



## Constitutional history

Local and regional assemblies are documented across Northern Europe in olden times. Traces can be found in present Sweden, as well as in other parts of Scandinavia and England, Scotland, Ireland, the Isle of Man, the Hebrides, the Shetland and Orkney Islands.

Recent archeological research, for example by Alexandra Sanmark, is based on a rich and rather consistent material.

These "Things" were held in the open air at specific locations and at regular intervals. Participants were free, landowning men.

It was the task of the Thing to settle disputes, to pass sentence on law-breakers, and not least to elect kings. Proceedings were public and oral.

By the 13th century laws were codified and written down in provincial laws. One of these provincial laws contains a Swedish version of the principle of the rule of law, also found in other contemporary sources: "On Law shall the Land be built".

The growing power of the king led to increasing conflicts with the rich and powerful magnates.

A deal was reached in the 1280s.

Signed on an island in lake Mälaren this charter granted the magnates certain privileges, making them into a nobility of the type common in other parts of Europe at the time. In return, the magnates swore loyalty to the crown.

The common interest was to preserve peace and security.

By the 13th century the realm of Sweden began to take form. National laws replaced the provincial laws.

The king strengthened his authority but royal power was dependent on the approval of the people, represented by the provincial assemblies.

When elected the new king swore an oath, promising to protect the people.

After being elected at the assembly of Mora near modern Uppsala the king had to travel from one province to another, according a procedure laid out in the National law.

In Swedish this journey was called Eriksgata. "Erik" meant allmighty and "gata" is still the Swedish word for street.

Only after having completed this journey, earning the approval of the provincial assemblies, the king was duly installed.

Even during the late medieval period, marked by the growing power of the king, the nobility and the church, local assemblies were able to maintain a certain autonomy and the right to exercise a certain amount of local jurisdiction.

Local parish meetings could decide on issues relating to church buildings, schools and care of the poor.

The self-government of cities followed the same pattern as in other countries, such as Denmark, Germany and England. Burghers convened in city councils and elected mayors and other local positions.

As in the rest of Europe royal power was on the rise. Sweden became a hereditary monarchy in 1544.

Although the foundations of royal power became increasingly stable, the king was not an absolute monarch. The support of the magnates was vital to the status of the sovereign. Bishops and the nobility were able to exercise influence through "Riksrådet", The Council of the Realm, similar to the Privy Council.

The catholic church had been an influential challenger to the power of the king. With the protestant reformation the situation changed dramatically. The state increased its power in two ways. Firstly, the property and wealth of the catholic church was confiscated by the state. Secondly, the establishment of a state church system meant that a powerful rival was turned into an allied clergy connected to the state.

By the 16th century Sweden had developed a national parliament, representing the powerful groups from all parts of the territory. But Sweden differed from the three-estate system, common in other parts of Europe. The Swedish parliament (The Estates of the Realm, Rikens Ständer, also known as The Riksdag), not only consisted of nobility, clergy and burghers, but also peasants.

The political power of the peasants has been explained by Sweden's particular geography. The historian Erik Lönnroth has stressed the importance of factors

such as the vast extent of the country, the sparse network of communications, and the long distances between the king's castles. In a country covered with dense forests the peasants could escape the royal bailiffs by vanishing into the woods. But the state needed the peasants to pay taxes and contribute to the armed forces. The opinion of the peasants could not be ignored. Their representatives formed a fourth estate.

The power of the king rose as Sweden developed into a European great power. The wars were costly and increased the demand for tax revenue. But the Estates were still in a powerful position as parliamentary consent was needed to levy new taxes. The first Riksdag Act in 1617 confirmed that Parliament had by now become institutionalized. For example, standing committees became influential arenas of deliberation.

At the time of the death of king Gustavus Adolphus in 1632 his daughter Christina was only a child.

Executive power was transferred into the hands of The Council, particularly its powerful chancellor, count Axel Oxenstierna.

His instructions for the administration of the state, The Instrument of Government (regeringsformen) in 1634, is considered to be Sweden's first constitution.

The legacy of Oxenstierna is still visible in the organizational structure of the Swedish state.

He designed an administration which proved to be both efficient and durable.

The territory was divided into counties, each headed by a governor accountable to the crown.

Courts of law and a strong central state administration were established. Several of the public agencies set up in the 17th century still exist today.

Eventually Sweden lost its great power status. The death of the king in 1718 meant that royal power was weakened. The next half-century turned into something of a constitutional experiment. The Age of Liberty has been called the age of the rule of the Estates.

At a single stroke Sweden was transformed into a pioneer among European countries. The Swedish polity in the Age of Liberty was a new system involving early variants of a party system, parliamentary government, and freedom of expression.

The party system of the Age of Liberty was not like the political parties of today, with national electoral organisations. The labels Hats and Caps referred mainly to parliamentary clubs, more or less loosely bound together by shared views. However, this division was to be the nucleus for the formation of political parties and led to more intense divergences of opinion in parliament and in the wider public debate.

The Estates were able to remove a Councillor from his office. The idea that the holders of the executive power are politically dependent on the parliamentary assembly, which is the defining characteristic of parliamentary government, had for all practical purposes become reality.

The eighteenth century witnessed the development of a flourishing culture of periodicals and pamphlets. The Freedom of the Press Act in 1766 was of major significance here. The Act was made a fundamental law, which is to say that it was given constitutional status. Among its provisions was a ban on censorship and a rule that the official documents of public authorities should be available to the public.

However, these experiments in parliamentary government during the Age of Liberty produced mixed results. Corruption and bribery became common elements of parliamentary life. Finally, the pendulum swung back. A period of royal autocracy was to follow.

With the loss of Finland in 1809 Sweden faced a political crisis. After the king was deposed by a coup d'état the constitutional crisis became acute. Parliament seized the initiative. It made a clear choice: constitution first, king later. After intense discussion and several drafts a new constitution was enacted in June, 1809.

The fundamental principle in the Instrument of Government was the concept of the separation of powers which was by then common throughout Europe. However, domestic experience also left profound marks on the new constitution. Executive power was vested in the monarch. Legislative power was divided between the Crown and the Riksdag; both were given the power to initiate and to veto legislative matters. The Riksdag alone, however, had the power to determine taxation. A novel feature of the 1809 constitution was that parliamentary institutions were established to exercise scrutiny and control over government. The supreme court was likewise strengthened.

The Instrument of Government was soon to be supplemented by other fundamental laws: The Riksdag Act, The Act of Succession, and the Freedom of the Press Act.

Constitutional monarchy was typical for 19th century Europe. In a historical perspective this was the transitional stage between absolute monarchy and democracy. The king retained some of his powers but these were limited by constitutional rules.

A local government reform in 1862 found a practical and lasting solution to the conflict between central government and local municipalities.

On the one hand the local councils were granted a rather extensive area of authority and a free hand in raising taxation.

On the other, the state was empowered to act against local councils that overstepped their area of competence, mainly by means of intervention after the event.

Despite repeated attempts at reform it would not be until 1866 that the Riksdag of the Four Estates was abolished and replaced by a bicameral legislature.

Representation on a corporate basis thus gave way to the representation of the individual. Nevertheless the franchise to the new Riksdag remained very restrictive.

According to the 1809 constitution the role of the minister was to inform, advise and carry out the king's wishes.

The growth of opposition to royal power meant that the role of the minister was strengthened.

The chancery boards were transformed into ministries by a reform in 1840. The king's advisers thus became head of government departments and this gave them a stronger power base.

The post of Prime Minister ("statsminister") was introduced in 1876.

Conflicts between the king and his ministers were to become increasingly acute and reached its height in the struggle for parliamentary government.

The issue at stake was whether the Government was accountable to the monarch or to the Riksdag. For all practical purposes the power of the monarch over the government of the realm dissolved as the idea of parliamentary government gained ground at the beginning of the twentieth century, finally to triumph in 1917. The wording of the constitution, however, was to continue to refer to the sole rule of the king for another fifty years.

In Sweden the struggle for universal and equal suffrage was to be a long one.

The franchise and eligibility conditions established by the parliamentary reform of 1866 were very restrictive.

The Upper House was made up of older men from a tiny and wealthy upper class.

The Lower House was elected with franchise provisions that mainly favoured farmers who were able to exercise considerable influence.

Partial reforms were enacted from 1907 to 1909. But women were still not allowed the vote.

It was not until 1921 that a bill was finally passed allowing universal and equal suffrage.

Sweden's development from an undemocratic monarchy to a modern parliamentary democracy came late but was rapid and had profound consequences for the whole of society.

The labour movement became the new center of power and Sweden had a Social Democratic prime minister for 44 years, from 1932 to 1976 (only with a very brief interruption).

But this development occurred within the framework of the old 1809 Instrument of Government.

The constitution fell into neglect. A new modern constitution was not enacted until 1974.

Social reform without constitutional reform was to characterize the first half century of democracy in Sweden.

Looking back on the constitutional history of Sweden it is striking that constitutional progress has come in the wake of national disasters.

The status of a European great power during the thirty-year war came to an end in 1718, with the death of Charles XII.

Sweden not only lost its Baltic possessions but also most of its provinces in Pomerania.

But this national disaster paved the way for a powerful Parliament and the constitutional experiment known as The Age of Liberty.

The revolution of 1809 occurred after Sweden had lost Finland to Russia.

Parliament seized the initiative and enacted a new constitution, which was modern for its time, and the power of the king became more restricted.

Norway had formed a union with Sweden since the peace treaty in Kiel 1814. Liberal forces in both countries fought for democratic reforms and full independence for Norway.

The dissolution of the union in 1905 meant that the conservatives suffered a setback.

In Sweden the suffrage was extended to all men and the king had to accept that Parliament would have a say in the composition of the cabinet.

This is the lesson: turning disaster into progress.

The ultimate symbol for Sweden's constitutional history is the royal warship of Vasa.

On its maiden voyage in 1628 it capsized and sank after 20 minutes in the harbour of Stockholm.

But this epic failure was eventually turned into a great success.

In the 1960's the Vasa was salvaged and restored.

Today it's the most visited museum in Sweden.

## Politics Sweden

[www.youtube.com](http://www.youtube.com)

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