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CHAPTER 7

CONSTITUTIONAL HISTORY

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Every observer of the Swedish constitution must be struck by a paradox. On the one hand, the constitution might seem very important. Sweden has one of the longest and most elaborate constitutions in the world, consisting of four separate laws (The Instrument of Government, The Act of Succession, The Freedom of the Press Act, and The Fundamental Law on Freedom of Expression). These constitutional laws are often amended and great care is taken to keep them up to date. On the other hand, the constitution might seem less important. The Swedish political culture is pragmatic and consensual. Even though Sweden is ruled by law, constitutional principles are rarely referred to in legal rulings or in the public debate.

In order to understand the importance of unimportant constitutions one must examine the historic background and keep in mind that the positive analysis of constitutions consists of two separate tasks. One set of questions to be answered concerns the background of constitutions. How should the constitution be explained? What political and other factors have determined the content of the constitution? This is the study of the constitution as *explanans*. Another type of questions concerns the legacy of constitutions. What could the constitution explain? What are the observable effects of the constitution? This is the study of the constitution as *explanandum*.

The argument of this chapter is that the list of *explanantia* is longer than the list of *explananda*. Much could be said about the background events that shaped the content of the different constitutions in Swedish history. However, not much could be found when studying the impact of constitutional principles. Noteworthy is that Sweden developed into a modern, democratic welfare state without any significant change of its old constitution (Herlitz, 1964; Metcalf, 1987; Stjernquist, 1999; Petersson 2009).

Medieval times: governing by law and consent

The lack of written sources makes it impossible to get an accurate image of the power structure of pre-historic times. However, archeological sources indicate that there might have been some substance to the claims of old myths and sagas of the North. The Forsa rune ring, which has been dated to the 9th century, bears a runic inscription suggesting that this is a sacred ring used when swearing an oath. It was probably used at a *þing* site in the province of Hälsingland (Blomkvist, Brink and Lindkvist, 2007).

There was no distinct, uniform and lasting social culture in pre-Christian times. On the contrary, the available material shows that customs, beliefs and governance interacted with other parts of northern and eastern Europe. The Scandinavians formed their own traditions under the influence of Sami, Finnish, Baltic, Slavic and Celtic culture. There is also evidence of numerous contacts with the European continent and the Mediterranean area. But even if there did not exist one unique form of society in Northern Europe there are nevertheless some traces of early manifestations of local government. Obviously the *þing* was important both as a gathering place and as a legal institution whose main task was to interpret and apply legal norms. The *þing* followed certain procedures where disclosure and openness was a basic requirement. Public testimonies were used to make conditions of legal significance generally known. The *þing* (*ting* in modern Swedish) is important as an embryonic model for subsequent types of assemblies, such as the national parliament (*Riksdag*), municipal councils (*sockenstämma* and *kommunfullmäktige*), and district court of laws (*tingsrätt*).

It is impossible to determine precisely who were eligible to participate in the *þing*. Participation was limited to the circle of free men, but this did not mean that women and slaves were completely excluded. In some cases women had the right to present their case

in court and were also entitled to make certain economic agreements. Since slaves were considered property of the master they had a weaker position than free women. However, also slaves were regarded as individuals and could be held personally accountable for various offenses. It could be questioned whether the *þing* as a court of law really consisted of all free men. Instead, the administration of justice was probably handled by a small number of influential people, where the bystanders could follow the proceedings and may also give their final assent to the verdict (Sanmark, 2004).

In older times justice was built on oral tradition. In the 13th century the corpus of laws in different regions began to be recorded, sometimes on the initiative of the Church. These regional laws influenced the legislation for many centuries to come both in terms of their archaic and terse language and their organization of the legal text into separate sections (*balkar*). Some of the expressions in these medieval laws have been survived until today. “With law shall the land be built” proclaimed the Swedish Upland Law 1296. Similar statements expressing the rule of law can also be found in Danish and Norwegian laws as well as in the Icelandic *Njáls saga*, also recorded in the 13th century.

With the rise of central power the provincial laws were amalgamated into a national legislation. The first Swedish law covering the whole realm was King Magnus Eriksson’s National Law Code, written down around 1350. It was drawn up on the orders of King Magnus Eriksson and prepared by a royal law commission. This law covered Sweden’s country districts and it was followed a few years later by similar legislation for the cities and towns. These laws are evidence of the growing power of the monarchy. The national law code contained one separate section about the monarch (*kungabalk*) that forms a kind of contract between the King and the people with mutual obligations. On the one hand, everyone who lives in the country is to show the King obedience, abide by his commandments and serve him. On the other hand, the King swears an oath to be faithful to all his folk and to abide by laws and legal judgment. This royal code also contains a special procedure for assuring local consent in that the King was required to make a journey to each province in order to receive homage (*eriksgata*).

These medieval elements of rule by law and local consent justify the contention that Swedish democracy has quite a long history. This is not to say that the history is Sweden unique. On the contrary, there is evidence of similar institutions in other parts of Europe.

Court assemblies corresponding to *þing* existed in the Frankish Empire (*mallus*) and in Anglo-Saxon England. The royal code section regulating the rights and obligations of the King is akin to Magna Carta, enacted more than a century earlier.

The Instrument of Government 1634: organizing the state

This legal framework remained unaltered for several centuries, with the royal code section of the national law being the closest equivalent to a written constitution. The late medieval period was marked by the increasing power of the monarchy. Royal power was a crucial prerequisite for the unity of the realm. The election of the King, the coronation and the provincial assent became more ceremonial. The elective monarchy finally had to yield to the hereditary principle under the reign of Gustav Vasa (1523–1560). This period was crucial in the history of state formation of Sweden. Sweden gained sovereignty in relation to its neighbors, joined the Protestant reformation, and created a centralized state administration.

When Gustavus Adolphus entered the throne in 1611 he had to agree to certain demands from the higher nobility represented in the State Council, the equivalent of the *curia regis* institution found elsewhere in Europe. The King promised to seek the consent of the State Council before levying taxes, enacting new laws and declaring war. Nevertheless, the young King soon had Sweden involved in The Thirty Years' War, thus beginning the ascent of Sweden as a Great Power of Europe. The increasing power of the King meant that Sweden developed traits of an absolute form of monarchy, but the King, nevertheless, had to rely on Parliament in order to raise taxes. The Riksdag Act of 1617 stipulated that Parliament became more formally regulated. The four estates (nobility, clergy, burghers, and farmers) were recognized as equal in fiscal and legislative decision-making. Parliamentary committees were initiated and became increasingly important in the internal working of the Riksdag.

Princess Christina was only five years old when her father Gustavus Adolphus died in November 1632. Since no rules existed for the regency, a new legal document was drawn

up by the young queen's councilors, primarily by Lord High Chancellor Axel Oxenstierna. This *regeringsform*, enacted in 1634, set the model for later constitutions. The title is literally translated "form of government", but "instrument of government" is the standard translation in use. The term "regeringsform" is indeed accurate, since the new law was basically an organizational chart of the Swedish state. Administrative structures were described in minute detail and the territory was divided into counties, each headed by a governor directly accountable to central government in Stockholm, the capital of Sweden. Formally the 1634 Instrument of Government remained in force during the subsequent period of absolute monarchy. However, in actual practice political power was increasingly centralized to the sovereign head of state. The King controlled the legislative process and was able to neglect the advice of the State Council.

The Age of Liberty 1719–1772: creating a public sphere

The term "collapse" offers the most accurate description of the events in 1718. External as well as domestic relations were fundamentally changed. With the disappearance of King Charles XII the country lost its position as a dominating power on the European scene. The King's death also marked the end of an era of strong royal power. The transition from an exceedingly strong King to a politically insignificant head of state was acknowledged in the new constitution. The Instrument of Government 1719 elevated Parliament to the central organ of political power. The monarch had to accept that parliamentary consent was a necessary prerequisite for laws and directives. The appointment of members to the State Council also became dependent upon parliamentary approval. Although this fundamental law was proclaimed to last for eternity, it was replaced by a new Instrument of Government after the accession of a new monarch one year later. However, the basic regulations remained intact. For the next few decades Sweden became the testing ground for a constitutional experiment.

The combination of a weak King and a strong Parliament implied that political control of ministries and agencies shifted to the elected representatives of the four estates. Gradually the State Council became an executive body controlled by Parliament. A special procedure (*licentiering*) allowed Parliament to force the resignation of a member of the State Council. Sweden now took its first steps into a parliamentary form of government. Two competing factions in the Parliament (The Hats, adherents of mercantilism and a

more aggressive foreign policy, and The Caps, proponents for economic liberty and more peaceful external relations) can be regarded as embryonic forms of political parties. “Parties are the life of free nations”, wrote a liberal author in a widely read novel from the time (Wallenberg, 1781:20).

The heated debates in the Parliament also spilled over into other arenas. The printing press became an important tool in the struggle for political power. But according to existing laws all public documents, including parliamentary records, were classified as secret. Neither was public criticism acceptable. The Parliament itself started to question these old rules and finally decided to act. Parliament not only enacted a new law to change the situation but also gave it the status of a fundamental law. The Freedom of the Press Act of 1766 is remarkable in several ways (Hirschfeldt, 1998). Inspired by England, the Swedish Parliament abolished censorship of all publications, with the exception of those concerning religious matters. Furthermore, Parliament reversed the previous regulation on the availability of public documents. The new rule implied that all documents held by Parliament and state agencies would be free to consult and to print. This general principle was cautiously supplemented with a set of exceptions which would allow the state to keep military and certain other documents protected from public access. Last, but not least, the new fundamental law stated that any citizen was allowed to print and disseminate publications without the interference of the authorities. Legal responsibility for the content for the publications was to be established after the fact by a court of law. This system of post-hoc control of press freedom demanded that printed documents identified the responsible publisher. These general rules formulated in the 1766 Freedom of the Press Act laid the foundation for the legal regulation of Swedish media. The Age of Liberty became an era of Swedish enlightenment. During these years public debate, although mostly confined to literate circles in the capital of Stockholm, was very lively and was stimulated by a multitude of leaflets, journals and books.

The Age of Liberty ended in 1772. This year Gustav III seized power in a coup d'état and in 1789 further strengthened royal supremacy by simply abolishing the old constitution. After his assassination in 1792 his son Gustav IV Adolf took over the throne. The new King detested the enlightenment and the French revolution and tried to preserve the old regime. His efforts were met with criticism and his unpopularity reached a height in 1808 when Russia invaded Finland, which had been an integral part of the Swedish realm since

early medieval times. In the early months of 1809 it became clear that Sweden had lost Finland to Russia. Oppositional officers started to conspire against the King and insurgent troops set off toward Stockholm. The King was arrested by a group of officers. Shortly afterwards the King abdicated and the country found itself in a revolutionary situation.

The Instrument of Government 1809: separating powers

Following the dramatic events in the spring of 1809, Parliament convened and immediately decided to exclude the King and his heirs from succession to the throne. A new constitution was proposed but the draft was rejected. Instead, the majority opted to act according to the principle of “constitution first, King later”. A constitutional committee was elected and after intense negotiations a compromise could be reached within a few weeks time. The Riksdag unanimously approved the new constitution in June 1809 (Petersson, 2009).

According to its own explanation the constitutional committee had been driven by a desire to satisfy different demands. The constitution can be seen as a compromise between the two extreme regimes that preceded the dramatic events in 1809. On the one hand, the founding fathers wanted to avoid the excesses of legislative power during the Age of Liberty. On the other hand, they required that the new constitution contain safeguards against a return to the extreme form of executive rule that had been the basic feature of absolute monarchy. With the 1809 constitution Sweden took a step into that particular hybrid form of regime that characterized several European countries during the 19th century: constitutional monarchy.

The rationale behind the 1809 Instrument of Government was strongly influenced by 18th century separation of powers theory. The constitutional committee declared that it had tried to shape an executive power, acting within fixed forms and united in its decision-making and implementing power. It had also created a legislative power, slow to act but strong to resist. Finally, the constitution set up a judicial power, independent under the laws but not autocratic over them. These three powers had deliberately been directed to guard against each other, as a mutual containment without mixing them or restraining their basic functions.

As a reaction against the previous periods of royal absolutism the 1809 Instrument of Government and the Riksdag Act of 1810, which was also given that status of a fundamental law, introduced several mechanisms in order to safeguard the freedom and independence of the Parliament. First, Members of Parliament were given a more or less unlimited right to introduce private member bills. Second, the parliamentary committees increased in number and influence. The constitutional committee was given a permanent status and became a key institution in the parliamentary control of the Cabinet. The constitutional committee was also granted permission to scrutinize the minutes of the Cabinet. Third, the central bank of Sweden, as well as the national debt office, remained under parliamentary supervision. Fourth, an important innovation in the 1809 constitution was the establishment of a parliamentary ombudsman. The ombudsman was given the task to supervise the observance of the laws and statutes as applied by the courts and by public officials and employees (Wieslander, 1994).

When the 1809 Instrument of Government was finally replaced by a new basic law on 1 January 1975, it had become the second oldest constitution in the world still in force. However, although the general architecture remained the same, the 1809 constitution went through a number of changes during this long period. The changes consisted of formal amendments of individual articles as well as informal reinterpretations of the legal text. When the constitution celebrated its 150 year birthday in 1959 a legal scholar calculated that only 13 of the 114 articles remained identical to the 1809 wording and most of these articles had only peripheral significance (Herlitz, 1959:152).

Just as important as these formal revisions was the constitutional transformation by informal reinterpretations (*Verfassungswandel*). Some articles and concepts were gradually given new meaning. The most notable example is the concept of “the King”, which in actual practice came to mean “the cabinet”. Other paragraphs became obsolete. There were also examples of flagrant conflicts between the constitutional text and the actual practice.

The first century of the 1809 constitution was marked by a gradual shift of power from the King to the Parliament. The ministries were reorganized and this gave the individual ministers a stronger position. The representation reform in 1866–1867 replaced the four-estate Riksdag with a two-chamber Riksdag, though still based upon a very limited

suffrage. Toward the end of the 19th century social cleavages had manifested themselves in sharper conflicts along party political lines in the Parliament. The conflict between free-traders and protectionists in the late 1880's included heated political debates across the country and marked the beginning of modern election campaigns in Sweden. Struggles over cabinet formations lasted several decades. Not until 1917 had the King yielded to Parliament and finally accepted the principle of parliamentary government. The Riksdag also advanced its power over legislation and budget issues.

Despite the large number of amendments to the constitution the most important rules remained unchanged. It is true that the cabinet reorganization in 1840 and the reform replacing the old estates Riksdag with a two-chamber representation in 1866 led to significant alterations of the constitutional texts. However, most of the other amendments concerned details and technical adjustments. The overall conclusion is that formal changes of the constitution had very limited importance for the constitutional development of Sweden (Sterzel, 1998).

The years between 1917 and 1921 were crucial in the history of modern Sweden. The old social structure was replaced by a new system based on general suffrage, a democratically accountable cabinet, popular movements, free mass media, and the beginning of a welfare society. The extension of suffrage called for a formal change of the constitutional text, albeit not the Instrument of Government but the Riksdag Act. Otherwise, there were only two constitutional amendments of any significance: the introduction of a consultative referendum and the setting up of an advisory council on foreign affairs.

These changes were the few exceptions to the general rule that formal amendments to the constitution have only played a secondary role (Sterzel, 1998:13). It is significant that the parliamentary system was introduced without any revision of the constitution. Although Parliament now had taken control over the cabinet formation, and royal power had been reduced to mainly ceremonial functions, the constitution still proclaimed that the King alone ruled the realm. This explains that the first half-century of democracy has been characterized as a "constitution-less" period. The old constitution became increasingly obsolete and did not play any significant political role. New important principles developed outside the constitution, without any formal recognition (Sterzel, 1998, 2002).

On the occasion of the 150 year celebration of the Instrument of Government in 1959 one scholar looked back and concluded that the question about the impact of the constitution had to be given a mainly negative answer. The constitution had not received any recognition, even less been revered, in the public mind. The Parliament and the cabinet had not treated the constitution with any great respect but rather mistreated it. In the public debate it had almost become ridiculous to refer to letter and spirit of the constitution (Heckscher, 1959).

It should also be added that Sweden might have moved into a common law system. This would have meant that the written constitution had been replaced by a jurisprudence based on court rulings and the establishment of constitutional precedents. However, such a development never occurred. Sweden lacks a constitutional court and the ordinary courts have been very reluctant to refer to the constitution in individual cases. The standard classification in comparative law studies, separating formal systems based on Roman law from common law systems, should be supplemented with a third category. Sweden has proved that it is possible to install a democratic system of government without either amending the written constitution or using a legal system based on case law.

The Instrument of Government 1974: codifying parliamentary government

In the wake of the trauma of the second world war and the totalitarian regimes Sweden slowly started to realize that it lacked a properly functioning constitution that could safeguard democracy. The cabinet set up a commission of inquiry, which had both politicians and experts as members. The commission started its work in 1954 and the directives called for a comprehensive review of the problems of democratic governance. This review was to form the basis for a proposal for the modernization of the constitution.

Almost ten years later the commission reported that it had found it increasingly difficult to fit all the necessary changes into the 1809 constitution. Thus, it proposed that a new

constitution replace the old one. The main argument against keeping the 1809 constitution was that it did not meet the requirements of a modern constitution. Whereas the 1809 constitution was based on the idea of the separation of powers, the new constitution reflected a unitary model of parliamentary government. Moreover, since the mechanisms of the political system had developed without changing the old constitution the legal situation in important areas had become unclear. The commission also stressed that a constitution should be easily accessible, possible to read for the average citizen and useful as a tool in civics education. Furthermore, it had become obvious that it was impossible from a technical and stylistic point of view to introduce new principles within the frame of the 1809 constitution. The commission drew the conclusion that now was the time to replace the old Instrument of Government with a new one (SOU 1963:16).

However, it would take another decade before a new constitution was in place. One step in this reform process was the introduction of a unicameral parliament and the formal recognition of the parliamentary system of government. The first election to the new Riksdag took place in 1970. For a few years in the early 1970s Sweden was governed under a partially revised version of the 1809 constitution. The old article stating that the King alone rules the realm was simply deleted and a new article recognizing the possibility for the Riksdag to remove the cabinet, or individual ministers, by a vote of no-confidence was introduced. These articles also became part of the new constitution, which was formally passed in 1974 and came into force in 1975.

Although the new Instrument of Government was completely rewritten the material changes were limited. The explicit aim behind the 1974 constitution was not to install a new form of government but rather to codify constitutional practice. The parliamentary system of government had been established half a century earlier and was now written into the constitution with some minor additions. The King was no longer formally responsible for the Cabinet formation process since this task was transferred to the Speaker of the Parliament. The 1974 constitution also stated that the Speaker's proposal for a new Prime Minister had to be put to a vote, giving the Parliament the option of rejecting the proposal. The Parliament also received full legislative power, which meant that new legislation no longer had to be formally approved by the cabinet. The formal role of the King was reduced to strictly ceremonial functions.

One major innovation of the 1974 constitution was the introduction of a separate chapter on rights and freedoms. The 1809 constitution had been more or less silent about the rights and freedoms of individual citizens. The only relevant article contained the old-fashioned words from the medieval contracts between the King and the people, which set some general limitations on how royal power could be exercised. The articles regulating the rights and freedoms in the initial wording of the 1974 constitution were, however, very brief and were generally considered to be insufficient. Later, the chapter on rights and freedoms were amended several times and is now the longest chapter of the constitution.

The entire text of the Instrument of Government was revised in 2011. Most changes were of linguistic and editorial nature. The purpose was also to elucidate the status of certain public institutions. For instance, it was decided that the public administration and the administration of justice should be treated separately instead of being mixed together in one combined chapter. A new chapter on local authorities aimed at clarifying the status of municipal and regional self-government. However, the fundamental principle of local self-government is formulated in vague terms and the interpretation of its meaning and scope is still left to Parliament.

In one basic respect modern Swedish history is characterized by constitutional continuity. The weak constitutional culture which marked the years between 1922 and 1975, the half century which has been called the “constitution-less” period, has not vanished (Sterzel, 2002). Sweden certainly has a constitution, but the Instrument of Government is primarily viewed as a set of administrative rules. Of course, elections are held every four years and cabinets are formed and resign according to the relevant articles. Constitutional arguments, however, still play a quite marginal role in Swedish political life and public debate. The courts of law are still reluctant to refer to the constitution. In fact, The European Convention on Human Rights has proved more efficient than the 1974 constitution when it comes to protecting the civil rights of Swedish citizens (Taube, 2004; Åhman, 2004).

The constitutional culture of a country can be seen as a part of the country’s political culture in general. Swedish political culture has been described as involving a pragmatic approach to decision-making and as stressing utilitarian considerations rather rights-based

principles. The Swedish policy style has been identified as being “deliberative, rationalistic, open and consensual” (Anton, 1969). Among other things, this means that negotiations and compromise are preferred rather than overt conflicts and legal battles.

The growth of the Swedish welfare state is intimately tied together with this type of political culture. Major social reforms have been prepared through cooperation between political parties, interest groups, experts, and civil servants. Wage negotiations and labor market relations have been handled through a smooth system of bargaining between employers and trade unions. During later years this corporatist system of governance has been challenged by globalization, individualization and a more fragmented structure of interest representation. Nevertheless, the fact remains that the Swedish welfare state has been built upon negotiations and practical trade-offs rather than constitutional arguments. Citizens rights have largely been viewed as social rights granted by the welfare state, rather than inalienable human rights laid down in any abstract constitution or granted by some natural law.

Constitutional arguments and constitutional reform have, therefore, played a very limited role in the establishment of parliamentary democracy and a democratic welfare state in Sweden. The development of a modern, democratic society took place outside the constitution. Extra-constitutional factors, such as neutrality in wartime and the absence of violent conflicts along ethnic, religious, regional, or social cleavages, help to explain Sweden’s progress toward the position as one of the most democratic and affluent societies in the present world.

Swedish constitution-making: writing history

The Swedish case follows the general pattern of constitution-making. The major shifts in the constitutional history have all occurred in the aftermath of great crises. By designing a new constitution in 1634 the high nobility secured its influence in the political vacuum following the death of the King. Another period of strong royal power ended in 1718, and the subsequent constitutions marked the ascent of parliamentary power. The constitutional acts of 1772 and 1789 demonstrated that the King again dominated the political scene. Military defeat and domestic strife formed the background of the 1809 constitution.

Constitutions obviously reflect the prevailing forces of power in society. The medieval system of provincial and national laws set the legal rules for a society dominated by local power-holders and aristocrats. The royal codes of the early modern era reflected the state-building efforts of an increasingly powerful monarchy. During the following centuries political power shifted from the monarch to Parliament and again back to the monarch. It was not until 1809 that Sweden entered an era of constitutional monarchy and a political system based on a separation of powers. The advent of parliamentary democracy and the declining power of the monarch were acknowledged without changing the constitution.

This brief overview of the major events in the constitutional history of Sweden indicates that a number of *explanantia* are readily available. Explaining the constitution-making process can rely on rich material. How different is the situation when it comes to the *explananda*. Constitutional arguments are rarely found when explaining the major events of Swedish political history.

Of course, Swedish constitutions are not completely void of meaning and significance. There are a number of constitutional articles regulating elections, Cabinet formation, legislation and other aspects of the political process. The constitution is respected to the same degree as any other law. However, the constitution does not really have a special status in relation to other laws of Sweden. It is noteworthy that the present Instrument of Government proclaims that: “Public power is exercised under the law” (Chapter 1, Article 1, Section 3), not “under the constitution”. It has been argued that Sweden should be characterized as a *Gesetzesstaat* but not a *Rechtsstaat*. Thus, Sweden is a country ruled by law but not necessarily a more extensive form of constitutional government (von Beyme 1999:43).

Among the few constitutional principles that continue to shape public life in Sweden one particularly stands out, The Freedom of the Press Act of 1766. This fundamental law created a legal system that protects the public sphere. It abolished censorship and declared that pamphlets, books and newspapers could be published relatively freely. Openness and transparency became fundamental for the public administration of Sweden. There are a few more examples of important constitutional factors, such as the parliamentary control mechanisms set up by the 1809 Instrument of Government and the

creation of a bicameral Parliament in 1866. However, introducing general suffrage and a parliamentary system of government without changing the constitution led to what can most accurately be called an “a-constitutional” culture. In the democratic era the constitution was neither revered nor reviled. Rather, it was simply ignored. Only in last few decades, largely due to European influence, rights-based arguments began to enter the Swedish debate.

Sometimes a distinction is made between *normative* and *descriptive* constitutions. It can be questioned whether Sweden fulfills all the criteria of a normative constitution, which include fundamental and stable principles, a clear hierarchy of norms, a constitution difficult to amend, and a constitution respected and referred to in public life. On the other hand, Sweden obviously has a descriptive constitution. The different constitutions in Swedish history might be read as archeological evidence of past struggles for political influence.

The question remains why so much effort in Sweden is still invested in the exact formulation of the constitutional laws. One answer has been suggested by two political scientists studying the political culture of Sweden. They observed that Swedish politics actually consists of two separate elements. One element is consensus-seeking through pragmatic compromise, the other one is history writing and justifications in the form of *ad hoc* rationalizations after the fact (Heclo and Madsen, 1987:314). It has been important for the decision-makers to portray the outcome of the bargaining process as a deliberate part of the grand plan for the rational design of society. A Swedish scholar has argued that the 1809 constitution should be viewed as the history of Sweden converted into articles of law (Fahlbeck, 1910:29). This observation can be extended to Swedish constitutions in general.

On the one hand, the constitutions of Sweden have been relatively insignificant as a norms regulating political and public life. On the other hand, the different constitutions in Swedish history have been important as descriptions and justifications. The constitution might be unimportant as a norm and at the same time important as history writing.

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