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Freedom and Sweden's Constitution

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OPINION | COMMENTARY

Freedom and Sweden's Constitution

The country's laissez-faire response to the coronavirus pandemic has deep roots in both culture and law.

By *Lars Jonung* and *Steve H. Hanke*

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Passengers board a train in Stockholm, April 24.

PHOTO: ORRE PONTUS/AFTONBLADET/ZUMA PRESS

In most countries, the tool of choice to “flatten the curve” of the coronavirus pandemic is the lockdown. Not in Sweden, which has chosen a rather laissez-faire approach. The borders have been kept open, and Swedes are free to travel within the country, visit bars and restaurants (with some restrictions), parks, hairdressers, gyms and most other places.

The cornerstone of the Swedish response is its constitution's most important part, the Regeringsform. Chapter 2, Article 8 states: “Everyone shall be protected in their relations with the public institutions against deprivations of personal liberty. All Swedish citizens shall also in other respects be guaranteed freedom of movement within the Realm and freedom to depart

the Realm.” The Regeringsform makes exceptions only for prisoners and military conscripts, and there is no provision for a peacetime state of emergency. While the constitutions of neighboring Finland and Norway also guarantee freedom of movement, neither juxtaposes that provision with a broad protection of “personal liberty.”

The Swedish Constitution comes into play in another, more significant way, namely the strong independence of public authorities from government interference. This unique feature originated with the Regeringsform of 1634, which followed the death of King Gustavus Adolphus II in the Thirty Years War. It insulates Sweden's public institutions from political meddling to a much greater degree than in any other democracy.

The Public Health Agency of Sweden—like other public bodies, such as the world's oldest central bank, the Riksbank—operates with an incomparably high degree of independence from the government. Chapter 12, Article 2 of the Regeringsform spells this out: “No public authority, including the Riksdag”—the Parliament—“or decision-making body of any local authority, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis an individual or a local authority, or relating to the application of law.”



So the Swedish Public Health Agency is directed and operated by experts—not government political appointees. These experts are the architects of Sweden's response to the coronavirus pandemic. They have developed a broader approach than most epidemiologists. The collaborative work of health economists and epidemiologists at the Swedish Public Health Agency has produced a response that explicitly considers the overall impact of their policies on the Swedish economy and people. The heads of the Public Health Agency have the last word.

The independence of public authorities seems to suit the Swedes. They have strong trust in public institutions, in the government's effectiveness and honesty, and in the democratic process and rule of law. This trust is, in large part, derived from the freedoms guaranteed by the Swedish constitution. Swedes also trust each other to a remarkable extent, as documented in international surveys. According to a recent poll, 63% of Swedes reported that they trusted most people, compared with only 30% in the U.S. So when Sweden's state epidemiologist, Anders Tegnell, speaks, Swedes listen to his advice on social distancing, washing hands for at least 30 seconds, and self-isolation of at-risk groups, like those over 70.

It isn't only Sweden's epidemiologists who have the Swedes' ears—economists do, too. The great Swedish economists, starting with Knut Wicksell (1851-1926), have been active in the public sphere and have had an outsize influence on Swedish policy. Once the coronavirus appeared, Swedish economists cautioned that a policy of restrictions, such as lockdowns, would impose enormous economic costs to society, and that it might be as bad as the disease itself. Swedes listened.

Sweden's exceptionalism rests on both its formal written constitution and the high degree of trust infused in the country's customs and habits. It's one thing to have rules, another thing to follow them.

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