

Succession, and the Riksdag Acts). It is this portion--the written constitution--that defines the electoral system, specifies the organization of parliament, the relation of the king to parliament, and characterizes many of the constraints that define the limits of governmental activities. These written rules directly shape the broad outlines of Swedish governance, and most clearly characterize the general manner in which the preferences of Swedish citizens are used to determine which specific public policies are put in place.

It bears noting, this usage of the term constitution differs somewhat from that used by some Swedish scholars. The term constitution, as used here, refers to the fundamental procedures and constraints faced by Swedish government, rather than the subset of relevant legal documents which claim constitutional status, *per se*. By the usage adopted here, the Swedish state may be said to have operated under four different constitutions: one written in 1809, one that emerged from amendment in 1866, one that emerged from amendment and additional structural and electoral reform in 1920, and one that was adopted by major structural reforms in 1970. That is to say, the result of major reforms of fundamental procedures and constraints is regarded as creating a new constitution. (There were only two Instruments of Government during the period of interest, those of 1809 and 1975, but there have been four substantially different procedures for making new laws.) This convention is faithful to the discussion above, and simplifies the description of major reforms. The result of the major reforms of the Riksdag adopted in 1866 and in 1909-20 period will be referred to as the Constitution of 1866 and Constitution of 1920, rather than some less descriptive and more cumbersome phrase.

Major revisions to this core of the Swedish constitution have been formally undertaken three times in modern Swedish history. However, the period between major reforms has generally been long enough, usually several decades, that these reforms may be regarded as truly constitutional in nature: that is to say, as changes in the fundamental and durable rules of the political game.

Chapter 3: An Overview of Swedish Constitutional History

Very few governments take the trouble to compose a formal constitution, or instrument of governance, nor to formally solicit the agreement of the decisive members of the polity. Explicit and formal agreements clearly make the concept of a government as a contract between citizens closer to reality. Such

formal acts transform those implicit "agreements" or social compacts that might be imagined by scholars and lawyers into the concrete binding forms of laws and institutions. It is by such acts that formal constitutions are created. Sweden is one of a small group of countries that has used formal documents to codify, legitimate, and modify its existing political arrangements.

A. A Letter of Privilege (1319)

The formal constitutional traditions of Sweden are among the oldest in the modern world. As early as 1319, a letter of Privilege was signed which bound the crown to govern by rule of law, assured due process and allowed new taxes to be imposed only after consultation with the royal Council (Weibull, 1993, p. 22). Thus, with the election of the young Magnus Eriksson, an early form of constitutional governance was codified with a written agreement.¹¹

The essential principles of those early documents were incorporated into a succession of laws of governance that extended to the whole kingdom of Sweden over the centuries that followed.¹² These laws of governance were more than occasionally violated, as was also true of Great Britain's similar political history with its durable formal roots in the Magna Carta of 1215, but the basic principles of bipolar government endured for the next six centuries.

The balance of power between king and parliament fluctuated somewhat through time. New formal documents often marked periods when parliamentary power was on the rise. The first Riksdag Act was developed in

¹¹ In 1309, after a twenty year period of considerable turmoil and mayhem within the council and the royal family, Magnus, son of Duke Erik was elected at a meeting where according to the *Rhymed Chronicle*, "both the commons and privileged estates had assembled ... to elect a king." Magnus Eriksson was elected king of Sweden at the age of 3. At that time Sweden was, perhaps, the largest empire in Europe. (Moberg, 1970, p. 111).

The early kings of Northern Europe were often elected at formal meetings which could be considered precursors to parliament. Petersson (1994, p. 6) briefly describes these early collective decision making bodies. *Tings* (ting, lagting or althing) combined aspects of modern judicial and legislative branches of government. They were deliberative assemblies that met at regular intervals to settle disputes, to pass sentences on law breakers, and to elect kings.

The elective system was formerly replaced with the hereditary system in 1544 at a meeting in Vasteras (Weibull, 1993, p.33).

¹² Magnus Erikson promulgated a new code of laws for the entire kingdom in 1350 that included the original language of the 1319 letter of privilege. Kristoffer's code, 1442, contained the same guarantees of council approval of new taxes, rule of law, and the right of due process (Weibull, 1993, p.22).

1617. It required that the king consult *the estates* before declaring war or forming alliances. In 1660 a protocol calling for the routine meeting of parliament was adopted which gave parliament a more independent standing. In 1720/3, constitutional reforms lead to a half century of parliamentary domination of policy making, from 1719-1772, the so-called Age of Freedom. It was during this time the first Freedom of the Press Act was adopted (in 1766).¹³

The return of policy making power to the executive branch was more often a matter of the application of force by a new or newly energized king than of a new consensus. However, generally the documents that empowered the Riksdag were formally repealed at those times, as the king reclaimed policy making power from the Riksdag. For example, in the most recent case, King Gustav III adopted a government ordinance in 1789 that removed all the fundamental laws developed during the preceding period of parliamentary dominance (Cronhult, 1994, p. 33).

B. The 1809 Instrument of Governance

The modern period of constitutional reform began in 1809/10 when a new instrument of government (IG) was adopted that affirmed the principle of bipolar governance established early in the fourteenth century. Policy making authority was formally divided between the King and a four chamber Parliament, with the King dominating policy formation and the Parliament having veto power over some forms of taxation (IG: A4, A57). The Parliament could meet without being summoned by the King (IG: A.49), and every executive act required the counter signature of the relevant minister (IG: A9, A37). Ordinary legislation required agreement by the King and majority approval in three of the four chambers (estates) of parliament. Constitutional reform required agreement by the King and majority approval in all four estates of Parliament (IG: A114).¹⁴ Severe penalties faced anyone who interfered with a member of parliament's effort to execute his duties.¹⁵

¹³ *Constitutional Documents of Sweden*, 1996, Introduction, p. 12, 56. Weibull, 1993, p. 61.

¹⁴ See Verney (1957, Ch. 1) for additional details concerning the 1809/10 Instrument of Governance.

¹⁵ Anyone, including ministers or other high officials, who forcibly interfered with a member of parliament's efforts to dispatch his duties was deemed guilty of treason. The mandated punishment required that the accused's right hand would be cut off, after which the guilty party would be broken on the wheel, and finally executed. Moreover, the treasonous party's properties were forfeited to the Crown (Verney, 1957, p. 23).

This affirmation of the long standing template for bipolar governance allowed a gradual evolution of Swedish governance over the next hundred and fifty years to one with a quite different balance of power. In the end, the Parliament (Riksdag) rather than the king came to dominate policy matters and government became based on the principle of popular sovereignty rather than the proper succession of kings.

No civil or revolutionary wars were required for this transformation to take place. Rather, changes in underlying political circumstance lead to a series of relatively large but peaceful changes in the organization of Parliament that made Parliament more effective and powerful, and which in the end completely changed Swedish governance. In this respect the constitutional history of Sweden parallels that of England after 1700 more closely than the revolutionary experiences of France or America during the eighteenth century. It differs from the British experience in that much of the shift in power was accomplished through explicitly constitutional means. The major changes in the organization of parliament were agreed to by both the King and the Riksdag as per the 1809 instrument of governance.

Generally speaking, these constitutional reforms increased the power and legitimacy of the parliamentary leadership. These began in 1866, when the ancient four estate parliament was replaced with a bicameral one.¹⁶

C. The New Bicameral Parliament of 1866

In 1862, Chancellor De Geer first proposed a new organization of the Riksdag. The new parliament would be composed of two chambers: a first and second chamber. Parliament was to meet every year on January 15. Whereas previously the King could call for new elections, members in the new parliament were to be elected for fixed terms. Members of the first chamber would have relatively long terms of office (9 years), be relatively wealthy, relatively old (>35), and not receive a salary but live on their own means. Membership in the second would be less restricted, more directly elected, and have shorter terms (3 years).

To be adopted, a majority in all four existing chambers plus the king had to favor this radical reorganization of parliament. Chancellor De Geer managed to

¹⁶ See Verney (1957) for a very detailed discussion of all Parliamentary reforms during the 1809-1930 period. My discussion relies extensively on his clear discussion of constitutional details and politics during that period.

achieve the required level of consensus by proposing an ingenious combination of an expanded franchise for the second chamber and wealth-weighted voting for the first.

The first chamber was designed to protect the interests of former Burghers and Noble chambers insofar as it was restricted to men of property. Only the wealthiest men of Sweden were eligible for membership in the first chamber, and they were to be elected indirectly by the Provincial Councils in a manner roughly analogous to that of the American Senate. The former guaranteed that the first chamber would consist of the Swedish elite, now defined by wealth rather than family, and the latter that local interests would be directly considered.

The nobility was protected by another striking feature of the 1866 reform: voting weighted by wealth. The wealthiest members of the rural communities received as many as 5000 votes while those in towns received up to 100 votes in elections for the first chamber. Together, the weighted voting system and wealth requirements assured that a majority of those already in the Noble and Burgher estates would continue to be elected to Parliament (Verney, 1957, p.89). These general features allowed the proposed reforms to be accepted in the chambers controlled by those two estates.

The interests of groups like the farmers and early Liberals who favored a more democratic form of governance and a somewhat broader suffrage were also advanced by De Geer's proposal. The interests of the Farmer estate would be advanced by their relatively greater membership in the new parliament, especially in the second chamber. Royal prerogatives were reduced and the Aristocracy was no longer to be privileged by constitutionally guaranteed representation. Elections were to take place every three years (A. 15). Terms in the first chamber were to be nine years, a third of which would stand for election at a time, and those in the second chamber would have three year terms.

Voting in the indirect elections for first chamber members, although wealth weighted, were largely unrestricted. Voters for the Provincial Councils only had to be tax paying citizens, which included independent women (Verney, 1957, p. 52, 91). However only about 5% of the population as a whole actually voted; partly because to vote one had to reveal taxable income, and partly, because the weighted voting system often allowed local elections to be determined by a

handful of wealthy men. In ten percent of the districts the weighted votes of only three voters could be decisive (Verney, 1957, p. 91).

Voter eligibility was somewhat more restricted in the direct elections for members of the second chamber. Voters for the second chamber were males (initially Lutherans) who satisfied taxable real estate or income restrictions that limited the potential electorate to about half that of the first chamber. Essentially, eligible voters were successful farmers, bureaucrats, small business men and successful professionals. Ownership of real estate was given preference inasmuch as De Geer believed that ownership of real estate gave a man a greater stake in the country (Verney, 1957, p. 52-3). To vote, it was sufficient to pay taxes on 1,000 riksdaler of real estate which was 1/80th that required for membership in the first chamber. To satisfy the voter income requirement required payment of taxes on 800 riksdaler of income, which was 1/5 that required for membership in the upper house (A. 6 and A 14).

Membership in the second chamber was much less restricted than for the first. Candidates simply had to be older than age 25 and eligible to vote in the local elections. The latter implied that representatives to the second chamber also had to meet minimal wealth constraints (A 19).

The King's agreement was made more likely by the fact that the reorganization of parliament did not directly affect his power. The King retained powers of veto and initiative, and laws continued to be published and issued in his name (A. 79, A. 81, A. 82). See Verney, 1957, p. 52-8. The interests of the Clergy were also accounted for. A new Church Assembly was to be formed in which national church matters would be decided by the clergy without being subject to veto by the other estates (Verney, 1957, p. 64).

In June 1866, after much debate, and majority approval in the four chambers of parliament, the king signed the new Riksdag Act and the major reforms of parliament and election laws advocated by De Geer were adopted. The king ended the last session of the ancient four chamber parliament on June 20. In his remarks, he declared that:

"We end today not only a memorable session but a whole era in the history of the Swedish people, an era which is measured in centuries."

As a consequence, as Verney notes, "Some of the pomp and ceremony left Swedish life. The heralds and trumpeters appeared for the last time and Ministers ceased to ride in their colorful robes to the State opening of parliament." (Verney, 1957, p. 78)

Overall, even with all the restrictions on franchise and office, it is clear that the membership of both chambers of the new Riksdag rested on elections rather than a noble family heritage, appointment by the King, or membership in specific interest groups. These very significant parliamentary reforms helped to set in motion a series of future reforms that even more radically transformed Swedish governance.

D. 1907-1920: Proportional Representation and the Expanded Franchise

In the last part of the nineteenth century a variety of political groups inside and outside the governments of industrialized nations were pressing for an expanded suffrage. In this Sweden was no different from many other industrialized nations with parliamentary systems. For the present chapter, it is sufficient to note that both labor unions and liberals inside and outside of government lobbied aggressively for an expanded suffrage, and that mass demonstrations were often held by disenfranchised groups. The economic and intellectual origins of these pressures are analyzed below in chapter 4. Parliamentary systems were unable to resist the combined pressures of mass demonstrations and democratic intellectual arguments.

In 1907, the conservative Prime Minister Lindman proposed several additional and very important modifications of the voting procedures by which members of parliament were selected for the two chambers. These reforms were partly motivated by the apparent necessity of expanding suffrage and partly by the concern of conservatives that an expanded suffrage would end their participation in government. First, the franchise was to be dramatically expanded by reducing the property requirements in a manner that would double the franchise (from 500,000 to 1,000,000). This modification would allow essentially universal male suffrage. Second, the weighted voting system used for selecting members of the first chamber was to be moderated (maximal votes were reduced to 40). Third, proportional representation was adopted to determine the makeup of parliament and committees within parliament.¹⁷

As in 1866, the proposals were designed to secure majority support in each of the chambers of parliament. Proportional representation was seen as a method for minority parties (such as the conservatives in the first chamber) to retain some power in the Riksdag after reductions in weighted voting and the

¹⁷ The term of office for the first chamber was also reduced from nine to six years.

expansion of the franchise. The broadened suffrage appealed to Liberals and Farmers in the second chamber who were divided over proportional representation. (Most liberals favored the continuation of plurality voting in single member districts.) Out of these divisions, Lindman crafted a compromise that allowed for expanded suffrage but protected, to some extent, the interests of his own supporters within both chambers. His proposal won super majorities in each chamber. It was passed 93 to 52 in the first chamber, and 128 to 98 in the second.

Together, these reforms set the stage for the dominance of political parties in the years to come. Proportional representation gave party leaders direct power over their members in the legislature by allowing the leadership to control who would be on party lists, and thereby who could potentially be in Parliament. This greatly increased intraparty discipline. The expanded franchise created a new electoral base by which the Social Democrats would shortly come to dominate Swedish politics. (These and other consequences of constitutional reforms are analyzed below in Chapter 5.)

In 1918-20, the franchise was further expanded as property restrictions for voting were eliminated and woman granted the franchise. Voters still had to be tax payers of sufficient age, but other restrictions were essentially eliminated. The weighted voting system modified ten years earlier was eliminated, although differences in the electoral method and eligibility for the first chamber remained.¹⁸ (Members of the first chamber, the "Swedish Senate," continued to be restricted to the very wealthy until 1933. Persons on relief or bankrupt were unable to vote until 1945, Verney, p. 215.) The resulting more disciplined and more broadly representative bicameral Parliament became the chief architect of public policy for the next half century.

E. The Reforms of the 1970's: Unicameral Government:

For most of the period between 1920 and 1970, the Social Democrats were the dominant party in a series of minority governments informally allied with the Farmers (Center) party. For the first half of this period, Social Democrat electoral support increased which increased their relative power within parliament. Their control of the second chamber peaked in 1941 with

¹⁸ The terms of office were also modified in the 1918-20 reforms. Members in the first chamber retained office for 8 years and those in the second chamber for 4 years. (Verney, 1957, pg. 248.)

134 members (of 230) while their control of the first chamber peaked in 1949 with 84 members (of 150).

By 1957, their hold on the second chamber had fallen to the point where the non-socialists potentially had a majority (119) but the Social Democrats continued to control the government via their first chamber dominance (with 79 members). This state of affairs was used by the non-socialists to urge further reform of parliament. Specifically, they argued for a unicameral government and new constraints on governance. Electoral losses in 1966 persuaded the Social Democrats that such reforms were also in their long-term interest (Holmberg and Stjernquist, 1996, p. 16). This allowed the four major political parties to work out an agreement to revise parliament and the election laws once again during the 1970s.

The Riksdag Act of 1866 and the fundamental Instrument of Government of 1809 were both radically modified by the new proposals. Some of the changes simply acknowledged shifts of power that had emerged informally during the previous half century. For example, the king's formal authority was essentially eliminated by the new instrument of governance. This required a radical rewriting of the 1809 instrument of governance which had specified significant royal powers. However, this constitutional revision simply formalized the political setting that had existed since around 1920, during which time the king had never exercised his formal power over policy formation. Other amendments introduced entirely new procedures and constraints to Swedish governance.

The most radical structural change had elements of both new and old. The first chamber was essentially merged with the second to form a new *unicameral* parliamentary system of governance, and the terms of office reduced to three years for all members. Party discipline had long caused most voting in the two chambers to be coordinated along party lines, which reduced the effect of bicameralism. However, the more gradual turnover of the indirectly elected first chamber had significant effects on the course of public policy. (The effects of the new unicameral parliament on policy are discussed at length in chapters 11 and 12.)

In addition, the new instrument of government introduced a completely new provision for direct popular veto of proposed constitutional reforms by referendum (1979)¹⁹ and specified new constraints on ordinary legislation.

Chapter two of the new instrument of governance characterizes fundamental rights and freedoms that should not be curtailed by ordinary legislation.²⁰

The adoption of a unicameral parliamentary government released the government from procedural constraints that had been present since 1866. Although votes of the combined upper and lower chamber (the Joint Vote) could previously have been used to pass budgetary and tax laws that could not secure a majority simultaneously in both chambers (since the 1866 reform), and the King had long since ceased to be an active participant in the policy making process, the new system of government clearly changed the fundamental method by which most policies were adopted. Consolidation of the two chambers into one had the effect of stream lining political decision making in a manner that allowed the parties in power to rapidly adopt new policies. A smaller and more temporary majority could now create new policies much more rapidly than previously possible.

F. 1995: Joining the European Union

In what may in the long run turn out to be another major constitutional reform, on November 13, 1994 a referendum was held regarding membership in the European Union (EU). A majority of the Swedish electorate approved membership, and Sweden was formally admitted on January 1, 1995.

Membership in the EU does not by itself formally change a nation's constitution, insofar as formally membership only requires a new member state's government to accept a menu of treaties negotiated and implemented by previous member states. However, the treaties that define "membership" do formally commit the signatory government to abide by policy decisions made by the various branches of the European Government (the commission, council and parliament), as well as the legal decisions of the European court. In this

¹⁹ *Constitutional Documents of Sweden*, 1996, p. 33. Prior to 1979, only consultative referenda could be used. The method of successive parliamentary majorities had been in place at least since 1866 (A. 64, Verney, 1957, p. 57).

²⁰ The new I. G. also differs from the previous one in its clearer specification of the procedures of governance. For example, the IG now includes the fundamental election laws and organization of parliament that previously were specified in laws of less stature (laws that were more easily amended).

In 1994, the term of office for MPs was changed back to 4 years, the term of the second chamber prior to 1970.

respect, membership formally changes the procedures by which many new laws affecting a nation may come to place and old laws over turned.

The treaties that member states sign, thus, indirectly change each member state's own procedures for making laws and to some extent redefine the proper domain of governance. These effects imply that joining the European union can be regarded as a major, if somewhat implicit, constitutional reform. After January 1, 1995, the Swedish electorate, parties, and courts could no longer independently determine national policies in all respects, but had to defer in several significant policy areas to the policy preferences and policy of other European polities. Many national policies became subordinate to decisions of the European central government.

Consequently, it is clear that the nations that join the European Union clearly are making a quasi-constitutional commitment to abide by the requirements of membership. On the other hand, the voluntary nature of international treaties clearly limits the authority transferred to the central European government by member states. As true of any treaty, signatories are more or less free to leave at any point that exit appears to be in the national interest to do so. International treaties are, after all, contracts at the level of national legislatures, and nearly all treaties include formal provisions for exit beyond the informal exit strategy of non-compliance.

To this point, major domestic policy areas such as the method and extent of taxation, the methods of production and the distribution of public services, the level and nature of welfare and education expenditures, the level and distribution of infrastructure construction and defense spending remain matters largely decided by each member state. It is for this reason that the implicit constitutional effects of membership in the European Union are neglected in the present volume.

G. The Evolutionary Nature of the Swedish Constitution

Until around 1920, most of Swedish political history in the second millennium could be regarded as a struggle between parliament and the king for control over policy, with the locus of power shifting back and forth over the centuries.²¹ Peaks in parliamentary powers were often marked by formal revisions to the instruments of governance, as in 1720 and 1809. The king

²¹ Sweden as a proper kingdom originated at about the same time that the first parliamentary documents were adopted in 1319. (Weibull, 1993, p.18)

occasionally regained power through constitutional reform, as in 1789 (Verney, 1957, p. 24) and at other times by playing the estates off one another. At such times, the powers of Parliament were often rather limited, but the basic bipolar template of parliament and king remained evident. The flexibility of what I have referred to elsewhere as the "king and council" template,²² together with the lack of an effective constitutional court, left much of the day-to-day structure of governance to the particular personalities, talents, and circumstances confronted by those in government, as stressed by most historians. But, the tradition of formal constitutional law remained evident throughout Swedish history.

The underlying continuity of the long enduring Swedish constitutional template of 1309 remains evident in the latest instruments of governance ratified in 1975/77. Both the King and parliament remain players in the political realm, although the balance of power within the bipolar constitution has essentially reversed itself. The revised instruments of governance continue to assign minor authority to the king (who, for example, presides over special sessions of parliament IG: Ch. 5, A1) and to characterize rules for succession, but the king's authority has become largely ceremonial and advisory, much as might have been said of the first parliaments.²³ After the 1975/7 constitutional reforms, the elected parliament is clearly supreme by law as well as in practice.

²² See Congleton, 2000a.

²³ See Verney (1957), Holmberg and Stjernquest (1996). Indeed, the power of the Prime Minister and his relationship to the Parliament now resembles more closely the original constellation of power between the medieval Kings and their councils than that between the Royal family and parliament.

Table 1
Modern Swedish Parliamentary Reforms 1809-1994

1809	Instrument of Government	Shifted modest power from king to Parliament, affirmed parliament's power over taxation and budget matters, allowed for parliament to meet regularly, new legislation to be approved by 3 of the 4 chambers and the king, all four chambers plus the king must agree to changes in the fundamental laws or privileges of the estates
1866	Reform of Parliament	Four chamber parliament (nobility, church, farmers, and burghers) replaced with a two chamber parliament. The first chamber is indirectly elected and restricted to very wealthy citizens. Wealth weighted voting is used to selection of members of the Provincial Councils that select members of the first chamber. First chamber members serve for 9 years and Second chamber members for 3 years between elections. The franchise is broadened somewhat.
1909	Electoral Reform	Franchise extended to essentially all male taxpayers, porportional representation introduced, importance of weighted voting reduced for first chamber elections. Wealth restrictions for voting reduced. Term of office in first chamber reduced to 6 years.
1920	Electoral Reform	Franchise extended to include woman, weighted voting eliminated. Property requirements for voting for second chamber eliminated. Term of office changed to 4 years for second chamber and 8 years for first.
1933	Reform of Parliament	Wealth restrictions for membership in first chamber eliminated.
1945	Electoral Reform	Persons on poor relief, and/or bank rupt persons allowed to vote in national elections.
1970	Reform of Parliament	Unicameral Parliament formally replaces bicameral system (The total number of seats is reduced from 384 to 350/49.) Term of office is reduced to 3 years.
1975	New Instrument of Government	Sweden formally becomes a parliamentary democracy with the King reduced to largely ceremonial status. Ministerial form of government characterized. Allocation of members is made somewhat more proportional by introduction of national seats.
1994	Reform of Parliament	Term of office for members of parliament returns to 4 years.
1995	Membership in the European Union	Implicit change in legislative and legal structures of Sweden. Many regulatory and appeals procedures become subordinate to decisions of the European Parliament and Court. Formal constitutional amendments were adopted to accommodate membership, e. g. IG: 8:4 and 10:5.

Sources: Verney (1957), Weibull (1993), The Constitution of Sweden (1996)

Chapter 4: Ideas and Interests in Constitutional Reform

One striking feature of the last two centuries of Swedish constitutional history is that a series of fundamental institutional reforms was adopted as a consequence of changing political pressures within Sweden. There were no military or majoritarian coups, no civil wars, nor significant international pressures. Swedish constitutional reforms were adopted as a response to domestic political changes using constitutional means.

Political histories of modern Sweden emphasize that the internal pressures behind constitutional transformations were generated partly by changes in accepted ideas about proper forms of governance, and partly by changes in the relative strength of interest groups. This book largely accepts that conventional analysis, but directs attention toward economic conditions and constitutional rules that have contributed to and constrained those shifts in ideas and political power. The next three chapters demonstrate that the path of Swedish constitutional reform can be explained as a joint consequence of new ideas, changing economic conditions, and previous rounds of constitutional reform.

The narrative developed is based upon the rational choice models developed in the public choice and rational politics literature over the past half century. These models direct attention to changes in the relative prices or costs that affect citizen demands for public services and thereby the pattern of collective action. From this point of view, the rise of what might be called democratic ideology combined with technological advance and industrialization can explain many of the changes in the balance of power within Swedish politics during the past two centuries. In economic terms, sweeping changes in circumstances and ideology affected both the relative price of collective action and the demand for specific government programs and institutions.

However, in the case of Sweden, one can not ignore the effect of the constitutional environment on the path of government policy and subsequent constitutional reform. Constitutional law and tradition largely determine how changes in political demand and power can be lawfully expressed, and the channels by which such changes may directly and indirectly influence public policy. Constitutions thereby clearly affect the pattern of reforms, both large and small, generated by changes in political interests.

A. Ideology, Self Interest and Constitutional Vision

Ideology, in its putative sense, provides individuals with theories of cause and effect and a more or less consistent set of norms by which they can assess the broad sweep of policy and institutional outcomes. An ideology a more or less self consistent theory that allows individuals to make sense of the world. Ideologies, in this sense, may be shared insofar as many individuals may use similar theories or rules of thumb to predict the consequences of policies and to assess their consequences. Or, ideologies may be idiosyncratic insofar as individuals use a wide range of such theories with relatively little agreement about policy consequences or the merits of alternative policies.

From a rational choice perspective, the use of a rules of thumbs and theories, as has long been emphasized, can be an effective way of reducing information and other decision costs. A broad theory or rule of thumb allows situations to be sized up and decisions made without investing the time and energy to fully understand all the details that might ideally be known. In this sense, an individual's ideology can be, although it need not be, entirely rational. That is to say, the theoretical component of an individual's ideology is partly a result of individual decisions to develop their own broad theories of cause and effect, and also general methods for assessing policies with respect to their own interests, however broadly they understand them. To the extent that the result is grounded in general principles or arrives at clear "rules of thumb," a personal ideology can be used as a method of economizing on information collection and analysis.²⁴

A person's ideology differs from many personal rules of thumb because of its broad sweep, and because in most cases, an individual's ideology is not, and perhaps can not be, based entirely on direct personal experience. Much of personal knowledge is a synthesis of opinions and thoughts expressed by persons deemed to be experts, and by one's immediate family, friends, and neighbors. Most of us believe in many facts and theories--the ice age, Antarctica, Aristotle, subatomic particles, chemistry, quantum mechanics, evolution--without significant direct experience with them, because others have persuaded us of their existence and importance. Normative aspects of our world view are

²⁴ Herbert Simon's 1978 Nobel prize in Economics was awarded in large part for his effort to better understand how individuals, especially within firms, use rules of thumb, heuristics, and other decision rules to make decisions. See Munger and Hinich (1994, 1998) for a mathematical analysis of the manner in which an ideology can simplify policy analysis.

similarly influenced by the normative opinions and status games we are exposed to, and those of our teachers, as well as our own reflection. Consequently, our understanding of both broad social phenomena, and our assessment of them are substantially the product of the suggestions of neighbors and competing experts rather than our own privately considered analysis of the links between politics, policies and outcomes.

Common sense and statistical theory provide a rational foundation for this form of learning. It is clear that using information provided by friends, colleagues, and other "experts" allows us generally to do better in the real world than we could based only on our own limited direct experience and introspection. In statistical terms, it increases our effective sample size. Yet, the non-experiential base of many of our beliefs about public policy in the large and small also allows the possibility that ideological shifts may or may not be directly tied to new circumstances. There may be ideological "fads" or "fashions," as well as ideological shifts based on personal experience, improved technology, and accumulating wisdom.²⁵

Regarding the latter, it is important to note that many, if not all, changes in political beliefs are well grounded in real world experience even when they are not based on an individual's own direct experience. For example, it is widely reported, and believed, that modern forms of democratic governance are broadly superior to others forms of government. Although relatively few individuals have direct experience with a government other than that of their native country, or have taken the time to examine the statistical evidence assembled by international organizations, such an opinion seems to be well grounded. The data suggest Western democracies have for a very long time

²⁵ Economists have recently used the term "information cascades" to describe how and why rational individuals may rely upon the experiences of others in forming their own theories and expectations. That line of argument suggests that individuals can systematically broaden the "sample base" of their forecasts of future events by relying on the accounts of others. However, insofar as others are doing the same thing, beliefs may emerge that are not fully grounded in shared experiences. This logic can be used to explain stock market bubbles, and can also be applied to explain ideological fashions through time. This is an implication of Kuran (1998)'s analysis of public and private norms.

Of course there are many other economic and sociological reasons why theories and norms suggested by one's closest peers might be adopted. Essentially all of these suggest that a person's ideology is partly determined by direct personal experience and the particular cultural (informational) setting in which they find themselves.

been far more comfortable places to live than those ruled by other forms of governance.

It is also evident that the relatively superior economic performance of democratic governments in the past century has increased the popular demand for constitutional reform in a manner which partly accounts for the great democratic transformations of the past two decades in the former Soviet Union, in South America, and Africa. Widespread experience-based beliefs about the problems and advantages of industrialization also appear to have been important within Europe generally, and in Sweden in particular, at the end of the 19th century as technological advance generated new opportunities for mass production and more rapid communication. International comparisons, also played a role in the spread of liberal ideas at the end of the nineteenth century, which by century's end had become associated with both free trade and expanded suffrage. Moreover, such comparisons are clearly an important part of the case for the policy reform in Sweden and elsewhere today. (See chapter 11.)

In many cases, changes in a person's assessment of the relative costs and benefits of alternative political institutions are indirectly induced by objective changes in the international setting, as the threat of war generally leads to increased centralization and increased production of military goods and services. Technological change may also change the relative benefits and costs of infrastructure projects, health care, and education in a manner that affects broad governmental policies as well as the efficiency of alternative methods of administering government programs. In this manner the relative merits of alternative institutions and policies may change without requiring changes in the underlying normative theories used to evaluate them.

It is clear that ideological changes, whether based on real world experience or not, affect both ordinary legislation and constitutional reform. The ideology of pivotal policy makers clearly affects ordinary public policy insofar as ideology affects the assessment of policies regarding public services, transfers, and regulation. Ideology similarly affects demands for constitutional reform insofar as constitutions tend to embody widespread beliefs about the proper method and scope of government, the importance of rights and elections, and the political and economic characteristics of the good society.

The political effects of ideological based interests are most obvious when individuals vote for policies that oppose their own direct material interests. It is clear that both voters, and those in power, do occasionally vote against their own direct political and economic interests in the pursuit of higher aims. For example, many wealthy individuals vote in favor of social insurance and transfer schemes to the poor although they are, themselves, unlikely to secure direct personal benefits from such programs. Many poor persons vote in favor of reductions in social welfare spending and increased use of markets to allocate goods and services. In 1866, the clerics voted to end the four estate system in a manner that essentially left them completely outside government for the first time in more than five hundred years.²⁶ Such behavior clearly demonstrates the power of ideas.

However, the importance of ideology extends well beyond those cases in which conflicts between broad and narrow self-interest exist. There often is no conflict between narrow private material ends and broad ideological ones. This causes the importance of broad ideological theories and norms to be underestimated by those who analyze voting and bureaucratic behavior by focusing narrowly on the immediate material advantage of those voting.²⁷

B. Constitutional Interests

The indirect nature of the informational base of many beliefs about the world suggests that the spread of new political ideas is not entirely, nor perhaps

²⁶ The constitutional reform of 1866 which ended the four estate system was "unanimously" passed by the Clergy. However, 27 of 57 members present placed written reservations concerning the reform in the minutes. No more than six members of the clergy ever returned to Parliament in the first (upper) chamber after 1867 (Verney, 1957, p.76, 90).

Weibull (1993, p. 20-21) notes that the Alsnö Decree of 1280 formally established the regular nobility, and the following year ecclesiastical privileges were agreed to by Magnus Birgersson partly to reward those who had helped bring him to power.

²⁷ For example, many teachers chose careers in education because they believe that education is fundamentally important, and tend to favor expanding educational budgets for that reason alone. Similarly, transport experts, environmentalists and defense analysts would be inclined to favor larger budgets for transportation, environmental and defense agencies partly because of a direct material interest, but also because they genuinely believe that such policies are *good* policies.

Brennan and Hamlin (2000) provide the most complete rational choice based discussion of the importance of normative theories and norm following behavior in politics, and how such behavior may influence constitutional design.

even principally, the result of new dispassionate analysis by independent minds. Rather, changes in political ideas often reflect changes in the range of information that is readily available through personal networks and news sources. And, what is freely available is not always a matter of accident or unbiased random samples. Both narrow and broad policy relevant ideas are often promoted by groups with intense ideological and/or economic interests in particular policy outcomes. The Swedish civic organizations that formed in the early 19th century, such as the free church and tea-totaller movements (IOGT), clearly used persuasion on a large scale to advance their policy aims. Other organizations that promoted ideological interests (liberal, socialist, democratic) and economic interests (industrial and labor) emerged later in the century, and similarly used persuasion on a fairly wide scale to advance their policy aims.²⁸

In principle, a broad demand for policy or constitutional reform can be advanced peacefully through the ballot box because of the responsiveness of political parties to voter interests. However, even in settings where suffrage is broad and uniform, political demands are more likely to be heard and to effect policy when they are systematically promoted by a formal organization.

Formal organizations solve a host of free-rider problems that would otherwise reduce the likelihood that a group's interests comes to be advanced by public policy. Olson (1965) points out that organized groups overcome free-rider problems by developing an array of exclusionary devices which condition at least some of the benefits of collective action on the intensity and effectiveness of individual participation.

As true of any formal organization, politically active groups provide systematic incentives for members to work hard and long hours, in the form of salaries, stature, and power within the organization. In revolutionary movements and political parties selective incentives often take the form of anticipated positions of power in the new governments to be formed. In the case of labor unions, members generally receive higher salaries, greater job security and other social benefits than non-members. Particularly active or organizationally productive members may secure senior positions within the union hierarchy.²⁹

²⁸ Micheletti, 1995, p.33-44., Milner, 1989, p.56-7. See Congleton (1991b) for an analysis of how economic and ideological interest groups compete with each other to influence voters who are more or less committed to their personal ideologies.

²⁹ The free-rider problem in its discrete form is a special case of the widely used prisoner's dilemma game. In the usual public goods game matrix involving 2 or more players and a

The activity of such politically active interest groups provides an alternative, and partly complementary, explanation of the history of constitutional reform in Sweden and elsewhere at the turn of the century. Coincident with the emergence of large industrial concerns was the emergence of a large number of ideological and economic interest groups that attempted to affect public policies and implement constitutional reform throughout the rapidly industrializing world. These groups often operated on a wide scale both inside and outside government, and many thereby have affected the development of policies and institutions. For example, Verney attributes much of the popular support for the Swedish constitutional reforms of 1866 to the efforts of economic liberals (1957, p. 79-80) and those of 1920 to the efforts of labor unions and suffrage movements (206-211).

Evidently, organized groups were able to exert sufficient political pressure to change the Swedish political equilibria within the existing constitutional setting through peaceful means.³⁰ After democratic institutions were in place in 1920, the sentiments of ordinary individuals could directly affect policy by choosing representatives who will be empowered to make government decisions. Prior to universal suffrage, however, those not entitled to vote could affect government policies only by persuading those who could participate directly in government to adopt particular policies or institutional reforms. Given this, it may be somewhat surprising that illegal methods did not play a more significant role in Swedish constitutional reform given the limited suffrage present in Sweden during the first two major constitutional reforms. The Swedish experience suggests that persuasion can be an effective manner of changing political equilibria. In the end, policy and constitutional revolutions were observed in Sweden, but not civil warfare.

discrete choice to cooperate or not, no player has an interest in cooperating, since net of the cost of participation, each is better off free riding than cooperating regardless of the efforts of others. Selective incentives overcome this free riding problem by creating a new benefit from cooperation that is largely independent of the decisions of others.

Tullock (1974) uses similar logic to suggest that popular rebellions are very rare. Olson (1965) provides a systematic discussion of the use of exclusionary devices to overcome free-rider problems associated with collective action. An interest group's efforts tend to be greater when its most active members secure greater personal benefits than less active members, and especially non-members.

³⁰ There was evidently some threat of mob action in the period before the 1920 electoral reforms that ended weighted voting and extended the vote to women, although it is not clear whether it influenced parliamentary deliberations significantly.

C. Economics and the Emergence of Large Scale Interest Groups in the 19th Century

The emergence of new Swedish interest groups in the nineteenth century can largely be explained as a consequence of the same technological changes that generated that century's rapid economic transformation. Economic progress is broadly evident within Sweden during the nineteenth century. Both life spans and population increased as per capita income nearly tripled by the late nineteenth century.³¹ Greater income and wealth clearly provided more resources for individual pursuits, including politics.

Economic opportunities also affect both relationships between people and their shared economic interests. At the beginning of the nineteenth century about three quarter of the population resided in agricultural districts. By 1910 the agricultural sector accounted for less than half of the Swedish population. In 1850 only about ten percent of Swedes lived in cities, by 1950 more than half did (Heckscher, 1954, p. 214-15.) Industrialization had indirect effects on the welfare, lifestyles, employment, and location of an overwhelming majority of Swedish citizens. Ordinary work became more impersonal and intense while ordinary life became more urban and prosperous.

Improvements in the equipment used to produce existing products and in the methods for organizing people led to larger scale and more efficient production of goods and services. Increased efficiency also allowed many new products to be brought to market which were formerly too expensive to be profitably produced. Large scale production also required the creation of new organizations, such as the corporation, to coordinate the men, machinery and materials that produced those goods and services. Similar organizational methods could be, and were, used to organize interests not directly tied to production, and not all of which are apolitical.

The same organizational methods developed for coordinating large groups of laborers, suppliers, and machinery could be, and often were, applied to manage other collective activities, some of which had specific political aims. The

³¹ Heckscher notes that real per capital national income increased nearly threefold in the 1861-1914 period (p. 260). On the other hand, the large scale emigration that took place during the late 19th century suggests that not all Swedes realized increased income, particularly in rural areas of Sweden. Heckscher notes that beginning around 1880 the money wages of farm laborers fell dramatically (p. 258). However, the general increase in the population of Sweden and its longevity suggests significant and widespread prosperity.

same reductions in transportation and communication costs that account for many of the economic advantages of urban-based manufacturing and commerce also promote collective action by firms and workers by reducing organizational costs. The concentration of workers and firms within cities clearly reduced the cost of organizing labor unions and producer cartels. At the same time, technological innovations such as the train, telegraph and telephone reduced the cost of coordinating activities within cities, and across the nation as whole in those industries that remained diffuse such as iron works and timber.

Moreover, both the new industries and the new organization of work often created new, or at least more obvious, common economic interests. *In economic terms, industrialization caused the benefits of many kinds of collective action to rise and their costs to fall.*

D. Interests and Ideas Often Join Forces

In many cases, new political ideas and economic interests reinforced one another. For example, in addition to every union members' economic interest in higher wages and better working conditions, the union movement had its own ideology emphasizing socialism and the solidarity of the working class. Together ideology and economic interest can account for a good deal of the impact of unions in both private sector negotiations and public sector reforms.

Economic interests provide a clear explanation for the general pattern of unionization observed in 19th century Europe and America. Economic developments not only provided labor with common tangible interests, but also provided a practical means of solving the free-rider problem. Workers who did not join unions generally received wage and benefit packages that were inferior to those of union members. Free riding could thereby be discouraged and membership encouraged through promises of higher salaries and better working conditions. Yet, the ideas of economic justice and solidarity clearly helped motivate many in the labor movement, which reduced organizational costs.

Moreover, the broad economic and ideological agendas of union activists could clearly be advanced through political means as well as through direct negotiations with employers. Unions soon found it in their interests to lobby for a wide variety of new public policies regarding labor practices and union organization, and an expanded suffrage.

The leadership within firms also shared economic and ideological interests. Firms, especially those within an industry, share narrow economic interests in lowering production costs, increasing demand and profits. Consequently, firms often organize to share information, promote sales, and to reduce competition as might be achieved by coordinating purchasing and pricing decisions. Again, the shared economic interests of firms can explain the broad pattern of industrial organizations, especially with respect to trusts and cooperative associations. Access to useful information and the cost savings of monopsony contracts could be largely limited to members in the relevant trusts and cooperatives. Members might also anticipate differential advantages from targeted government programs such as tax preferences, direct subsidies, trade policies, and the provision of complementary government services.³²

Yet, the broadly shared liberal world view also played a role in both industrial organizational efforts and in the policy arena. The liberal view implied that innovation and increased production, and perhaps free trade, were goods in their own right, and, socially important engines of progress.³³ The ability of employer groups to persuade the public or government of the merits of policies which generally improved the returns to economic entrepreneurship and trade, and the general enthusiasm of many members of trade associations, were clearly enhanced by the broad appeal of liberal arguments inspired by the economic writings of Adam Smith, J. B. Say, Bastiat, and Mill.³⁴

³² Heckscher, 1954, provides evidence of the political success of the Swedish cartels in sugar, milling, and oleomargarine, who were able to obtain significant and profitable protective tariffs in the early 20th century (p. 263).

³³ Heckscher, 1954, p.214.

³⁴ Heckscher, 1954, attributes much of the sudden rise of liberalism in the middle of the 19th century to writings by Bastiat, and such Swedish liberals as Hans Forssell and J. W. Arnberg. He also notes that the creation of the Nationalekonomiska Föreningen (Economic Society) in 1877 provided a useful forum for liberal business men and senior civil servants (p. 263).

Verney, 1957, p. 137 notes that J. S. Mill's *On Liberty* was influential among the intellectuals who played a role in the formation of the Liberal political party and the founding of the Verdandi, a student organization for the dissemination of liberal ideas.

The ideological foundations of the Social Democrats and the labor movement were, of course, very different from that of the liberals. A good over view of the ideas and norms that seem to have shaped the outlook of moderate socialists is provided in Castles (1978) who analyzes the broad social democratic movement that swept through Europe in the twentieth century.

The ideas and interests associated with industrialization lead to the formation of new political alliances and eventually to the emergence of new political parties at the turn of the century. In Sweden, the Social Democratic party emerged out of the suffrage and labor movements in 1889. The initially more influential Liberal party was organized in 1899 as a coalition of more or less like minded members of parliament organized over dinner at Tattersall's restaurant.³⁵ Large scale economic organizations such as labor's Landsorganisationen (LO) were organized in 1898 partly with the support of the Social Democrats. Industry's employer association Svenska Arbetsgivarföreningen (SAF) was organized 1902 with the encouragement of the Conservative and Liberal Parties. (Heckscher, 1954, p.136, 235). Clearly, both economic interest groups could expect to profit if their party gained control of government.

E. Interest Groups and Public Policy

All these new organizations used part of their resources to promote new policies and institutional reforms that would benefit them directly both economically and politically. There are many channels open to such groups in a relatively open and democratic society. For example, *organized* interests may advance their interests quietly within the chambers and committees of parliament and the ministries through argument and promises of support. Alternatively, organized groups may sponsor the dissemination of ideas and arguments showing the merits of their policy positions or subsidize organizations which might more directly organize mass support for their preferred legislative agendas.

Generally, office holders have such a strong interest in continuing in power that they will adopt the policies which makes continuation in office most likely. In a setting where only the king's approval is required, office holders will adopt policies that please the king. In a setting where continuation in office depends on the approval of party leadership, office holders will adopt policies that please those leaders. In cases where continuation in office is more likely when they have the support of organized groups outside of government--as might be said

³⁵ Verney (1957, p. 98-9) discusses an earlier and less formal liberal party organized in 1868 just after the parliamentary reforms were adopted, the New Liberal Association. It, however, was unsuccessful in its legislative aims and disintegrated over the next two years. Evidently, the farmers party was much more successful in its early forms, 1867, partly because it was based upon membership in the old farmer estate.

of labor organizations and political parties--obviously, office holders will attempt to pass laws that please those organizations. If they are not able to create such policies, they know that they will be replaced by new office holders that will.

F. Partisan Interests and Constitutional Reform

Similar incentives may periodically exist regarding constitutional reform. In this manner, groups that can support a large and persuasive campaign clearly can influence policy in a manner beyond their numbers (votes), even in a well functioning democracy.

The organizations that have the greatest direct control over policy are the political parties themselves. They, like any other interest group, may be expected to promote policies and constitutional reforms that increase the power and security of pivotal decision makers within their own organizations.

Verney (1957, 138-142) recounts in some detail the efforts of the major political parties of 1906 to modify electoral rules and expand the franchise in a manner which would maximize their political advantage. In 1907 the new Lindman government (conservative) proposed proportional representation for both chambers as a means of assuring that minority interests, such as the conservatives, would continue to be represented in Parliament. Moreover, in the short run proportional representation would assure that the Conservatives retain control of the first chamber. Micheletti (1995, p. 107) suggests that similar partisan and electoral concerns dominated debate over the parliamentary reforms adopted in 1971, although their identities were reversed.³⁶ By 1950, the Social Democrats had gained a majority in the first chamber, but generally controlled only a minority of the seats in the second.

³⁶ "It is unfortunate that the general debate on constitutional reform is not one of the high points in Swedish political history. The political parties bickered with each other ; debate on constitutional principles was overshadowed by concern for vote maximization ..." (Micheletti, p. 107)

By 1950, partly because of longer terms of office, the first chamber (the Swedish Senate) had become dominated by the Social Democrats who could potentially use their power in the first chamber to slow or block policy reform efforts by the non-socialist block in the second chamber. That Conservatives favored bicameralism in 1906 to preserve their power and supported unicameralism in 1960 to provide the possibility of gaining power demonstrates the importance of partisan interests over ideology based constitutional principles.

In the long run, proportional representation would also assure each party's leadership considerable power over their parties--something the parties had previously lacked. For example, about 20% of the Liberals broke with party ranks to support the Lindman proposals. The lack of party discipline prior to the adoption of PR meant that disagreements could affect voting behavior at little cost to the representatives. Because of the liberal split, the combination of an expanded franchise and proportional representation narrowly carried the day (Verney, 1957, p. 161, 169).

Constitutional reforms change incentives for officeholders to make policy by changing the procedures by which their continuation in office is decided. For example, prior to 1920, elected officials could fairly safely ignore the interests of women and the unpropertied classes since these persons could not vote. Non-voters could only indirectly influence the likelihood that an office holder would continue in power insofar as they could persuade other persons who could vote that their interests were important. Prior to 1945, expansion of poverty programs would have undermined the voter base of the left insofar as citizens relying on poverty programs could not vote in national elections. Short of violent overthrow persons who can not vote, for example children under modern voting rules, have interests that can only be advanced indirectly by others who either care about their interests, or who can be persuaded to vote as if they did.

Persuasion evidently played an important role in the politics that lead to the broadening the franchise in the early twentieth century, although the self-interest of political parties was also evident. Organizations such as labor unions and suffrage groups devoted to promoting an expanded franchise lobbied for an expanded suffrage for many years. The newly organized political parties, the Social Democrats (1889) and Liberals, also favored an expanded franchise. The Farmer's party also favored constitutional reform. To oppose expanding the franchise, was to risk losing office in both current and future elections because so many eligible voters were persuaded of the justice of general adult suffrage. Both interests and ideas clearly played a role in adopting these constitutional reforms.

G. Advantages of Constitutional over Policy Reforms

Although the politics of constitutional reform is in many ways similar to the politics of ordinary legislation, there are some important differences. First,