

## **Constraining the Prince: The Dimensionality and Development of Meritocratic Recruitment**

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### **Abstract**

Research has demonstrated that bureaucratic recruitment based on merit fosters higher government quality than recruitment based on political loyalty and affiliation. In the context of managerial reforms and populism, it is crucial to deepen our understanding of how meritocratic systems are established and maintained. The paper proposes a framework that moves beyond the politicization-merit dichotomy encompassing both substantive and procedural rules that can be applied to the study of the rules governing bureaucratic recruitment systems across and within countries. The usefulness of the framework is demonstrated by a historical study of Norway's bureaucratic recruitment system from 1660 to 2023, untangling the decision-making authority, selection criteria, transparency and oversight components of a meritocratic recruitment system.

Keywords: bureaucratic recruitment, politicization, meritocracy, civil service systems.

### **Introduction**

Meritocratic recruitment is an organizational feature where civil servants are hired based on their individual merits, such as education, knowledge, skills and job-related experience (Nistotskaya et al, 2021, pp. 2-3) and not on political criteria, such as their ideological leanings, political connections, or membership in clientilistic networks (Peters and Pierre, 2004, p. 2; Rothstein & Teorell, 2008, p. 182). Meritocratic recruitment is celebrated for fostering e.g., high government performance (Oliveira et al., 2024), economic growth (Evans & Rauch, 1999) and low corruption (Meyer-Sahling et al., 2018; Charron et al., 2017). But what fosters meritocratic recruitment?

One strand of research on politicized/meritocratic recruitment has focused on the formal legitimization or de-legitimization of non-meritocratic selection criteria (Hustedt & Salomonsen, 2014; Lewis, 2008). Rules that guide selection criteria can be informally circumvented, though (Shefter, 1977; Gajduschek & Staronova 2023; Moreira & Pérez,

2024). Non-meritocratic selection criteria – such as political or personal connections to appointees – can be important when politicians make bureaucratic appointments (Bach & Veit, 2018; Ennser-Jedenastik, 2014; Staronova & Rybar, 2021). Hence, another strand of research has focused on how appointments are made, for example, political actors' involvement and -influence on personnel decisions (Bach et al., 2020; Dahlström & Lapuente, 2017), and how institutions such as legislative approval of candidates limit executive politicians' discretion (Hollibaugh & Rothenberg, 2018; Huber, 2000).

Integrating these two strands of research helps understand how meritocratic recruitment can be developed and how meritocratic conventions can be maintained, e.g., when challenged by populist political leaders (Aucoin, 2012; Meyer-Sahling & Toth, 2020). Drawing on Elinor Ostrom's "rules in use" typology (Ostrom, 1990, 2005), which has been applied beyond its origin in the governance of common-pool resources although not yet to bureaucratic recruitment, this article develops a nuanced, comprehensive framework on the rules underpinning meritocratic recruitment. It encompasses both the substantive "what" and the procedural "how" and acknowledges that meritocratic recruitment is not simply or only about minimizing political involvement. We develop a typology of four types of rules, where one – selection criteria – captures substance, and the remaining three - decision-making authority, transparency and oversight - capture processual components.

Following the exposition of the framework, the article applies it to a condensed historical study of Norway's bureaucratic recruitment system, tracing its development from patronage and clientelism under autocratic rule in the 15<sup>th</sup> Century to world-leading in meritocratic recruitment (Nistotskaya et al., 2021). Thus, in addition to making a theoretic/conceptual contribution, the paper answers calls for longitudinal research of public administration in general (Murdoch et al., 2023) and civil service systems (Raadschelders and Rutgers, 1996) and bureaucratic recruitment in particular (Gajduschek and Staronova 2023: 655).

By using this framework on such a long-term historical case, we show how different components of meritocratic recruitment may be introduced at different times, how the order in which they are introduced matter to their impact, and the significance of relationship between the components: rules on oversight and transparency are likely to impact decision-makers' use of selection rules. This composite understanding of meritocratic recruitment, exemplified by a historical study, allows us both to better grasp what meritocratic recruitment is and how it can be developed and maintained when faced with challenges.

## A framework for studying meritocratic recruitment

Rules are partly a codification of existing “good practices” and partly restraints, rules that assumes that without the threat of exposure and sanctioning, actors would behave differently.

Rule systems structure the interactions of actors and can, despite their immense diversity across “action situations”, be studied rigorously by clustering them into generic rules that provide information about who the actors are and how the situation is structured (Ostrom, 2005). Elinor Ostrom’s “rules in use” typology categorizes rules into seven categories: position, boundary, choice, aggregation, information, payoff and scope (Ostrom, 1990, 2005). While it was originally developed to understand the governance of common-pool resources, the typology has been extrapolated and modified to study a wide range of human interactions (Poteete, 2015; Cole and McGinnis, 2017), although not yet bureaucratic recruitment.

We draw on “rules in use” to build a typology that captures the complex way in which bureaucratic recruitment and political involvement therein are regulated. We distinguish between one substantive aspect of the regulation of bureaucratic recruitment – selection criteria – and three procedural aspects: decision-making authority, transparency and oversight. Table 1 summarizes framework with examples of how different type of rules map on to the different aspects.

Table 1: Meritocratic recruitment: Aspects, rules, and examples

Type	Ostrom rule	Aspect	Description	Keywords	Examples
Substantive	Choice rules	Selection criteria	Obligation to judge and right to be judged on merit criteria.	Merit criteria	Candidate must have a degree Candidate must have passed Civil service entrance examination Candidate must not be an active member of a political party
	Position, boundary, aggregation	Decision-making authority	Which actors must/can (not) be part of the appointment process leading up to the confirmation of the final decision	Political prerogatives Impartiality Two-step process	Decision-makers must not have a familiar tie to a candidate Candidates must be assessed and ranked by a hiring committee before the minister can make the final decision Candidate selection must be confirmed by the legislature
	Information	Transparency	Which actors must/can get (what) information about the appointment process	Vacancy announcements Court of public opinion	All vacancies must be announced publicly The list of candidates must be publicly available Evaluation of candidates must be written and made accessible upon freedom of information requests
	Position, aggregation, information	Oversight	Which actors must/can scrutinize the appointment decision	Peer, legislative and judicial control	Appointment decisions can be appealed to the courts Appointment decisions must be reviewed by the legislature (or an independent body) after the fact

### *Selection criteria*

Substantive selection rules describe which actions decision makers must, must not, or may take when filling a vacancy – a “choice rule” in Ostrom’s typology (Ostrom, 2005). In recruitment situations selection rules generally concerns the competencies or other characteristics required of the candidates to be evaluated or selected. Definitions of meritocratic recruitment often focus on selection rules (Peters and Pierre 2004, p. 2; Rothstein & Teorell, 2008, p. 182; Suzuki & Hur, 2022, p. 1229; Nistotskaya et al, 2021, pp. 2-3). In practice, substantive rules for bureaucratic recruitment are often silent about the illegitimate criteria, highlighting instead the legitimate ones (OECD, 2020, p. 107). Although education, knowledge, skills, and job-related experience are mainstays, what exactly counts as legitimate merit criteria is not always straightforward, especially for the most senior bureaucratic positions (Mangset, 2015; Meer & Dijkstra, 2022). For example, subjective judgement and discretion can be involved in deciding whether political acumen is needed for a specific position, and whether managerial skills and personality traits can outweigh a candidate lacking task-specific expertise (Lewis & Waterman, 2013).

### *Decision-making authority*

Beyond substantive rules that concerns the selection criteria, we point to three categories of rules pertaining to recruitment procedures, and the first of these concerns the question of which actors that legitimately are involved in the recruitment. A recruitment situation has three types of actors with a stake in the outcome: political principals, their opposition, and bureaucrats. Rules for decision-making authority regulate the roles of these groups of actors in the process.

Political principals will primarily be interested in balancing the need for competent and loyal bureaucrats when recruiting, while their political opponents may want to use recruitment situations to strengthen their position vis-à-vis the government to increase the possibility of a change of government or indeed political regime. Democratically elected leaders worry about being punished at the ballot box for the actions of incompetent agents (Lewis, 2008) and in autocracies, incompetent bureaucratic agents can be catalysts for instability and ultimately regime breakdown (Djuve et al., 2020). However, to avoid agents shirking, principals are also incentivized to select agents whose preferences match their own (Epstein & O’Halloran, 1996; McCarty & Meiowitz, 2007). These various interests can be tamed with the help of procedural rules. One of these concerns the regulation of how many

and which actors that take part in the process. The distribution of the authority to influence and make bureaucratic appointments is a procedural factor of great importance for the application of substantive selection rules. In Ostrom's (2005) terminology, decision-making authority is regulated by "position-", "boundary-", and "aggregation rules".

"Position" rules establish the roles that individual and institutional actors may assume in a recruitment process. Fundamental position rules designate who has the ultimate power of appointments and subsidiary rules designate to whom and with which restraints authority is delegated.

Position rules are accompanied with "boundary" rules defining eligibility criteria for holding a role in the decision-making process (Ostrom, 2005). Most systems have impartiality regulations that dictate scenarios in which an official, e.g., a minister, must recuse themselves due to a personal interest in the outcome of, for example, a competition for a bureaucratic position.

Decision-making authority is further regulated by "aggregation rules" which determine which actors that must participate in a decision process for the outcome to be valid (Ostrom, 2005). One such procedural rule that is present in many systems, is to ensure that no recruitment decision shall be taken by one actor alone. As promoted by the OECD: "Multiple people should be involved, and efforts should be taken to strive for a balance of perspectives, particularly with regard to processes that are less standardized and open to subjective interpretation" (OECD, 2020, p. 109). Examples of multiple-step arrangements include the civil service's nomination for an appointment requiring the minister's approval (Veit & Vedder, 2024), the minister's nomination requiring approval from the prime minister or the cabinet (Nielsen, 2017), and the government's nomination requiring legislative approval (Hollibaugh & Rothenberg, 2018; Huber, 2000).

### *Transparency*

Next, procedural rules that promote transparency increase the chance that decision makers apply selection rules in a consistent and fair fashion. Political principals are most likely to forego the incentive to prioritize loyalty over competence if their appointment practices are exposed to scrutiny from what Shefter calls a "constituency" for bureaucratic autonomy. Which actors that make up this informal constituency will be context dependent; it can be incumbent elites, the political opposition, civil service associations, and the public media. The constituency can also "broaden their basis of support by entering into a coalition with

groups that seek through general rules to obtain privileged access to public offices" (Shefter, 1977, p. 413).

Transparency is regulated by what Ostrom (2005) calls "information rules", that is, rules that assign obligations, permissions, or restrictions on communication. In the context of bureaucratic recruitment, information rules determine the extent and timing of announcing vacancies (Wood et al., 2022). Low transparency gives informational advantages to bureaucratic insiders and close allies of the political principal, while high transparency increases the size of the candidate pool and promotes a fair competition; "it helps to ensure that the best person for the job is able to come forward and be considered regardless of their (...) social status, or political affiliation" (OECD, 2020, p. 111)

Transparency is further ensured by information rules mandating the *ex post facto* publication of the government's rationale for selecting one applicant over others. This enables losing applicants and any constituency for bureaucratic autonomy to challenge a decision that seems unfair (OECD, 2020, p. 109). In addition, knowing that the rationale must withstand external scrutiny disincentivizes decision makers from emphasizing illegitimate considerations in the recruitment process.

### *Oversight*

The final aspect of the recruitment system concerns procedural regulation of oversight, related to the recruitment process itself and/or to its aftermath (Lewis & Waterman, 2013; McCarty, 2004). Oversight is facilitated by the combination of position, information, and aggregation rules.

Information rules that secure detailed and timely information about the process can enable peers of the applicants, -of the appointee and -of the nominator to protest should they find the appointment process or -outcome to be illegitimate. Position rules can also assign oversight prerogatives to a dedicated body within the executive branch, such as "The Merit Systems Protection Board" in the United States (OECD, 2020, pp. 113-114; see also Flinders et al., 2012).

Position rules can also assign *ex post facto* oversight powers to actors outside the executive branch. If formal rules have been violated the legislature may penalize the government politically, through a vote of no confidence, or legally, through e.g., formal censure or impeachment (Dahlstrom & Holmgren, 2023). The legal branch can also be assigned power to conduct legal oversight over government appointments and sanction violations of related legislation.

The vigilance and impact of any oversight element will be increased by information rules that ensure detailed insight within and beyond political-legal institutions. Exposure to the court of public opinion puts decision makers at risk of facing media criticism and popular/electoral retribution for illegal or inappropriate recruitment practices.

## **Research Design**

While our framework has great applicability to study the difference between the bureaucratic recruitment systems across countries (and time) and how they correlate to various existing measures of the level of meritocracy and politicization (such as the Quality of Government measure (Nistotskaya et al., 2021)), we choose to conduct an longitudinal study of a single case to examine rule development over time, how different components are introduced at different times and how one type of rule may impact on another.

Expert surveys rank Norway's as one of the world's most meritocratic bureaucracies (Bach et al., 2020; Cooper, 2021; Nistotskaya et al., 2021) although regulations restricting the use of political criteria and emphasizing the use of merit criteria does not differ largely from other countries. Hence, focusing on Norway allows us to go beyond the broad categories of politicized versus meritocratic, and to test whether the more fine-grained categorization developed based on Ostrom is fruitful. With the long timeline we can also analyze the incremental steps from an absolutist regime to the contemporary composite meritocratic state bureaucracy.

We employ a qualitative document study design, bringing together original native historical work sourced from the Norwegian National Library on Norway's and (until 1814) the Kingdom of Denmark-Norway's central bureaucracy. These sources, which are largely atheoretical, cover the formal development of the central administrative apparatus and its bureaucratic positions, as well as informal practices.

The historiography was utilized to identify the relevant formal regulations over time and accompanying legal expositions. The corpus of documents was subsequently analyzed by extracting and coding the formal rules and informal praxis according to our typology of meritocratic recruitment. When classifying rules we follow Ostrom (2005) in focusing on its “aim”, that is the action or outcome addressed by the rule. By focusing on the enactment of formal regulation we capture all developments in how the appointment system is intended to function. A downside of this approach is that formal appointment rules and procedures are not always followed in praxis (Gajduschek & Staronova, 2023; Moreira & Pérez, 2024). To

avoid making the oversimplification of interpreting new formal rules as radical changes (Greenaway, 2004), we also use the historiography, legal expositions and parliamentary debates to understand how appointment system changes developed and when informal practices shifted.

### **Applying the framework: Regulating the Power of Appointment in Norway**

Denmark-Norway (1524-1814) was a real union of Denmark, Norway, the Faroe Islands, Iceland, Greenland, Schleswig and Holstein. Political and economic power was centered in Copenhagen, especially after the introduction of absolutism in 1660 (Nakken, 2000). The kingdom's de facto constitution, the King's Act of 1665, granted supreme lawmaking and appointment decision-making authority to the Danish King. Contemporaneous administrative reforms concentrated state functions in agencies lead by office holders appointed by and subordinate to the King (Dyrvik, 2011). Creating professionalized postal, tax and customs agencies in the mid-17<sup>th</sup> Century implied a move away from the old regime of venal governance where senior official positions was the domain of the noble estate (Andersen, 2024; Dyrvik, 2011; Knudsen & Rothstein, 1994).

#### *Bureaucratic recruitment under absolutist rule, 1660-1814*

Several historians see the emergence of the centralized and absolutist state as an important step to reform bureaucratic recruitment from patrimonialism towards a resemblance of merit (Andersen, 2024; Knudsen & Rothstein, 1994; Grindle 2012, p. 245).

Denmark-Norway's Copenhagen central administration, comprised of a handful of collegial bodies, e.g., the Chancellery, prepared cases and advised the King on decisions made by royal decree (Nakken, 2000). In the Norwegian part of the kingdom, the administration was divided into ten regions, with county governors serving as the highest-ranking senior officials. Other senior officials included bailiffs, magistrates, highway commissioners, paymasters, and customs commissioners. Between 1660 and 1814, a total of 634 senior officials were appointed to government institutions in Norway, i.e., about one every three months (Nakken, 2000).

The main constraint on the Danish king's power of appointment was "political", namely the need to maintain feudal alliances (Dyrvik, 2011; Knudsen & Rothstein, 1994). Grindle similarly identifies hereditary claims to office as a constraint on the executive principal's use of patronage in Prussia, France, Britain and Spain (Grindle 2012, p. 68-70).

Although the recruitment under absolutism had few and non-binding regulations, certain informal conventions emerged. Regarding substantive selection criteria, seniority was frequently emphasized, and the county governor of Norway's most populous region, Akershus, was customarily recruited from the Danish aristocracy. Other county governors, as well as bailiffs, were expected to have served in the Treasury in Copenhagen. Other senior regional and local offices were conventionally staffed with candidates who hailed from or were knowledgeable about the local area. Task-specific expertise was also often emphasized for certain positions, for example, senior offices in Norway's mining agency (Frydenlund, 2014; Nagel, 1985).

In the later stage of absolutist rule, during the 1770s, the King enacted regulations requiring a degree in law for magistrates and a degree in theology for priests. The introduction of these educational requirements has been interpreted as attempts to increase bureaucratic quality and to transform the perception of the regime into that of a *Rechtsstaat* – although not as a sign of the King intending to substantially constrain his power over bureaucratic recruitment (Sandvik, 2018). Similarly, the introduction of educational requirements in Prussia, Japan, and France in the early 1800s has been interpreted as attempts to solve “administrative incompetence” by “ensur[ing] that patronage was adapted to competence” (Grindle, 2012, p. 55). And educational requirements were not binding; the Danish King retained authority under the King's Act to bypass any conventions or codified requirements. Presumed personal loyalty and usefulness to the King remained significant selection criteria throughout the absolutist period (Nakken, 2000, p. 55, Frydenlund, 2014).

No procedural rules were enacted under absolutism, but the convention was for the central administration in Copenhagen to seek advice from county governors before preparing – for the King's discretionary consideration – an unranked list of candidates for a vacancy. Additionally, it was customary for the King to discuss the central administration's nominations with his council of privy advisors or cabinet before making an appointment by royal decree (Nakken, 2000).

#### *The recruitment system established by the 1814 Constitution*

Upon securing independence from Denmark following the Treaty of Kiel, Crown Prince Kristian Fredrik of Denmark-Norway appointed himself regent of Norway in March 1814. He quickly established a Norwegian government and central administration and decreed a Government Code (Askim et al., 2024). The regent also organized popular elections for a constitutional assembly of 112 members, tasking them with drafting a constitution for an

independent Norway, successfully completed on May 17, 1814 (Steen, 1989). The 1814 Constitution transformed the governance of Norway by replacing the principles of the absolute monarchy with a nascent, incomplete liberal democracy. About 40 percent of the male population was enfranchised (senior officials, farm owners, and business owners), and a balance of power was established among the executive branch, the judiciary, and the new national assembly – the Storting.

Later that same year, Norway was forced into Sweden-Norway (1814-1905), a personal union of two realms under a common monarch. In addition to having separate constitutions, the two states maintained separate laws, cabinets, legislatures, administrations, armed forces, and currencies. The government of Norway was presided over by a cabinet led by a viceroy or a prime minister.

Considering the considerable and detailed attention it paid to the civil service, effectively codifying service-wide standards and procedures, Norway's 1814 Constitution can be considered a civil service act – an early one at that in Europe, preceded and inspired by Bavaria's civil service act of 1805 and Sweden's “Regeringsformen” of 1809.

Norway's Constitution regulated both the recruitment of- and job security<sup>1</sup> for senior officials. The constitution did not restrict the substantive criteria the King could use to select senior officials, but significant changes were made on the procedural side. With control over the budget and thus civil service salaries transferred to the legislature (§ 75), the King needed the legislature's consent to create civil service positions – a clear departure from the positional arrangement under absolutism.

Moreover, although the King had the final say, the constitution set two aggregation rules: First, "The King shall choose and appoint, *after consultation with his Council of State*, all civil and military senior officials" (§ 21, emphasis added). Kings usually consulted their close advisors under absolutism as well, but codifying this practice constrained the King's opportunity to act unilaterally. Second, the Constitution codified each minister's right and obligation to nominate appointees: "Recommendations regarding appointments to senior offices and other matters of importance (...) shall be presented in the Council of State by the Member within whose portfolio they fall" (§ 28).

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<sup>1</sup> The 1814 Constitution § 22 distinguished between two groups of senior officials. 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, senior officials employed in government ministries and in the diplomatic or consular service, the highest-ranking civil officials, and leading military officers. By contrast: “Other 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” (§ 22, emphasis added).

Next to what *legislative scrutiny* practices reveal about any political contestation over bureaucratic appointments and the relationship between rules and practices between 1814 and 1884. According to the constitution: "It devolves upon the Storting [...] to be submitted the records of the Council of State" (§ 75). Their codification as a Council of State responsibility thus subjected the executive's bureaucratic appointments to oversight by the new national assembly. Through censure resolutions or by impeaching the responsible minister, the legislature could sanction the executive for any illegitimate bureaucratic appointments. As a result, bureaucratic appointments became part of the power struggle throughout the 1800s between the crown, the cabinet, and the legislature.

Legislative oversight was additionally enabled by a development seen throughout Western Europe in the 1800s: Increased documentation of the workflow in the core executive (Raadschelders & Rutgers, 1996, p. 39). In the case of Norway, the Government Code—the 1814 bylaw previously mentioned – mandated a level of transparency for Council of State proceedings. For example, a requirement that ministers prepared written proposals backed by arguments facilitated legislative scrutiny in addition to exposing ministers to peer control. The code also required that Council of State conclusions and any dissenting votes be recorded in written protocols (Kolsrud, 2001). Knowing that any disagreement would be brought to the legislature's attention created a disincentive for ministers to make nominations tainted by nepotism or clientelism whenever they were uncertain about securing the support of the entire collegium of ministers.

Finally, the Constitution required that legislative scrutiny proceedings be open to the public (§ 84). This allowed bureaucratic appointment practices to be examined by interested parties outside the political institutions.

The Storting gradually developed procedures to scrutinize bureaucratic appointments, with the frequency and level of detail increasing over time<sup>2</sup>. Pre-parliamentary legislative scrutiny accounts display a handful of bones of contention. The dominating one was seniority. This reflected an informal norm; no formal choice rule required that age or tenure length be emphasized. Still, the Storting routinely highlighted instances of the government bypassing the oldest and most experienced applicants. Premature promotions were also

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<sup>2</sup> Beginning in 1854, the Storting required a list of all applicants for senior official positions, along with information about their qualifications. This information was made available to both the legislature and the public through a government white paper, which detailed the list of applicants, the ranking of candidates, and the final appointee for each senior official position (Jacobsen, 1955). Bureaucratic appointments were reviewed once every parliamentary term. When parliamentary terms became annual in 1871, the legislature scheduled an annual review of the previous 12 months' bureaucratic appointments, with the findings and outcomes of their scrutiny published for public access.

repeatedly criticized, with reference to a rule of thumb that a person ought to have served five years in a position before receiving a promotion. A third bone of contention was the King acting unilaterally. Between 1824 and 1848, the Storting repeatedly criticized the King for appointing senior officials outside the Council of State, in breach of the Constitution § 21 (Jakhelln 2021: 306). Relatedly, the legislature routinely highlighted cases where the King's appointments deviated from the ministry's nomination and/or the cabinet majority's view.

Before moving on to developments around 1900, we should highlight the role of the senior officials ("embetmenn") in recognition of the *deliberate human agency* involved in changing the bureaucratic appointments system. Among the 122 representatives in the 1814 constitutional assembly, 57 were senior officials, as were 14 of the 15 representatives on the committee tasked with drafting the constitution (Steen, 1989). Increased job protection and more predictable recruitment and promotion practices were the key advantages Norwegian senior officials gained from the new civil service system – one they essentially designed themselves in the 1814 Constitution and one whose implementation they – due to the revolving door between bureaucratic and political offices (Seip 1963) – could oversee and sanction from their significant representation in the legislature.

Why were Norwegian senior officials so powerful at the start of the 19<sup>th</sup> century? A general explanation, parallelling developments across Europe, was the preceding century's expansion and professionalization of the state bureaucracy (Raadschelders & Rutgers, 1996, pp. 39-43). Under Danish rule, Norwegian senior officials had gradually developed into a distinct social class – men from bourgeois families who could secure advancement based on seniority and typically remained in their positions until retirement (Evju, 2014). The offices were not hereditary, but as captured by historian Seip's (1963) term "one thousand families", many senior officials were the sons or sons-in-law of others in the same organizations (Nakken, 2000; Næss, 1991).

A second explanation is more idiosyncratic. For centuries, the King had been a Dane and when the 1814 Treaty of Kiel marked the end of the Napoleonic wars, it was widely expected that Norway's next King would be Swedish. Protecting Norway's national interest from the arbitrary and self-serving actions of a foreign King was therefore paramount. In the comparatively rare absence of any aristocracy, those who could stand up for Norway's national interest were the senior officials – from their positions in the bureaucracy and in the Storting. The farmers and the middle class, enfranchised alongside senior officials in 1814, "were largely willing to be represented by the embetsmenn" throughout the 19<sup>th</sup> century (Rossvoll, 1966: 61, see also Seip 1963). Strengthening the senior officials' autonomy from

the King essentially became synonymous with the nation's struggle for independence. The constitutional means used to secure this end were substantive barriers against arbitrary dismissals and procedural appointment rules that empowered the Council of State, enhanced transparency, and gave oversight powers to the Storting (Rossvoll, 1966: 62).

Interpreting civil service reforms in the 1800s as engineered by or at least closely aligned with the interests of the incumbent elite is no novelty. For example, it echoes Grindle's interpretation of civil service reforms in Prussia, Britain, Japan, and France, where "the task of reformers was to find ways to co-opt or accommodate traditional elites who claimed rights to [higher] public appointments" (Grindle, 2012, p. 247). See also Shefter's (1977, p. 436) analysis of civil service reforms in Britain in 1870 and Sundell's (2014) analysis of reforms in Sweden.

#### *1884-1905: Democratization and Parliamentarism*

At the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> century, Norway's political governance once again underwent a fundamental transformation. First, a prolonged struggle between the Storting and the King over control of the government culminated in 1884 with the introduction of parliamentarism. Norway's first political parties, the Conservatives and the Liberals, were formed that same year, followed by the Labour Party in 1887. Second, in 1898, general suffrage for men was introduced, followed by limited female suffrage in 1907 and universal suffrage in 1913. Third, in 1905, continued differences between Norway and Sweden prompted the Storting to unilaterally declare independence, leading to Sweden's acceptance of the union's dissolution. A plebiscite confirmed the election of Prince Carl of Denmark as King of an independent Norway; he accepted the Storting's offer and took the regnal name Haakon VII.

This multifaceted democratization significantly changed Norway's bureaucratic appointment system. The political parties were in the driver's seat; the senior officials had to observe from the sidelines. As in 1814, the regulatory changes were procedural rather substantive. First and foremost, the King lost his power over bureaucratic appointments. From 1905 onwards, cabinets formed on partisan lines reached politically binding conclusions in cabinet meetings chaired by the prime minister. While the Council of State remained the body where bureaucratic appointments and other important executive decisions were justified, the substance of any decision was already settled beforehand, in a cabinet meeting (Stang 1971: 15, Askim et al., 2024).

The Council of State's position in the recruitment process had new implications after the introduction of parliamentarism. As long as the government was aligned with the Crown, empowering the Council of State, which in turn gave the legislature oversight capacities, protected the bureaucracy from a potentially self-serving monarch. However, once the executive government depended on the parliamentary majority and cabinets were formed on a partisan basis, the potential misuse of power shifted from personal patronage under the King to political patronage under a party.

Parliamentarism was thus a double-edged sword for the bureaucracy's protection from unpredictable recruitment and at-will dismissal. On the one hand, the bureaucracy was left "unprotected" whenever legislative oversight was disincentivized by the same party controlling both the government and the parliament. On the other, party politics and the position-opposition dynamic invigorated the legislative scrutiny of bureaucratic appointments. More was at stake, since any government had a partisan incentive to politicize bureaucratic appointments. The legislature's oversight power was moreover enhanced by the introduction of the vote of no confidence. Compared to impeachment, this was a far more practical sanctioning instrument to use—or threaten to use—to remove ministers or governments.

Next, what does *legislative scrutiny* practices reveal about the relationship between rules and bureaucratic appointments practices after 1884? In a study of legislative scrutiny in the period 1884–1950, Jacobsen (1955) identified the revolving door between political and bureaucratic offices as the new major bone of contention. Appointing departing ministers and MPs to bureaucratic offices was criticized by the legislature on several grounds: it was self-serving and would anger the public, it would harm recruitment to the civil service and damage the government organizations in question (Jacobsen 1955: 102). For example, following a departing minister's appointment as postmaster of Ålesund in 1892, the Storting's protocols committee unanimously criticized the government for "reducing the quality of the profession" by disrupting the benefits of internal promotion, the carrot that "makes talented and skilled young men endure lowly and poorly paid positions". Legislators denounced the "demoralizing" imagery of "the path to the best-paid bureaucratic positions leading through the political arena". Some also feared that a revolving door would weaken the legislature's control of the executive. MPs seeking a bureaucratic office would "become less upstanding and independent in their actions against a minister or government" (quotes from Jacobsen 1955: 103-107).

What value, if any, should political experience carry in competitions for bureaucratic offices? An illustrative debate in 1930 was provoked by the Liberal government explicitly referring to extensive parliamentary experience as a reason to appoint a long-serving Liberal MP as a regional school inspector. The Storting's protocols committee denounced the appointment as an instance of “political corruption, an abomination, a misuse of government for distributing political reward”. The subsequent plenary debate illustrated an importance difference in opinion. Nobody claimed a departing politician should be barred from consideration for a bureaucratic position but opposition MP Oksvik said that “having been a member of parliament, having been in politics, should not give a man any advantage over others, all else equal”, whereas the Liberal Prime Minister Mowinckel defended the premium value of political experience, saying that “the insights about this assembly’s views on the education system a man will get from numerous years as an MP, must carry very strong weight” (quotes from Jacobsen 1955: 109).

Allegations of political patronage remained common into the 1950s, but culminated in the mid-1930s. Two illustrative examples, both from 1934, involved a Labour MP calling the central administration’s staff register a “member list for the Liberal Party” and an Agrarian Party MP calling into question the reliability of a government proposal because the underlying evidence had been compiled by bureaucrats that were party faithful: “A Liberal government can just sit and push the buttons, and orthodox testimonies spring forth” (quoted in Jacobsen 1955: 110). A third example, from 1937, involved Labour minister Torp echoing Mowinckel’s “premium for politics” position by answering criticism over an appointment as follows: “I do not hide the fact, honest that I am, that as long as their qualifications hold up, [applicants] having their union card in order is a plus” (quoted in Jacobsen 1955: 113).

#### *1918: Subordinates demanding protection*

Following the shift to parliamentarism, the next major development of Norway’s bureaucratic appointments system was the enactment of the Government Employee Act of 1918. In 1884-1905, democratization constituted “shock” that reverberated into the bureaucratic appointment system. This time, the “shock” was accumulated growth in the scope, size, and specialization of the state administration.

The reason why the constitutional writers had not extended protection to staff without senior official status (*bestillings- or statstjenestemenn*) was their perceived irrelevance as of 1814: They “were few and their work was of a purely subordinate nature” (Ministry of Justice, 2017a: 28). At the turn of the 19th century, however, the demography of the state

administration had changed. With the expansion of state activity, the number of “subordinate” government employees had grown considerably (Jakhelln, 2021) and they had developed a sense of common identity, as illustrated by the establishment of the Government Employee Association in 1890.

In 1893 this association requested that the government developed legislation to give their members protection against discretionary dismissal and disciplinary action on par with that enjoyed by senior officials. At first the government declined, citing that, compared to senior officials, government employees were a more heterogenous group whose appropriate work regulations belonged to each organizational unit’s administratively enacted personnel regulations. The Government Employee Association did not relent, though, and gradually won the government and the parliament over to their cause (Ministry of Justice, 2017a). During the preparation of the 1918 act, a Ministry of Justice white paper acknowledged the need in any country to “make the state a *Rechtstaat* also in relation to its own servants”. This would “safeguard the public interest” as “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” (Ministry of Justice, 1915: 25-26).

Alongside providing protection against discretionary dismissal and disciplinary action, the 1918 Government Employee Act regulated the recruitment of government employees. The act did not codify a substantial choice rule, but the government’s 1915 legislative white paper stated that the intended combined effect of multiple provisions in the proposed act 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” (Ministry of Justice, 1915: 33). According to legal scholars, hiring the best qualified applicant has been a non-statutory legal principle at least since the start of the 20<sup>th</sup> century (Borgerud et al. 2020; Bjørnaraa et al. 2000: 205). In the most recent revision of the Government employee Act, in 2017, the so-called qualification principle was codified as § 3 (Ministry of Justice, 2017b):

The best-qualified applicant shall be employed or appointed to a vacant position or office, unless exceptions have been made by 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 described in the job posting.

The recruitment principles codified in the original 1918 version of the Act were all processual. Its position and aggregation rules meant that no appointment could be made by a single person alone; the act mandated separate evaluation and decision steps and the inclusion

of a collective body in one or both steps. As stated in the government's legal bill (Ministry of Justice, 1915: 33):

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.

The act did not fully harmonize recruitment procedures across staff levels. Whereas government employee appointments could be delegated to the ministry level and beyond, the Constitution mandated that senior officials be appointed in the Council of State. The same rule applies today. Given that any Council of State business is prepared in cabinet meetings and subject to parliamentary scrutiny, senior official appointments stand out by being channeled through several heavily politicized decision arenas (more on this below).

Other sides of the recruitment process were regulated by the Government Employee Act in later revisions, often codifying and making service-wide existing conventions. In the first major revision, in 1977, transparency was improved by mandating the public advertisement of vacancies. Prior to this, similar information rules existed in administratively enacted personnel regulations. In the next major revision, in 1983, mandatory public advertisement of vacancies was extended to senior official positions.

Throughout the 20<sup>th</sup> Century, the Constitution's employment regulations have become directly relevant for a gradually smaller fraction of staff, because of overall growth in staff and a decline in the number of positions with senior official status. In the first half of the 20<sup>th</sup> century, the number of civil and military senior officials had grown to levels that required unnecessarily large amounts of time and attention for the Council of State and the cabinet. The senior official status was therefore gradually stripped off, for example, most ranks of military officers, high school lecturers, clergy, and university professors. When classified instead as government employees, their recruitment could be delegated to the administrative level.

In a "politicization of the bureaucracy" perspective, removing scores of appointments from party politicized decision areas promises significant benefits: it should reduce the influence of partisan considerations and increase adherence to meritocracy. Significant resistance has nonetheless emerged and persisted within the civil service itself. For instance, military officers and university professors were notably unenthusiastic about becoming classified as government employees. To this day, there remains a sentiment within the civil service that a senior official status is considerably more prestigious than a government

employee status. The benefits of reduced political interference in their appointments are perceived to be overshadowed by a perceived decrease in job security and prestige.

Relatedly, the heads of directorates and other government agencies do not hold senior official status, allowing for their appointments to be delegated to the ministry level. However, the constitution § 30 mandates that the Council of State must make decisions on all "matters of importance," and appointing the heads of significant government agencies conventionally falls into this category. Rather than viewing the associated cabinet and parliamentary involvement as inappropriate politicization, agencies and parent ministries regard it as a positive emblem of a portfolio's importance. Initiatives from the Prime Minister's Office to keep agency head appointments off the Council of State agenda have therefore repeatedly encountered resistance from both agencies and parent ministries (Ulseth et al. 2023). The paradox that the civil service for decades has endeavored to maintain an aggregation rule that politicizes bureaucratic appointments can therefore be explained by deeply rooted perceptions of prestige.

#### *1967: Impartial decision-making authority*

The most recent twist in the history of Norway's bureaucratic appointments system concerns decision-making authority, more specifically impartiality. Impartiality regulations – boundary rules in Ostrom's (2005) terminology – dictate scenarios in which an actor must recuse their decision-making authority due to a personal interest in the outcome.

Norway's 1967 Public Administration Act (§ 6–9) describes the conditions a government official must fulfil to qualify for involvement in any decision-making process. In addition to absolute grounds for disqualification, e.g., close familiar ties to an interested party, such as an applicant for a position, officials may need to be recused from the entire process if the outcome can "entail any special advantage (...) for anyone with whom he has a close personal association". The act also specifies who determines if someone is impartial and what to do in the case of partiality. A 2022 revision of the Public Administration Act extended impartiality rules from ministers as head of ministries to ministers as members of cabinet (Ministry of Justice, 2022).

Note that impartiality legislation does not directly prevent *partisan* politicization; its contribution to the bureaucratic recruitment system is limited to codifying that nepotism is "a deadly sin" for politicians (Hammerstad 2023). This norm is closely protected, e.g. by civil servants advising their ministers about when to recuse themselves and by prime ministers using informal luncheons to double-check that ministers are impartial in matters planned for

upcoming cabinet meetings (Askim et al. 2024). It is therefore unsurprising that the legislative scrutiny very seldom has caught ministers in crossing the impartiality line in bureaucratic appointments. Two cases have occurred since 2000, one in 2008 and one in 2023, both receiving considerable public attention, and both leading to ministerial resignations.

A review of the annual reports from the Storting's scrutiny of the government's bureaucratic appointments since 1945 shows many years with no remarks, reflecting that the positions whose appointments are delegated from the Council of State to the ministry level are removed from the legislative scrutiny's purview. The dramatic reduction of senior official positions, now only 1% of state administration staff<sup>3</sup>, has left the Storting with only a slim band of leading positions for which to scrutinize appointments, predominantly leaders in ministries, judges, and ambassadors, plus, by convention, important agency head positions.

However, there are also several criticisms that are repeated numerous times, some of which clustering in certain periods, suggesting that the government changed its practices in response to the Storting's criticism. One topic of criticism is deviance from what the Storting considers due process. One example, where criticism clustered in the late 1950s/early 1960s, is the government making too many temporary/acting appointments, to the detriment of permanent tenure. Another example is the government's appointments deviating from the ministry's nomination (especially 1960s). In the mid-1990s, the Storting criticized the government for encouraging individuals to apply for positions.

A second topic of criticism, prevalent between the mid-1970s and the mid-2000s, concerned insufficient representation. The government was first and foremost criticized for appointing too few women, but intermittently also for appointing too few persons from non-urban areas and too few with a professional background from the private sector.

A third topic of criticism, prevalent since around 2000, is information deficit for the Storting. The government has repeatedly been criticized for not submitting to the Storting complete information about the list of applicants, job postings and the evaluation of applicants.

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<sup>3</sup> In 2022, of out of 174,203 staff in the state administration, only 1,823 (1.05%) had senior official status. The largest groups were leaders in the ministries (n=744), judges (n=646) and ambassadors (n=87) (DFØ, 2023, Ulseth et al., 2023: 43-44).

## *Summary*

Norway's path from unchecked appointment powers in the hands of the king in the 15<sup>th</sup> century to the present-day status as one of the world's most meritocratic systems can be summarized in five steps. Step one, starting in the 1660s, closely resembles a comparatively well-rehearsed centralization of power story. This resulted in some semblance of coherent recruitment but not by any stretch a career civil service system, and the constraints on the king's power were few and weak. Bureaucratic recruitment was essentially a token in power relations between the Danish King and the Danish gentry. Hence, in Table 2, we categorize the meritocratic recruitment constraints as low for all four aspects of the recruitment system in 1660.

Table 2. Formal meritocratic constraints in Norway's bureaucratic recruitment system

Aspect	1660	1814	1884	1918	1960	2023
Selection Criteria	Low	Medium				High
Decision-making authority	Low	Medium				
Transparency	Low	High				Medium
Oversight	Low	Medium	High			

In step two, starting in 1814 with Norway's Constitution, bureaucratic recruitment instead became a token in power relations between the Swedish King and Norway's senior officials. The latter were partly protective of their own power and partly champions of the Norway's autonomy. Although bureaucratic recruitment in this period can be seen to reflect a common story of incumbent elites protecting their own interests (Grindle, 2012; Shefter, 1977), one twist was that Norway, unlike a host of comparable countries, lacked anything resembling an aristocratic elite. The elite that protected their own power were therefore the top bureaucrats themselves; bureaucratic positions were their power base. As a second twist, due to idiosyncrasies of Norway's political history, the Constitution laced Norway's bureaucratic recruitment with crucial checks – transparency and oversight elements – of lasting importance for the legislature vis-à-vis the executive. We categorize the transparency aspect to represent a high meritocratic constraint on the executive's recruitment power already in 1814 in Table 2. The remaining three aspects are categorized as constraints of medium strength at this stage of the time frame.

Steps three and four occurred around the start of the 20<sup>th</sup> century. Norway's path to a meritocratic system sped up in 1884, when the introduction of parliamentarism transformed bureaucratic recruitment into a token in the power relations between the partisan position and

the partisan opposition. Party politicization promoted meritocratic recruitment in that the opposition frequently used breaches of seniority and other meritocratic recruitment principles as ammunition to criticize the government. We categorize the oversight aspect to represent a high meritocratic constraint on the executive's recruitment power in 1884 (see Table 2).

Next, in 1918, a career system with permanence and meritocratic recruitment was made service-wide, encompassing clerical and menial classes of employment alongside the top layer of senior officials. The latter losing their monopoly on these privileges was caused by universal franchise creating of a vast coalition for progressivism (Shefter 1977, pp. 412-413) and by accumulated growth and demographic change in the state administration. This did not alter the strength- but extended the reach of meritocratic constraints on the executive's recruitment power.

The final and admittedly smaller step occurred in the 1960s, coinciding with the strengthening of anti-elitist attitudes and the end of three decades of social democratic political dominance. What stands out in this period, was impartiality regulations adding new constraints on political principals' ability to use civil service and other government positions at-will, with impartiality regulations directly targeting nepotism but indirectly also targeting party politicization. Generally, any "coalition" supporting free reign for political principals to enjoy the spoils of the power of appointment evaporated in this period. The potency of impartiality regulations was strengthened by contemporaneous events that fall outside our scope, namely freedom of information legislation and the end of partisan media, which empowered more aggressive media oversight.

The codification of the qualification principle means that the selection criteria aspect represents a high formal meritocratic constraint on executive power in 2023. Meanwhile, transparency has declined through the gradual diminishment of the senior official category of employment, to which the legislature's scrutiny is limited. Moreover, a revised information rule has reduced the wider transparency of government appointments. In 2007, the Storting ended the 153-year practice of publishing white papers detailing applicants and rankings for senior appointments, arguing that public interest lay in understanding overall employment composition rather than individual appointments (Innst. S. nr. 111 (2006-2007)). According to the parliament, what mattered was that it had access to detailed information to scrutinize appointments. This decrease in transparency provides more room for political interference in appointments as the parliament's ability to scrutinize appointments and make political interference visible to the wider society is contingent on the size and existence of a parliamentary opposition.

## Concluding Discussion

The question posed in the introduction concerned how to build and maintain a meritocratic recruitment system. Admittedly, we do not have data on how meritocratic Norway's recruitment system has been in absolute or relative terms at different points in time through the history; it is only for the very recent years comparative expert surveys have facilitated absolute and comparative assessments. While we have comprehensively addressed when and how the executive's at-will power was been constrained, it is difficult to answer when Norway's bureaucratic recruitment system became meritocratic. Based on when the legislature's complaints about political patronage fizzled out, our estimation is that Norwegian governments essentially stopped emphasizing political experience and political connections for bureaucratic positions in the first two decades after WWII. Why? In addition to formal regulation and political scrutiny, we can speculate that de-politicization was caused by the supply-side. By this time, the public sector had grown considerably, enlarging the talent/recruitment pool in the public sector.

The story is this not only about the influence of formal regulations. We have used the enactment of formal regulations to structure the story, but also shown how informal norms have played in, most of all by our paying attention to legislative scrutiny. The legislature criticizes deviance from what they consider informal norms along with deviance from formal norms. For example, ideas about what the substantial choice rules ought to be, has through the whole history been a staple issue, despite there not being any formal rule until 2017. And likewise, the legislature has discussed whether political experience and party affiliation are and should be choice rules even if no rule allowing or prohibiting it has ever been enacted in Norway.

### *The merit/politicization dichotomy revisited*

In the introduction, we alluded to definitions of meritocratic recruitment that emphasized selecting bureaucrats "based on their individual merit and hard work rather than for their political connections" (Suzuki & Hur, 2022, p. 1229). Similarly, other commonly cited definitions distinguish between recruitment based on merit and recruitment based on "political criteria" (Peters & Pierre, 2004, p. 2) or "political connections and/or being a member of clientelistic networks" (Rothstein & Teorell, 2008, p. 182). These definitions echo Max Weber's interpretation of meritocratic recruitment, which he considered a defining trait of the ideal-type bureaucracy, distinct from systems with significant political interference

(Sager & Rosser, 2021; Weber, 1947). Weber's ideal model outlines selection criteria that, if adhered to, would yield a meritocratic bureaucracy, regardless of who made the decision or what information different actors had about the candidates. In a Weberian bureaucracy, appointments should be based on the bureaucrats' specialized qualifications, age/seniority, and performance, according to the judgment of their superiors (Sager & Rosser, 2021).

We have no objection to defining merit and politicization in terms of selection criteria. It is obviously helpful to distinguish systems with different levels of meritocratic recruitment, with the help of observational (e.g. share of former politicians) or perceptual data (e.g. expert surveys). However, to understand how a meritocratic system has been and can be developed—and potentially come under threat—it is essential to look beyond substantive selection rules. Such rules are just one of several elements of a meritocratic recruitment system. As noted by Gajduschek & Staronova (2023) and Moreira & Pérez (2024), appropriate selection rules do limit self-interested executive interference, but only insofar as they are upheld by institutions that prevent their circumvention.

The Norwegian experience highlights that the procedural elements of a recruitment system—decision-making authority, transparency, and oversight—can go a long way towards producing what we today recognize as a meritocratic recruitment system. In Norway, recruitment practices moved away from patronage long before any substantial selection rules were codified. Procedural position and aggregation rules gradually limited the king's authority, shifting decision-making authority to the cabinet and the legislature. Transparency and oversight were additionally enhanced with the introduction of information rules. As peer, legislative, judicial, and public oversight became possible, the recruitment practices of the monarchy, and later of partisan governments, naturally evolved to align with the expectations of the “coalition for bureaucratic autonomy” populated by the bureaucratic elite and later by political parties, the electorate, and rank-and-file government staff. This coalition favored seniority and other forms of merit over patronage and clientelism. By the time a substantial selection rule was codified, towards the tail end of this 350-year history, it served only to formalize and secure an already established practice.

How does this relate to threats against meritocratic recruitment? It is crucial for civil society to actively monitor and address appointments that diverge from meritocratic standards. However, a potential scenario is that significant threats to meritocratic recruitment may arise specifically within the areas of decision-making authority, transparency, and oversight. Any decrease in transparency or removal of checks and veto points could signal

that political executives intend to exert greater control over bureaucratic appointments. This could allow them to gradually and unobservedly shift away from meritocratic practices.

Finally, a call for future comparative research. To broaden understanding of how different constellations of rules across the four aspects of bureaucratic recruitment (selection criteria, decision-making authority, transparency, and oversight) produce varying levels of politicization, future research could apply the framework to multiple countries. This allows for a comparison of how rule constellation correlate with different levels of politicization and meritocratic recruitment on existing measures of meritocracy and politicization – such as the Quality of Government measure (Nistotskaya et al., 2021). Another potential avenue for application is to connect data on different recruitment rule constellations in one or multiple countries with behavioral data to see how politicians and bureaucrats act under different recruitment systems. This could either comprise studies on how recruitment systems change along the different dimensions and who the driving actors for reform are; Or how political principals behavior changes when different aspects of the recruitment system change due to the introduction of new rules.

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