

The Swedish Model of Public Administration: Separation of Powers - The Swedish Style

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Abstract

In recent years, the so-called “Swedish Model” has received a great deal of attention in Asia. In this context, it is interesting to consider whether there is such a thing as a recognizable Swedish model, not the least when it comes to public administration. This article investigates Swedish structures of public administration with this aim, finding three characteristics that, in combination, distinguish it from most other systems. It argues that Swedish public administration is characterized by a high degree of openness and accountability, a higher degree of autonomy for civil servants than can be found almost anywhere else, and a far-reaching decentralization of political authority to regions and municipalities, the scope of which is unusual in unitary states. While not constituting an exhaustive depiction of Swedish public administration, these three features together arguably define a distinctive Swedish model of public administration.

Keywords: public administration; new public management; Scandinavia public administration; Swedish public administration; Swedish model.

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Introduction

In recent years, the so-called “Swedish Model” has received a great deal of attention in Asia. Scores of delegations from countries like Vietnam or China visit the cold northern European country to learn more about how Swedes organize their society. In this context, it is interesting to consider whether there is such a thing as a recognizable Swedish model, not the least when it comes to public administration. This article investigates Swedish structures of public administration with this aim, finding three characteristics that distinguish the Swedish model from most other systems – they concern relations between state and citizen, central and local levels, and politicians and civil servants. The article is oriented primarily towards an international audience interested in learning more about the Swedish system of public administration and the experiences of decentralization and new public management reforms in a unitary state, and concludes with a brief discussion of the challenges of learning from how others “do” public administration.

Swedish Model(s)

The so-called Swedish Model has always been broader than the famous “cradle-to-grave” welfare state that most people are likely to think of when “the model” is mentioned. We might therefore chose to talk about the Swedish Model(s) instead; the “(s)” being both an acknowledgment that there was more to it than the welfare state, and a pun on the sign for affiliation with the Social Democratic party or (s), home to many of the chief architects behind the models. The Model(s) included components like labor peace, centralized negotiations and “collective agreements” between labor and employers’ organizations without government interference, an economic policy that aimed at full employment, a spirit of political consensus, and women’s full participation in the labor force.

Arguably, however, there is also a distinct Swedish model of public administration, the details of which I will examine in this article. Swedish political scientist Olof Petersson, following Guy Peters, describes the defining characteristics of this model as a prominent role of municipalities in the public sector, a culture of technocratic consensus, and high demands on public insight into the bureaucracy and disclosure of public documents (Petersson 2007, 30-31). For their part, Rune Premfors et al identify six distinguishing features of Swedish public administration: Corporatism or the institutionalized involvement of organized interest groups, “dualism”, and openness are commonly held up as typical but the authors also point out that Swedish public administration is “judicial” in character, comparatively large, and “bottom-heavy”, by which they mean that it is paradoxically both centralized and decentralized (Premfors et al. 2003). While my analysis coincides partly with that of both Petersson and Premfors et al., it is slightly more parsimonious than the latter and primarily aims to introduce existing Swedish scholarship on this topic to a wider international audience.

Three Characteristics of Swedish Public Administration

Openness and accountability

Public access to documents: The first distinguishing feature of Swedish public administration is its emphasis on openness and accountability. The Swedish principle of public access to official documents – *offentlighetsprincipen* – is quite possibly the oldest established such norm in the world. It dates back to the Freedom of the Press Act of 1766 (Tryckfrihetsförordningen or TF). Premfors et. al. note that while Britain had abolished censorship as early as 1695, substantial freedom of expression and press had to wait. By 1766, no other country had instituted a norm of public access in the administration equivalent to that found in the Swedish TF (Premfors et al. 2003, 62-63). The principle is quite simple: all documents that come in to, are stored at, or leave an administrative agency, or that are produced as a result of agency activities are public documents and must be accessible to any person who wants to see it.

There are exceptions to this rule. Classified documents, documents that contain personal and sensitive information about individual citizens (such as e.g. mental health and sexual habits), and as already stated, internal working documents are not public. Likewise, documents containing information about corporations that, if released, would put the latter at a disadvantage vis-à-vis their competition are also exempt from the public access requirement. However, the latter kind of exception is typically limited to a specific context, such as a closed bidding process, and expires at the conclusion of said process. Documents containing sensitive personal information can be released with the individual's consent. When it comes to internal working documents and classified documents, they are normally released if a petition is submitted asking for them to be made public. And internal working documents automatically become public if they are e.g. referred to in a decision by an agency or used as a basis for a decision.

Perhaps as important as the legal dimension is the “culture” of openness that arguably pervades Swedish politics and bureaucracy. It is sometimes jokingly said that the fact that a document has been classified as secret is merely a warning to politicians to think twice before making it public (Larsson and Bäck 2008, 280-281). One should, of course, be careful not to glorify Swedish civil servants and their commitment to openness. For example, a recent series of investigative articles in the Swedish daily Svenska Dagbladet uncovered improprieties and possible illegalities in a not-so-competitive competitive tendering process involving the procurement of hospital food in Stockholm County. The process appears to have been rigged in favor of one large provider of catering – the French-owned company Sodexo – and the critical findings of an evaluation in the midst of the procurement process were not registered or publicized until after a contract was signed and journalists began probing the issue. On the other hand, flawed public procurement processes are hardly unique to Sweden. What may well be unique is the ease and swiftness by which the investigative journalists were able to gain access to internal working documents related to the story. Notes from meetings, email conversations, and even text-messages sent to and from civil servants and elected officials involved in the matter – all were obtained simply by requesting to see them. Often, documents were produced the very same day the requests were made.²

An important aspect of the process by which a request to see a government document is put forth is that the person asking to see the document can remain anonymous and does not have to state his or her motive for making the request (Halvarson, Lundmark, and Staberg 2003, 70). A corollary principle is the principle in the Freedom of the Press Act, which states that any person (including civil servants) is entitled to anonymity when giving information to the press, that journalists are required to conceal the identity of his or her sources, and that the “whistle-blower” is immune from prosecution for sharing the information. Any agency or public employer is prohibited from researching the identity of such whistle-blowers and can be prosecuted for doing so. This principle can, however, be overruled in cases where national security is at stake, for example (Halvarson, Lundmark, and Staberg 2003, 67). However, exceptions appear to occur in practice also in cases where the law states that the principle should apply, suggesting that it is less of a central component of the above mentioned culture of openness than the right to public access. The latter was, for example, more important to the journalists working on the Sodexo than its corollary, as they found it easier to gain access to documents than to sources willing to talk about the matter. The prohibition against employers researching sources of leaks may in practice be a weaker norm than its corollary.

The Ombudsman: The principle of accountability is an important component of New Public Management (NPM) reform ideas, but one Swedish institution that aims to ensure accountability far predates the NPM movement. The Swedish Ombudsman institution dates back to the 18th and 19th century, when the Chancellor of Justice (abbreviated JK and first established 1713) and the Parliamentary Ombudsmen (JO, established in 1809) were created to act as the representatives – or ombud in Swedish – and attorneys of the King and Parliament respectively. They are thereby the oldest Ombudsman institutions in the world. JK and JO are the only two institutions that are allowed

² Interview by author with journalists at Svenska Dagbladet, Josef el Mahdi, July 15 2009.

to press charges against ministers and justices for crimes committed while in their official capacity. Of the two, the Parliamentary Ombudsman is perhaps the institution that has received most international attention. Its main function today is to monitor administrative agencies and civil servants to make sure that they abide by the laws, regulations, and general standards of good procedure and service that regulate their professional activities. Many of the investigations by the four Parliamentary Ombudsmen (there are four Ombudsmen and a total staff of around 50 people, of which some 35 are lawyers; many of them former justices) are initiated through complaints from the public,³ but the Ombudsmen are themselves able to initiate investigations into suspected wrongdoings whenever they see fit. Media coverage into potential wrongdoings is one common source of “inspiration” for such investigations.

The Ombudsmen have recourse to a number of actions when they find a fault. If the wrongdoing appears to be a direct violation of a law, the Ombudsmen can take the issue to court and act as a prosecutor. Otherwise, the Ombudsmen may recommend disciplinary action to disciplinary entities such as the Government Disciplinary Board – which decides on disciplinary action against high level state employees like Director Generals or Professors – including warning, suspension, or salary deductions. By far the most common course of action, however, is a written reprimand combined with suggestions for how to improve the problematic practices, structures, or procedures in question. This may seem like a weak instrument, but criticism by one of the Ombudsmen is usually covered in the media and is considered highly embarrassing by the targeted civil servants or administrative agencies. It is therefore usually quite effective. If the JO finds wrongs that require laws to be revised or new laws to be written, the Ombudsman can either him-/herself present this problem along with a proposed legislative solution to Parliament, or inform the relevant Parliamentary Committee of the problem and leave it to them to solve it. While the Parliamentary Ombudsman receives its budget and instructions from Parliament, the latter refrains from interfering in the daily business of the Ombudsmen so as not to compromise the integrity of the institution.

Dualism

Small ministries and large agencies. Swedish ministries are extremely small compared to ministries in most other countries. Only a total of around 4800 people – staff and political appointees – work in the Government Offices (which includes the Office of the PM, the currently nine ministries, and the Office for Administrative Affairs) (Pollitt and Bouckaert 2004, 287; Government Offices of Sweden 2009, 160). In this context, it is unsurprising that the administrative agencies – who do much of the work that in many other countries is performed in large ministries – are comparatively large.

Each central agency “sorts under” a certain Ministry. However, while under the jurisdiction of a particular ministry, each agency reports to the Government as a whole. This is a consequence of the collegiality norm that guides decision making in the Government, according to which all decisions by the Government are taken jointly by all ministers as a collective as opposed to by the individual minister in charge of the relevant Ministry (Larsson 2002; Halvarson, Lundmark, and Staberg 2003; Ministry of Finance 2007).

The organizational structure of the typical central administrative agencies is an internal matter. That is, within the general framework set up in the ordinances, it is up to the Director General in charge and his/her managerial staff how to structure the agency. Likewise, personnel matters are regulated in law but typically on a very general level, and there has in recent years been a move toward reducing differences between the private and public sector with respect to labor affairs. The civil servant is increasingly seen as an employee like any other and traditional bureaucratic practices such as lifetime guaranteed employment have essentially been phased out (Larsson 2002). As is the case throughout

³ Any person can submit a complaint, including non-citizens or persons who have merely witnessed wrongdoings. There are no requirements on form or format of complaints, and some submissions are hand-written letters or notes. All submitted complaints are public and media continuously search the published collection of complaints for good stories.

the Swedish labor market, the determination of salary levels and most other important personnel issues are determined – within the boundaries set by the law – in the first instance by framework agreements between labor unions and employer organizations, and then through individual negotiations between employer and employee. How much this arrangement will have to change as a result of recent decisions in the European Court of Justice (in particular the “Laval case”) is now too early to tell.

Dualism and its limits. Perhaps the most important distinguishing characteristic of central Swedish administrative agencies is a feature even more typical than their large size (compared to the small ministries) or openness and accountability: This is the so-called dualism, which dates back to the Constitution of 1809 (Larsson 2002). The term dualism signifies not only that there are clear demarcations between the political ministries and the non-political agencies, but that this separation is enshrined in the constitution.⁴ It is indeed considered a serious offense for a minister to engage in what might be translated to “ministerial rule” and every year, the Standing Committee of the Constitution in parliament investigates cases of suspected illegitimate meddling in the affairs of the administrative agencies by members of the government.

The dualism of the Swedish system is unique on an international comparison (with Finland possibly being the main exception), for while many countries have moved toward granting the administrative bodies greater autonomy (Pollitt and Bouckaert 2004), nowhere else is the entire administrative structure built “around delegation of power” (OECD 2002, 15). Interestingly, the prohibition against trying to influence how an agency handles a specific case also applies to Members of Parliament and all other public authorities (Larsson 2002, 136). This autonomy has clearly defined limits, however, and membership in the European Union may have affected this aspect of Swedish public administration by placing high demands on coordination between civil servants and ministry officials.

In the first instance, the above mentioned prohibition against interference only concerns individual cases. That is, Government ministers are allowed to exercise general control over the agencies under their jurisdiction; they are just not permitted to interfere in matters pertaining to specific cases or decisions concerning individuals, municipalities, or county councils. Other instruments of governing the agencies that are available to the Government include the right to appoint heads of agencies and the use of informal contacts between political appointees in the ministries and agency personnel. There are, however, customary as well as legal limits to these powers.

Moreover, each agency operates within a legal framework established by Riksdagen as well as the Government. The general collection of laws that regulate all administrative agencies are set up by Riksdagen and thus constitute a second important means of governance of their operations. Some of these regulations are general, others highly specific. (Premfors et al. 2003, 119) In addition to the laws promulgated by Parliament, the Government issues an ordinance when an agency is initially set up, which contains a set of instructions (ergo the Swedish name of these ordinances, which translates to “letter of instruction”) that very broadly define the agency’s institutional structure and general objectives. As already mentioned, however, the exact institutional structure is an internal matter for the leadership of the respective agency. The Government also publishes yearly appropriations directions specific to each agency, which define its annual objectives and available resources.

Of course, even more than the regulations of formal and organizational matters pertaining to the agencies, the most important means of legally governing the work of the latter are laws specifying the policies that the agencies are charged with implementing. But this is more a matter of policy than public administration, so I we need not say much more on this kind of substantive governance here.

Beginning in the 1970s, there was a marked shift in the nature of the laws and ordinances that govern the activities of the administrative agencies, away from detailed regulations toward increasing reliance

⁴ The Swedish constitution is rather brief on this matter, however, and the partial autonomy of agencies owes much to practice that has emerged over the years. I am grateful to Marja Lämne for pointing this out.

on management by objectives and eventually to the so-called framework laws of today (Tarschys 2006; Halvarson, Lundmark, and Staberg 2003), a transformation that is clearly seen in how the Government uses its fiscal instruments to govern the administrative apparatus.

These fiscal instruments in turn constitute a third important means by which both Riksdag and the Government can and do govern the administrative agencies, despite the latter's constitutionally guaranteed independence. Every year in February, each agency is required to submit an annual report on its activities and finances, and whether it achieved the objectives set up by the Government the previous year. A week later, the agencies present estimates of the funds they will need for their operations during the coming year to the Government. These reports constitute an important basis for the Government's budget proposal.

The above mentioned change in the nature of fiscal governance of the administration is evident in the decreasing use of earmarked allocations for specific projects and tasks. Instead, there has been a preference for framework allocations and greater freedom of administrative agencies to dispose of their budget as they see fit. Consistent with the ideals of the NPM movement, the general idea is that the politicians set the objectives and provide the resources, but that the civil servants and their management are best placed to determine the appropriate means to achieve the objectives. The annual reports required of the agencies follow a format predefined by the Government, which is partly intended to allow for easy comparison between agencies and sectors, and this specification has become an important instrument of governance (Larsson, 2004, pp. 40-43). Moreover, the annual reports are often supplemented by reports from each agency upon completion of individual projects and by meetings with Director Generals at varying intervals, which allows the relevant ministry to supervise progress toward the objectives set up for the agency.

While there are thus several instruments available to Government ministers and their politically appointed staff to govern the general direction of the agencies' work, the average Swedish civil servant retains a degree of autonomy that is unusual if not unique by international standards. One survey of top-level management at 182 Swedish administrative agencies strongly suggests that this autonomy is by and large respected. 86% of respondents stated that the ministry under which they worked placed "no" restrictions or only "very minor" restrictions on how they manage their daily work and prioritize between activities. 13% of the managers said that there were "consultations" with and "some restrictions" set by the ministry, whereas only 1% claimed that the "ministry takes most decisions" (Niklasson 2009).

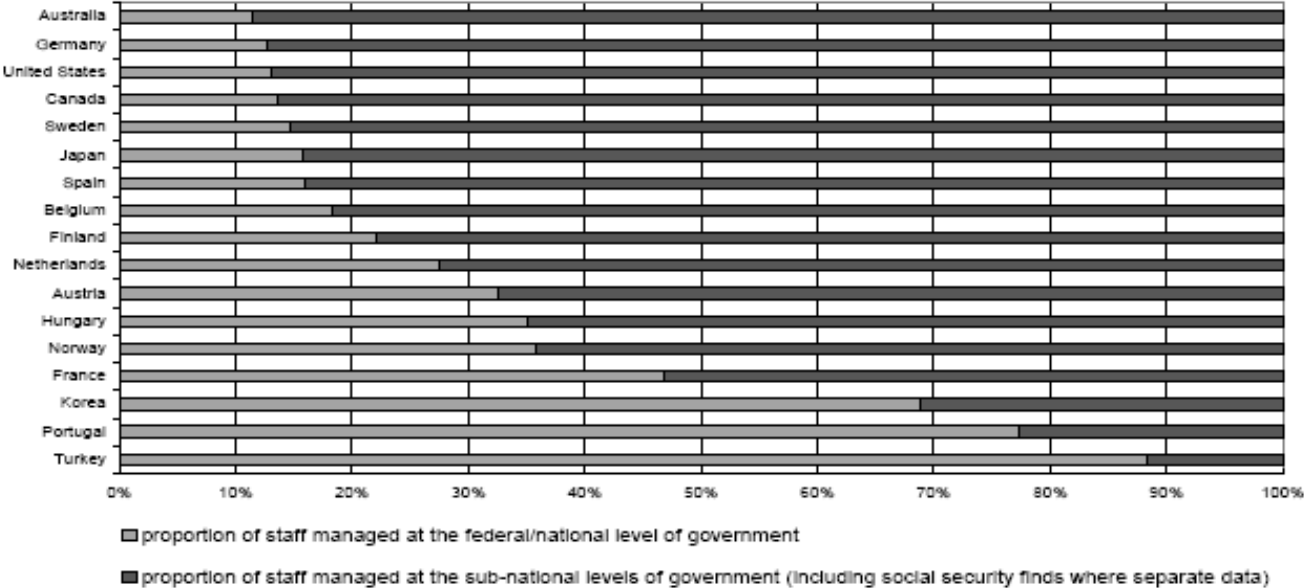
A Decentralized Unitary State

Sweden is a unitary state and all power ultimately emanates from the national legislature. However, this legislature – the Riksdag – has delegated more extensive powers to the regional-level county councils and the local-level municipalities (both of which are technically so-called "communes") than is common in other unitary states (Wetterberg 2004). The autonomy of the communes, which dates back to the early 1800s, is since 1975 guaranteed in the constitution and is further strengthened by the fact that regional and local level representatives are directly elected. Two additional sources of local/regional autonomy are the division of competences and their right to levy taxes.

Regional and local competences: One safeguard of local and regional autonomy, then, is the existence of a rather clear division of competence between the three levels. County councils are almost exclusively preoccupied with health and dental care, though they are also in charge of certain aspects of regional-level public transportation in cooperation with the relevant municipalities and may choose to take on such issues as promoting tourism or culture. In contrast, the municipalities are in charge of a long list of services, the most important of which are education, daycare/kindergarten, care of the elderly and handicapped, libraries, city planning, rescue services (including firefighting), water and sewage, street and park maintenance, waste collection and disposal, and civil defense (Halvarson, Lundmark, and Staberg 2003, 152).

One aspect of the continuous and far-reaching decentralization in the division of competences between the national and municipal levels in Sweden over the past 30 years is that the bulk of civil servants in the country now work for the municipalities. Pollitt and Bouckaert (2004) cite OECD figures on the percentage share of public employment for each level of government in twelve countries, which show that in terms of the relative size of the national versus local/regional public sectors, Sweden lies much closer to that of federal countries like the U.S. or Canada than to other unitary states like France or the U.K. (Pollitt and Bouckaert 2004, 44). The following table (from a report on employment in government by OECD’s Public Employment and Management Working Party) gives a clear picture of just how decentralized Sweden is relative to other comparable unitary states. Among the 15 states surveyed in 2005, only the federal countries of Australia, Germany, the U.S., and Canada have a higher proportion of government employees on the national (federal) level relative to local and regional levels than does Sweden.

Figure 1: Employment in government by level of government (2005).



Source: OECD 2008, page 26.

Local & Regional Right of Taxation: A precondition for the constitutionally guaranteed local/regional autonomy discussed above is the right of the sub-national governments to levy taxes to fund their activities. This right, however, has certain limits. There were several so-called local “tax-freezes” issued during the late 1990s and according to a decision by the Riksdag from the late 90s, all local/regional governments are required to achieve balance between expenditures and revenues by the year 2000. These are clearly limitations on the ability of the sub-national levels to freely make their own policy, but their significance should not be overstated. There have only been few such infringements by the central government and they have not gone beyond these boundary-setting actions to directly influence policy. It is also important to note the central government’s rationale for imposing the freeze on tax-increases: the fact that the local and regional sectors are so large and significant for the nation’s economy is what led them to intervene in the first place.

Concluding Discussion – On Learning and Collective Memories

Stanford sociologist John Meyer and his colleagues have noted a seemingly obvious yet frequently overlooked feature of the global landscape of national states: Governments and public administrations

around the world are strikingly similar in terms of basic institutional structure. All states have, for example, the equivalent of a ministry of education responsible for the implementation of educational policy and the operation of the school system, and all states have levels of government which stand in a more or less hierarchical relationship to each other (see e.g. Meyer 2000).

What goes for the rest of the world also goes for Sweden, and from a high altitude Swedish public administration is much like any other. Nevertheless, we have seen that at a closer distance there are certain features of Swedish public administration that, taken together, make for quite a unique arrangement: openness, dualism, and what we might term unitary decentralization. In a sense, they constitute a peculiar attempt to regulate the distribution of political-legal-economic power between major political, administrative, and societal actors. A distinctly Swedish interpretation of Montesquieu, perhaps.

Indeed, the Swedish tradition is itself a product of imitation and social learning, as Meyer would predict. But states are never simply empty vessels and imitation on this scale never produces perfect clones. The amalgam of early German (*rechtsstaat*) and more recent Anglo-Saxon (new public management) influences have been filtered through a unique set of collective memories, habits, and institutions that in turn generated the distinctive Swedish model detailed in this article.

Bo Rothstein has emphasized the importance of such collective memories and of culture when discussing the Swedish ability to successfully resolve the kinds of collective action problems associated with non-cooperative behavior like corruption (Rothstein 2000). In his view, Swedish society is characterized by a high degree of trust – both between fellow citizens and toward government institutions. Arguably, this trust helps ensure effective and stable institutions of public administration and makes it possible for the central government to allow high degrees of administrative autonomy, public insight and accountability, and decentralization without fearing a debilitating loss of control.

While this makes the Swedish model interesting – e.g. as an example of how to all but eliminate corruption – it also points to the problems associated with cross-cultural learning. It may be easy to enact laws promising public access to official documents, but how do you create a culture of openness if one does not exist? As Rothstein points out, simply copying a set of institutions into an alien cultural and historical environment may be a recipe for failure. These challenges notwithstanding, the Swedish public administrative tradition constitutes an interesting experiment in how a strong central government allow far-reaching decentralization, administrative autonomy, and openness/accountability. For Asian countries interested in reforming their own civil service in this direction, it may be worth taking a closer look at the Swedish model.

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