry, became the precursor of the cabinet government and central administration that was created in Norway in 1814, that largely kept the decentralized institutions of the Danish-Norwegian state.

There were two main changes to the formal rules regulating appointment of civil servants in 1814, the constitution and the government code (*regjeringsinstruksen*). While parts of these rules have been tweaked since, the position, aggregation, and information rules that they lay out have been cornerstones of how appointments are made and scrutinized ever since. We will now present them in turn, starting with the most important document, the constitution, and the historical context behind its design.

#### 4.2.1. The Constitution

Crown Prince Kristian Fredrik of Denmark-Norway made himself regent of Norway in March 1814 and established a Norwegian government and central administration, predating by 11 weeks the country that the constitution established in May 1814 (Askim et al., 2024). A constitutional assembly consisting of 112 members were elected to meet in the town of Eidsvoll, Norway, tasked with agreeing on a constitution for an independent Norway – something they accomplished between 10 April and 17 May (Steen, 1989).

Civil servants played an important part in the Norwegian state's early years, and the period from 1814-1884 is commonly referred to as the civil service state (*embetsmannsstaten*). A slight majority of the Eidsvoll men were civil servants, and 14 out of the 15 the people elected to the committee responsible for drafting a first draft of a constitution where civil servants (Steen, 1989). Moreover, the second election to the new national parliament in 1818 resulted in 70% of the elected parliamentarians coming from civil service positions. By 1868 this number was down to 24%, but the civil servants were still largely overrepresented on the political side (parliament and cabinet) throughout the 1800s (Kolsrud, 2001).

The constitution constituted a radical change on how the Norwegian state was to be organized, from the ideas of the absolute monarchy of Denmark-Norway, to principles of liberal democracy and a balance of power between the executive, legislative and judicial branches of government. Under the new constitution, top civil servants were not only the king's men, but also servants of the will of the people (Steen, 1967). The constitution transferred lawmaking and budgeting from King to the newly established parliament, but appointment power to the civil service still resided with the King (position rule). The Norwegian parliament

controlling the budget and thus civil service salaries implied, however, that the King now needed parliamentary consent to create new civil service positions in Norway (position rule). The new constitution secured more formal protection against discretionary removal for civil servants and laid out the procedure for appointment (aggregation and information rules). However, the constitution placed limited restrictions on the criteria that the King could legitimately use when selecting and appointing civil servants (choice rule).

The constitution's article 21 is essentially a continuation of the King's act of 1660s article IV which gave the King the final say in all appointment matters, but now in a more nuanced and slightly checked variant:

The King shall choose and appoint, after consultation with his Council of State, all senior civil and military officials. These officials shall have a duty of obedience and allegiance to the Constitution and the King. The Royal Princes and Princesses must not hold senior civil offices. (*The Constitution of the Kingdom of Norway*, 1814, § 21).

This gives the position of the King (meaning the Council of State after 1905) the right to choose who to appoint to civil service positions, but now with a slightly shallower choice pool as the appointment of royal princes and princesses is prohibited. Moreover, it formalizes the aggregation and information rule of the king having to consult his council first, following a procedure that is further laid out in article 28:

Recommendations regarding appointments to senior [civil] official posts and other matters of importance shall be presented in the Council of State by the Member within whose competence they fall, and such matters shall be dealt with by them in accordance with the decision adopted in the Council of State. (*The Constitution of the Kingdom of Norway*, 1814, § 28)

Categorized with the Ostrom framework this provides a two-folded aggregation rule, giving on the one hand the minister with portfolio responsibility for the area that the appointment or matter fall within the right to make the initial proposal (recommendation) on who to appoint and the obligation to implement it. On the other hand, it prescribes the decision on who to appoint to be made by the Council of State. The paragraph regulates only the appointment of "senior official posts" (which is the official translation of what we label as civil servant positions). Whether appointments to other government positions should follow the same procedure depends on the discretionary decision of the responsible minister and cabinet to deem the appointment to the position as a "matter of importance" (choice rule). When the constitution was drafted, most positions of importance had civil service status. However, with

the agencification of the central administration in the latter half of the 20<sup>th</sup> Century, numerous important government employees (e.g., the heads of the tax, welfare, and police administrations) do not have civil service status, and appointment (and dismissal) rules to these positions are thus less formalized (Bach et al., Forthcoming).

A consequence of article 21 and 28 is that the appointment decisions become subject to parliamentary scrutiny *ex post facto* under the information rule of the Constitution's article 75 f. "It devolves upon the Storting: [...] to have submitted to it the records of the Council of State, and all public reports and documents" (*The Constitution of the Kingdom of Norway*, 1814, § 75 f.). As this makes appointments a matter for the parliament to scrutinize, appointments also become subject to the parliament's general information rules such as the government being required "to provide the Storting with all information that is necessary for the proceedings on the matters it submits. No Member of the Council of State may submit incorrect or misleading information to the Storting or its bodies" (*The Constitution of the Kingdom of Norway*, 1814, § 82), and the proceedings of the scrutiny of the appointment being open to the public (*The Constitution of the Kingdom of Norway*, 1814, § 84).

These information rules affect the payoffs governments can achieve from breaking choice or aggregation rules to politicize appointments. The electorate can punish the government based on public criticism from the parliament, and the parliament can sanction the government directly through a censure resolution, impeachment<sup>7</sup>, or (since the introduction of negative parliamentarism in 1884) a vote of no confidence against the responsible minister or the government (*The Constitution of the Kingdom of Norway*, 1814, § 15).

The 1814 Constitution furthermore influenced the payoff for appointments by defining the scope for discretionary removal and displacement of civil servants. Inspired by the Swedish government reform of 1809 (Borgerud et al., 2020), the Constitution's article 22 distinguished between two groups. Officials in the first group "may be dismissed by the King without any prior court judgment, after he has heard the opinion of the Council of State"; this group included the Prime Minister and other Members of the Council of State, state secretaries, senior officials employed in government ministries or in the diplomatic or consular service, the highest-ranking civil officials, and leading military officers. As for the second group: "Other

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<sup>7</sup> Impeachment can be used against the government for "conduct in cases where they have breached their constitutional obligations" (*The Constitution of the Kingdom of Norway*, 1814, § 86).



senior officials may only be suspended by the king, and must then without delay be charged before the Courts, but they may not, except by court judgment, be dismissed nor transferred against their will” (*The Constitution of the Kingdom of Norway*, 1814, § 22). The payoff for appointments is obviously highest for positions that are protected against discretionary removal and displacement by a future government.

During the personal union of Norway and Sweden (1814-1905), the king still served a position with real decision-making power, taking the final decisions on appointments until 1905. After the dissolution of the union, the position of the king has only been a symbolic one in the aggregation of appointment decisions. The main difference between the aggregation rules under the union of Norway and Sweden and after was that the Council of State that finalized the appointments were held in Sweden and not in Norway (Kolsrud, 2001). And that, until 1873 the Kings placeholder was labeled Viceroy and not prime minister, but his functions within the cabinet remained largely similar (Kolsrud, 2001). The Norwegian Cabinet department in Stockholm consisted of a Tabling Office (ekspedisjonskontor) with a director general and civil service staff, two of the cabinet’s ministers and a prime minister (Kolsrud, 2001). The two cabinet ministers stationed in Stockholm, went on rotation for one years at a time (Kolsrud, 2001). This resulted in a lot of shuffling of portfolio responsibility within the cabinet, potentially fortifying against personal politicization and amplifying the common good of the civil service.

#### 4.2.2. The Government Code

The Government Code (*regjeringsinstruksen*) is a bylaw originally given by the regent Kristian Fredrik in March 1814. The Code was amended multiple times during the 19<sup>th</sup> century, but has with few exceptions remained unchanged since 1909 (Kolsrud, 2001). The Code contains important basic position, boundary and aggregation rules, such as the minimum number of ministers (position rule) and that ministers are responsible for and have wide decision competencies over ministerial portfolio albeit with an obligation to put forward matters of high importance to the Council of State (aggregation).

The Government Code is an important supplement to the demand in § 28 of the constitution that all important matters must be decided in the Council of State and thus the cabinet. The Code’s § 5 specifies types of matters that can be resolved by the responsible minister *without* the involvement of the cabinet (appointments of civil servants are *not* listed here), and § 6 determines that all matters where the King’s competencies have not been delegated to other bodies shall be decided in the Council of state following a procedure laid

out in the Code's § 4<sup>8</sup>. In 1961 the Government Code was amended, with a new § 5f adding a narrow provision allowing "Appointments of delegations and envoys, appointments of short duration, and appointments of committees of inquiry" to be decided outside of the Council of State, that is, by individual ministers (position and aggregation rule).

The Government Code contains important articles on the level of detail in the protocols on the government's decisions (information rule)<sup>9</sup>. Dissenting opinions and votes are also to be voiced in these protocols, which are later scrutinized by the parliament. This creates a strategic dimension for decisions to deviate from merit-based criteria for appointments, as the arguments and any dissenting views will be scrutinized by the opposition in parliament *ex-post facto*. This can create incentives for ministers not to deviate from merit, unless they have the entire cabinet backing their decisions – or it may have the opposite effect disincentivizing other ministers to voice their dissent with a deviant appointment as they know that voicing such dissent may be beneficial to the political opposition when the protocols are scrutinized.

In the 1884-1940 period we largely see developments in the informal norms governing civil service appointments – primarily as a consequence of parties and party blocs being formed in the parliament, and the tug of war between the parliament and the King over the control of government ends with parliamentarism being introduced in 1884 and gaining complete acceptance in 1905 (Jacobsen, 1960).

The change to parliamentarism in 1884 resulted in government turnovers moving forward being wholesale government turnovers, where all ministers and their party affiliation changes when a new government is formed. Therefore, new governments often contained a majority of ministers that had never held office before, and they were now increasingly not civil servants of profession themselves, before becoming ministers (Askim et al., 2024; Kolsrud, 2001). This also introduced no-confidence votes as a tool for parliament to remove unwanted ministers or governments (payoff rule). The room for sanctions against misuse of power thus increased, and impeachment has only been used once since 1884 (Kolsrud, 2001). The appointment decisions of governments have never resulted in the formal removal of a

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<sup>8</sup> The Code's § 4 describes the ordinary procedure for the treatment of matters in the cabinet, and how the protocols of the cabinet meetings are to be written down. For example, the ministers prepare cases in the form of a note with proposed alternatives for conclusions.

<sup>9</sup> Until 1925 two different protocols were kept: the protocol on the council of states decisions demanded by the constitution and a resolution protocol over the same decisions (Kolsrud, 2001). In 1925 the two protocol series were merged into just the protocols of the Council of State.

minister or government, but there have been cases where the potential of removal have led ministers to resign – for instance with the resignation of Manuela Ramin-Osmundsen in 2008 after the parliament opened a case against her appointment of the children's ombudsman (*Innst.S.Nr.171 (2007-2008)*).

Article 39 in the *University law* had since 1824 posited that no one could be appointed to a civil service position<sup>10</sup> without appropriate university degree for the civil service position<sup>11</sup> in question (Lov ang. det Kngl. Norske Universitet., 1824). However, this choice rule could be circumvented by the creation of new civil service position titles. An example of this is the appointment of the first Director General of a Ministry Department (*Ekspedisjonssjef*) instead of a Secretary General of a Ministry Department (*Ekspedisjonssekretær*) in 1852. This appointment was made with dissent within the cabinet as Minister Vogt argued that, although the appointee had undisputable qualifications for the positions, he did not have required university degree for the positions – and changing the name of the position should not change the application of the law (*Kongelig resolusjoner nr. 761, 28.5.1852* as cited in Kolsrud, 2001, p. 119).

In 1899 the two positions were merged because of a new wage scheme, keeping only the title of the position without the educational requirement (Kolsrud, 2001). However, in 1939 the university degree requirement for Director Generals of ministry departments (choice rule) but it could now be conditionally deviated from in cases where “special reasons” allowed for it – which in praxis meant any time the most qualified candidate did not fulfill the education requirement (*Lov om utnevning til ekspedisjonssjef*, 1939). In 1990 the law was repealed as higher positions within the ministry did not have a similar education requirement, and the requirement for the other civil service positions were removed when the new University law was implemented in 1990 (NOU 1990:9, 1990).

#### 4.2.3. The Government Employee Act

A major development of the meritocratic bureaucracy at the start of the 20<sup>th</sup> century was the enactment of the Government employee act of 1918 (*tjenestemannsloven*)<sup>12</sup>. The Government

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<sup>10</sup> Such as secretary general of a ministry department, positions at the courts, county governor or professor.

<sup>11</sup> “Universitetets Examen philologico-philosophicum” and one of theology, law, or philology.

<sup>12</sup> The direct citations from the Government employee act or the legal commentary by Bogerud et al. (2020) in this section has been translated from Norwegian to English by the authors.

employee act is enacted by the parliament and regulates the whole state administration. In addition, each administrative unit (*virksomhet*) has their own set of administratively enacted detailed personnel regulations, based on agreements negotiated with the vocational associations. These personnel regulations have a longer history than the Government employee act. The ministries (*regjeringens kontorer*), for example, had their personnel regulation enacted in 1905.

The Government employee act's introduction in 1918 was essentially a response to a long-standing demand by the growing body of non-civil servant government employees (*bestillingsmænd*, later *tjenestemenn*) for legal protection against discretionary dismissal and disciplinary actions – something civil servants (*embetsmenn*) had been granted a century earlier, in the 1814 constitution (Borgerud et al., 2020). During the preparation of the act, the Ministry of Justice acknowledged in a white paper the need in any country to create, by means of formal regulations:

barriers against the abuse of the power that has been placed in the hands of the superiors (...) [and] make the state a *Rechtstaat* also in relation to its own servants. And with the awareness that by doing so, also safeguarded the public interest. It has been observed that the diligence, initiative, and courage to express one's opinions in matters of public service demand that the official also knows that the position is his as long as he does his duty. (Borgerud et al., 2020)

Since 1918, the Government employee act has been revised three times, in 1977, 1983 and 2017 (with numerous additional minor amendments), with each revision expanding the act's scope and level of detail, often by formalizing informal conventions. When highlighting regulations that are central to a meritocratic bureaucracy, next, we depart from the current 2017 version of the act and briefly trace their history back to earlier versions.

A key *position and aggregation rule* in the Government employee act, one introduced already in 1918, is the mandatory inclusion of a collective body in the decision-making on appointments. No appointment is made by a single person alone. Instead, following a nomination of shortlisted applicants by the leader of the unit or section that will recruit a new employee, the matter is transferred to an evaluation committee (*innstillingsråd*) consisting of employer and employee representatives (Government employee act 2017, § 5). A ministry shall have at least one evaluation committee, consisting of its secretary general, i.e., the top administrative officer, the head of the relevant ministerial department, the position's direct superior, and two representatives for the employees (Personnel regulations for the ministries § 3). Next, the appointment decision is made by either the Council of State, the minister, or a

selection committee (*ansettelsesråd*), depending on the character of the position that is to be filled (§ 6). If the selection committee wants to employ a person that was not nominated by the evaluation committee, a supplementary written evaluation of that applicant is mandatory (information rule) (Government employee act 2017 § 6.4).

These rules place checks on individual leaders, be they politicians or bureaucrats, and prevent nepotism, patronage, and corruption. As stated by the government in the legal bill in 1918:

This is a guarantee that everyone who is part of the decision must discuss the choice with others and must explain their reasons if they want to convince others of their opinion. Personal feelings and moods will be pushed back, along with reasons that cannot stand the light of day. (Borgerud et al., 2020).

A boundary rule should be mentioned although it does not come from the Government employee act but rather the Public Administration Act. In a 2022 amendment, the Public Administration Act's long-standing impartiality regulations (§ 6), that require of a public official to recuse themselves if in any way personally involved in the matter at hand, for example an appointment, was made valid for government ministers in their role as heads of a ministry. That means that ministers had to recuse themselves, for example, from any part of a decision-making process where a close friend is one of the applicants (Backer et al., 2023; Prop. 81 L (2021–2022)).

The key choice rule in the Government employee act is the qualification principle:

The best-qualified applicant shall be employed or appointed to a vacant position or office, unless exceptions have been made in law or bylaw. In assessing who is best qualified, emphasis shall be placed on education, experience, and personal suitability, in relation to the qualification requirements set out in the job posting. (Government employee act, 2017, § 3)

This principle was codified in 2017, but although not previously stated in the law, the qualification principle had for several decades been recognized as having legal status (Borgerud et al., 2020). In a 1915 white paper presenting a draft of the first Government employee act, the government stated, with reference to the combined effect of multiple regulations therein, that the objective was to “ensure is that not individual arbitrariness, but rather a substantive discussion among multiple individuals about the qualifications of candidates, forms the basis for any appointment in public service” (Borgerud et al., 2020).

Another key choice rule, introduced in 1983, concerns the dismissal of government employees. The Government employee act lists four legitimate reasons for the organ that made the relevant appointment (position rule) to dismiss a government employee, including a persistent failure to perform one's job<sup>13</sup> and repeated violations of one's professional obligations<sup>14</sup>. A dismissal is a decision that is regulated by Public Administration Act, which has rules about due advance notice and reasons being written (information rules), and the right to contradict and submit complaints. For civil servants, the rules regulating dismissal are stricter, and regulated in the constitution (see above).

A key information rule in the Government employee act is the mandatory public advertisement of vacant positions:

A vacant position or office shall be publicly advertised, unless otherwise provided by law, bylaw, or collective agreement. (Government employee act, 2017, § 4)

This rule was introduced in 1977; the Government employee act of 1918 did not have any rules about the announcement of vacant positions. Before 1977, rules about announcements could be found in individual government entities' personnel regulations. These rules varied, but typically mandated the public announcement of vacancies. Additionally, in 1953, the Prime Minister decided that all higher positions (defined by salary class) should be publicly announced. The Foreign Service are exempted from mandatory public announcements; announcements can be made internally in the Service (Bogerud et al., 2020).

In the 1983 revision, the Government employee act's rule about mandatory public advertisement of vacancies was made valid for civil servants too, not just non-civil servant government employees. This illustrates a general development. While the Government employee act originally was not valid for civil servants, a growing number of its rules have since been made valid for civil servants too. The 2017 act's § 1 states that the law is valid for civil servants "where explicitly stated".

Seen in relation to the qualification principle, an additional information rule (as per the act's annotations) is that a vacancy should be re-announced if the selection committee or the

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<sup>13</sup> "vedvarende mangelfull arbeidsutførelse"

<sup>14</sup> "gjentatte ganger har krenket sine tjenesteplikter"

minister wants to deviate from the qualification requirements stated in the original vacancy announcement (Bogerud et al., 2020).

## Appointment process 2023

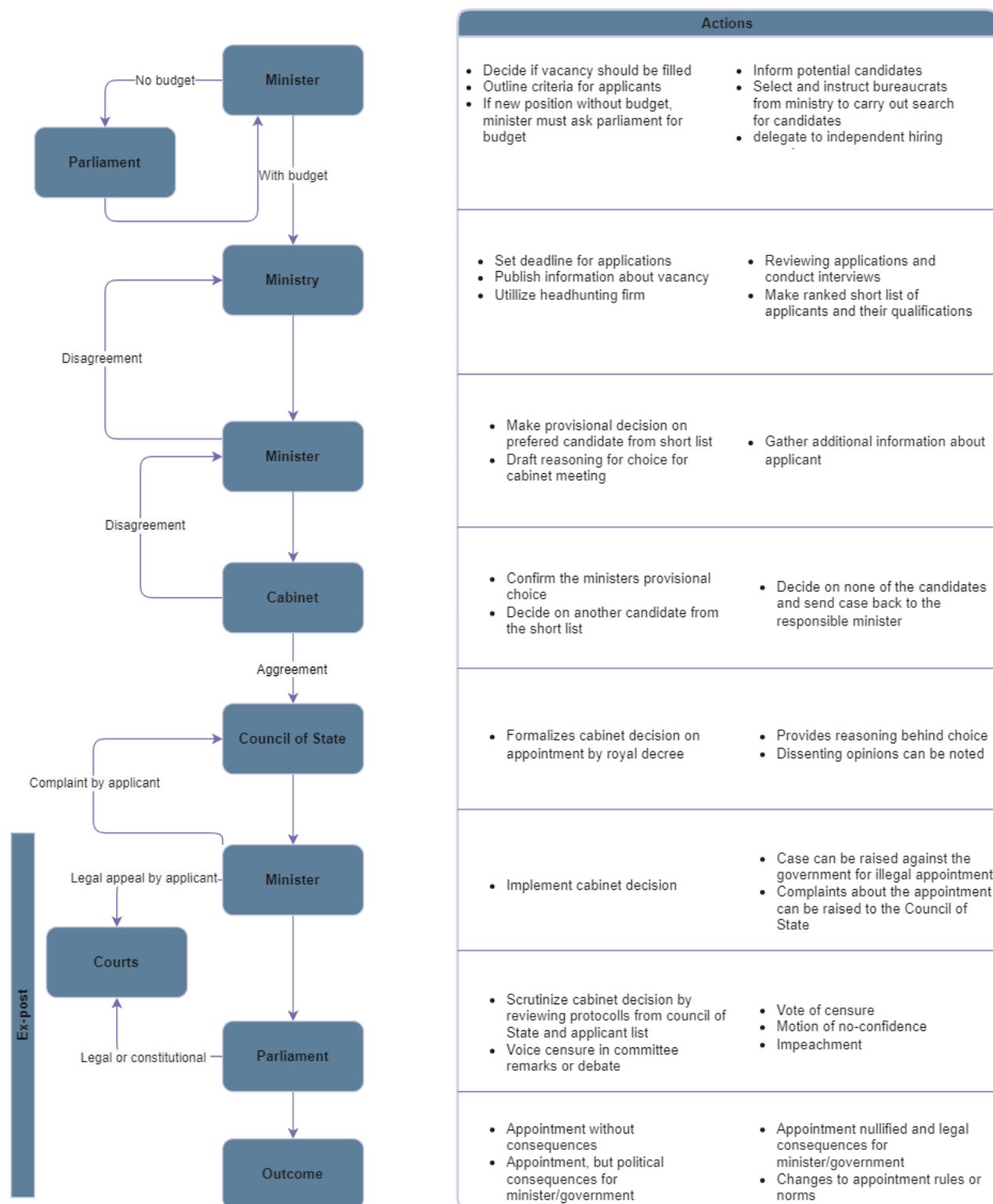


Figure 2. Flowchart of appointment process in 2023. Highlighting the possible actions that can be taken in each position of the aggregation process.

#### 4.2.4. The Current Appointment Process Summarized: Rules, actions and outcomes

Figure 2 visualizes the stages in the appointment process for civil servants per 2023. The figure shows 6 positions (minister, ministry, cabinet, parliament, Council of State, the Courts) in appointment decision-making. [To be expanded on]

### **5. Conclusion and Discussion**

Formal rules and their development over time provide an important starting point for understanding the building blocks of a meritocratic administrative apparatus. Several observations and points can be made on the basis of the case of Norway and its development from an absolute monarchy in the 15<sup>th</sup> century, with unchecked appointment powers in the hands of the king, to the present-day status as one of the world's most meritocratic systems (Nistotskaya et al., 2021).

First, the development of a merit-based bureaucracy is intertwined with the development of the political-administrative system at large. The most critical junction in the “meritocracy in Norway” story was the Constitution of 1814, developed in the brief interim between unions with Denmark and Sweden. The constitution was drafted and enacted by a group of people dominated by civil servants, and that showed: Establishing position, aggregation, and choice rules that protected civil servants from the discretionary dismissal and disciplinary actions by a power hungry (foreign) monarch was a key priority, along, of course, with the establishment of an independent national assembly, the Storting.

The next critical junction, which strengthened party political control over bureaucratic appointments, took place between the 1880s and 1905, with the establishment of political parties, the breakthrough of parliamentarism, and the dissolution of the union with Sweden. After 1905, a cabinet backed by a majority in the parliament, led by a partisan prime minister, became the center of national executive power, including the power over bureaucratic appointments. The Constitution and later the Government Code ensured that civil service appointments were standard items on the cabinet's decision-making agenda, thus opening for political criteria being used in the last stage of recruitment processes.

A further important development, too stretched out in time to be labelled a critical juncture, was the 20<sup>th</sup> century expansion of the state administration and, consequently, a deep change in the composition of the state administration's workforce. These affected position rules



and the payoff of bureaucratic appointments. Civil servants, who as a rule have life-long tenure with a very high constitutional threshold for dismissal or replacement, were up until around 1900 the dominating form of employment. As a result of a combination of the state administration growing and the civil servant status being granted to fewer types of offices, non-civil servant status has since become the dominating form of employment<sup>15</sup>. Heads of government agencies are also increasingly appointed as government employees rather than as civil servants. Although the Government employment act does offer protection against discretionary dismissal, in principle, appointing an “un-dismissible” civil servant gives the appointing government a larger payoff than does appointing a government employee.

The payoff of appointments is also affected by the growing tendency to appoint heads of state agencies on fixed-term contracts. The Government employee act states that “Government employees shall be employed with permanent tenure” (§ 9) but that fixed-term contracts (“åremål”) “may be used in accordance with laws or parliamentary decisions” (§ 10.1) and that “the individual ministry can decide that the head of a subsidiary agency shall be employed on a fixed-term contract” (§ 10.2). The top three layers of administrative leaders in the ministries are still exclusively employed as civil servants with permanent tenure, but since the 1990s, it has become the norm that heads of executive and regulatory agencies are employed on six-year contracts, with the possibility of a single renewal. In principle, the payoff for the government is reduced by appointing, for example, the heads of the tax, migration, or welfare administrations for six years instead of with permanent tenure.

The aggregation rule that appointments to civil servant positions are made by the Council of State, i.e., the cabinet, while government employee appointments are made by individual ministries, does not mean that the selection and appointment of heads of government agencies are off the cabinet’s agenda. As already mentioned, the Council of State shall, as per the constitution, make decisions on all “matters of importance”, and the appointment of heads of important government agencies are by convention considered matters of importance in this respect. Therefore, to this date, the Council of State lead by the monarch, whose business is

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<sup>15</sup> The number of employees in the ministries in Norway increased from 53 in 1815 (Kolsrud, 2001) to 4484 in 2022 (DFØ, 2023), and in the central administration at large from 252 civil servants and an unknown number of government employees in 1812 to 174,203 in 2022 (DFØ, 2023). To avoid overwhelming the Council of State, this growth in personnel necessitated a reduction in the number of positions with civil service status in the post-WWII period (NOU 2023: 21, 2023).

prepared by the cabinet lead by the prime minister, is the body that makes the appointment decision for numerous agency head appointments. Rather than seeing this as an unnecessary or inappropriate politicization, many government agencies see Council of State involvement as a mark of their own status and importance. Over the years, the prime minister and the Prime Minister's Office have occasionally wanted to protect the full cabinet's attention span by delegating, *inter alia*, agency head appointments to the ministries but met resistance from ministries and the relevant government agencies. As a result, paradoxically, the state administration preserves aggregation rules that in principle "politicize" appointments of senior administrative leaders.

The scope that thus exists for party political influence can be seen as paradoxical, given that comparative studies single out Norway as a country where political and personal connections plays a very small role in bureaucratic appointments (Nistotskaya et al., 2021). The use of Ostrom's framework for the governance of common goods however helps us resolve the paradox. Whereas some position and aggregation rules do give room for politicians in appointment processes, their involvement is tightly circumscribed by other types of rules. Important examples are aggregation rules that mandate collective decision making on appointments and after-the-fact parliamentary oversight; choice rules that mandate recruitment based on qualifications; boundary rules that mandate politicians recusing themselves from appointments that can benefit "their own"; and a series of information rules that mandate written legitimation and transparency. Therefore, focusing on position rules alone, for example, may lead an observer to draw wrong conclusions about the state of merit in a bureaucratic apparatus.

Meritocracy and politicization may be easy to define as theoretical concepts, and in theory, it might seem straightforward to draw a line between the two. But even a study of formal regulations, as offered by this version of the paper, shows that a more nuanced approach is necessary.

In future versions, we will add and incorporate a study of informal rules as well, covering, for example, norms and conventions for minister-cabinet and parliamentary-executive relations over bureaucratic appointments. Likely, we will observe "gaps" in the formal regulations that are not "unregulated" but filled out by conventions, that is, shared informal norms. Why do not politicians fill the gaps with more extensive and detailed formal rules? What is the downside of formalizing informal rules that bind them anyway, with breaches being penalized by political means, for example, from the parliamentary opposition? A well-known phenomenon across political systems is an ambivalence in the political

establishment to formalize shared norms, partly because it outsources the payoff game. Unlike informal rules, formal rules allow the legal branch to scrutinize and sanction, for example, the executive's appointment practices. This reluctance is not surprising considering some of Ostrom's general insights:

Instead of presuming that optimal institutional solutions can be designed easily and imposed at low cost by external authorities, I argue that "getting the institutions right" is a difficult, time-consuming, conflict-invoking process. It is a process that requires reliable information about time and place variables as well as a broad repertoire of culturally acceptable rules (Ostrom, 1990, p. 14).

Instead of presuming that the individuals sharing a commons are inevitably caught in a trap from which they cannot escape, I argue that the capacity of individuals to extricate themselves from various types of dilemma situations varies from situation to situation. .... Instead of basing policy on the presumption that the individuals involved are helpless, I wish to learn more from the experience of individuals in field settings (Ostrom, 1990, p. 14).

The phenomenon Ostrom writes about is a common good, and a key presumption of this paper is that keeping bureaucratic appointment praxis meritocratic is something the different political parties see as a common good. The realism of this presumption likely depends on the political situation. In the formative period between the breakthrough of parliamentarism in 1884 and WW2, Norway was governed by a series of short-lived minority governments. Breaching meritocratic principles and politicizing the bureaucracy in this context, would likely have unleashed a negative spiral, with each new government attempting, through nepotism and patronage, to tie the bureaucratic apparatus to their own party-political project, and potentially damaging the bureaucracy's competence and professionalism in the process. In a sense, therefore, the meritocratic system was built on party politics.

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