

Political Corruption
In
Transparency International's
Integrity System Report
2011

N N, 2012

Executive Summary

This paper discusses the 2011 Integrity System report from Transparency International Sweden, and especially the contributions by the political scientist Erik Karlsson at the Stockholm University.

It alleges serious political corruption in two articles by Erik Karlsson, and also in the report taken as a whole.

My criticisms have been communicated at an early stage to Erik Karlsson, without any response. They have then been reported to the faculty of social sciences at the Stockholm University. They have replied that they will initiate an investigation.

My criticisms have also been communicated to Transparency International Sweden and Transparency Europe.

The reply has been the same from both levels in Transparency. They have assumed no responsibility of their own and have pointed to the level below. This is of course nonsense, and shows that corruption exists also within Transparency, as an organisation.

Lotta Rydström only passed my information on to Erik Karlsson. Susanne Keuhn failed to reply altogether. Valentina Rigamonti replied but did not assume any responsibility, nor did she reply to a second mail.

It should especially be noted that the vice-president of Transparency International Sweden, Anna-Karin Lundin, is a former administrative high court judge. One of Erik Karlsson's chapters evaluates the integrity of Swedish courts and fails to include highly critical research about political corruption in the administrative courts.

It is my suggestion that Transparency corporate disavow the Swedish chapter, and that all those who finance Transparency activities withdraw their financing, until Transparency corporate can show that the organisation is not corrupt and that the methods used are reliable.

The 2011 integrity system report must also be withdrawn by Transparency International Sweden, the current board must resign, and the results of the report must be disavowed publicly by Transparency corporate.

The officer responsible for Europe, who has not taken corporate responsibility for the report following my complaint, should be dismissed.

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The most important thing that can be done to fight corruption in Sweden is an international truth commission that investigates political corruption in Sweden, beginning with internal police investigations, and then working their way through the prosecutors, the courts and government agencies.

I submit that based on international law it is perfectly possible to prosecute and convict perhaps a majority of all high-level civil servants in Sweden, based on systematic and serious violations of existing laws and or principles in democratic countries.

The Swedish system for administrative appeal and lack of legal review of *acts of government* must then especially be examined and compared with principles in democratic countries.

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A copy of this paper will be handed to foreign correspondents in Sweden, and there will be an international press release.

N N, Stockholm, Sweden, July, 2012

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Introduction

It has been said that there was almost no crime in the former Soviet-Union. This may well be true, because the criminals were those in power. They probably did not want competition and had the means of enforcing their will.

One of the safest cities in Europe is probably Bilbao, in the Spanish Basque country. You feel completely safe walking through the streets in the dead of the night. Why? If you ask the citizens, they explain that the criminals have joined ETA, and that ETA exercises a form of covert surveillance of the population, thereby maintaining discipline over rogue elements.

These are two examples of the way that culture matters when evaluating and comparing countries, and an illustration that statistics must be accompanied by a qualitative analysis of what is actually going on in any given society.

Sweden scores high on several social indicators because of similar distortions and extremes of social and political culture.

Many liberals believed that economic growth in China would automatically lead to increased political freedom. These expectations are no longer held in the same enthusiastic way.

In the comments to the “Arab spring” the pundits are now very much aware that a seemingly democratic revolution does not automatically bring about Jeffersonian democracy. They realise that there is a long road ahead, and that we cannot expect a perfect democracy to emerge overnight.

One could have hoped that Greece had developed in the same direction as the rest of Europe, since the fall of dictatorship. However, the financial crisis has revealed serious rot in that society, and a common explanation is that several aspects of Greek political culture have not changed since the fall of dictatorship.

These are examples that show that societies change more slowly than has been generally recognized, at least until recently. In other words, a strong democracy requires a long tradition.

An example of national idiosyncrasy can be taken from mainstream political science. The Dutch political scientist Arend Lijphart distinguishes between majoritarian and consensual democracies. He thereby criticizes the notion of Anglo-Saxon majoritarian political culture as a taken for granted democratic norm. Holland was Lijphart’s point of departure for this critique. In that country a consensual political mentality has developed from a shared struggle against flooding from the sea.

This example illustrates how political culture is determined by an idiosyncratic national historical experience.

There may of course be commonalities based on a more widely shared cultural heritage and modernization, but the so called “cultural turn” in the social

sciences posits that there are different roads to modernity, that nations differ, and that there seldom is a clean break with tradition.

Sweden is one of the youngest democracies in Western Europe. In 1908 only Italy and Romania had a lower percentage of the population entitled to vote. This was the result of the protracted resistance of an entrenched conservative oligarchy, which controlled almost all parts of Swedish officialdom. **The continuance of this oligarchic tradition is crucial to the understanding of the lack of integrity of Swedish public institutions during the last hundred years.**

In 1955, the American political scientist Dankwart Rustow wrote a monograph about Swedish politics called *The Politics of Compromise*. He observed that the intimacy of an earlier period elite, bound together by ties of personal friendship and family, had carried over to the new elite. There were oligarchic rule traditions of intimacy, good manners and mutual respect. He also claimed that hierarchical patterns of deference to rank and social position in Swedish society were further evidence of the strong grip of custom and tradition. In the same vein, he concluded his book with the claim that the recent "progressiveness of social reform in Sweden should not obscure the conservatism of her politics".

In 1967, the journalist Fredrik Fleisher wrote a book about Sweden called *The New Sweden The challenge of a disciplined democracy*. In it he noted that Americans did not see Sweden as a modern country because there was no equality between the people and the elites, and the people was generally passive in politics. Fleisher agreed with this general criticism.

Another crucial issue with regards to interpretation is the difference between form and content.

The classical example is the difference in the formal structure of democracy between England and the US. Political scientists sometimes remark that the oldest and the greatest democracy represent two extremes of the formal regulation of democracy. Yet, their political culture is probably more similar than different, if we compare with other countries.

This goes to show that the relation between formal trappings and everyday realities is far from given.

I spend much ink on these fundamental issues in the social sciences, only to drive home the point that to really know how a society works requires an understanding of its political culture. If we want to study the integrity of Swedish political institutions, we first have to understand Swedish political culture. Without such an understanding survey data become meaningless or even potentially misleading.

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The next step is then to realize that the study of culture is the subject-matter of anthropology, not political science or survey-sociology. Therefore, anthropological theory and method must be given priority.

As all anthropologists know, the only way to truly understand culture is extensive and direct involvement in a society, including a direct observation of practice. Direct observation is necessary because what people say that they do and what they actually do may be completely different things. Nor is it always possible to trust the way that natives describe their society to foreigners, especially if the issues are politically sensitive. In fact, the founder of modern anthropology, Bronislaw Malinowski, suggested that you should seek out the aberrant voices in a society and listen carefully to them.

The inevitable conclusion from these methodological insights is that the form that many global current surveys take is methodologically all but worthless.

Here is an example that can be found in a basic text book in social anthropology:

According to the anthropologist John R. Brown,

“About 65 percent of Japanese people have told survey-takers in repeated surveys that they have not religious beliefs ... But 76 percent of these respondents have in their homes either a Shinto altar devoted to kami, or a Buddhist one devoted to the souls of the dead.”

and,

“One problem is the word religion, which in Japanese is shukyo, a word originally devised to answer pesky missionaries who asked Japanese to state what their religion is ... Thus, asking someone in Japan if he or she has a religion or religious belief is something like asking a person in the United States if he or she is a member of a religious movement, a question that would elicit denials from many churchgoers.”

From Bowen, we also learn that the Japanese have promoted “state shinto” as a response to modernity¹. This hardly reflects modern secularism, where the very core is the separation of the state and the church.

Sweden is the country in Europe with the strongest tradition of a state church. Full religious freedom was achieved in Sweden as late as 1951. One could also wonder why Sweden in the World Values Survey (WVS) ends up together with Japan and Germany, and especially former East Germany? In what way are these countries more modern than, say, the US or France? Does the WVS team really believe that in the future the rest of the world will be more like Germany, Japan and Sweden – in this regard?

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It is interesting to note that the Transparency method for integrity analysis recognizes the importance of culture and practice. The report for Sweden begins

¹ Bowen, John R. *Religions in Practice: An approach to the anthropology of religion*, 3 ed. Boston & New York: Pearson, 2005, 32.

with an analysis of Swedish culture, and each section contains both an evaluation of formal trappings and practice.

However, from an anthropologist's point of view, the methodology, the data and the interpretations of this study are all but worthless, unless informed by a critical attitude to surveys, familiarity with political culture and a basis in the systematic study of practice.

In the report, culture has often not been described correctly and practice has not been studied directly, if it has been studied at all.

It is then worth noting that in the report the World Values Survey is described by Svante Ersson as more scientific and reliable than more composite and involved studies of mentality by ethnographers (Daun) and political culture by a political scientist (Anton).

Furthermore, the results in the report are based on points of view from "experts" that have no real knowledge. It is possible to be an expert on snakes without ever having seen a snake. But you cannot be an expert on snakes if there is no one who has seen a snake. Since in several cases there simply does not exist any research, these people are not and cannot be experts on several of the issues that they comment on. They "think" and they "believe", or they refer to what, in their view, is "widely known". That is how soft the rock bottom of this report often is, especially on the most crucial issues.

However, it does not stop there. Erik Karlsson and others take this one step further. The experts that do exist, and the most important empirical research that does exist, has not been taken in account, most likely because it directly contradicts their results.

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I have worked as an information assistant at the Swedish competition agency, with the deputy director as my head of department. He has 25 years of experience from that agency. His view was that corruption was systemic in all Swedish municipalities of the size of Norrköping and smaller.

According to him, this corruption takes the form of economic and bureaucratic favours among a small and tightly knit political and economic elite. Again, we have the oligarchy. His view was also that this is worse in Sweden than in other countries, primarily because one political party has ruled Sweden for a very long time (the same is true in many municipalities).

However, that is a view of mostly economic and horizontal forms of bureaucratic corruption.

Such corruption is much less important in Sweden than political corruption, defined as civil servants and other high level state employees that do what the government deems necessary to implement

policy, regardless of existing statutes and principles in democratic countries.

This is of course only possible if the police and prosecutors do not care about such malfeasance. In other words, it requires a thoroughly rotten system. Political corruption is therefore pervasive, systemic and rampant in Sweden.

As above, this can be understood as an heritage from the old oligarchy that resisted an extension of the suffrage. In 1921 there was universal suffrage for the first time. Ten years later, Sweden embarked on a record-breaking dominant-party stint (almost uninterrupted until 1976, and then with only brief periods of opposition rule). Sweden therefore never acquired an experience of modern democratic parliamentarism. To the contrary, this short period seems to have created an aversion to the parliament as the main nexus of power. Stability, deference to authority, collective rights and bureaucratic rule have become more important than liberal democracy.

How this system works was revealed in a number of high profile legal scandals during the 1950s. During this period the terms “friendship corruption” and “legal rot” were coined. However, Sweden as a nation has continued as if these problems do not exist. These affairs never resulted in structural changes to the system or changes in the peoples mentality. Tradition was too strong.

Gunnar Myrdal lies about Sweden

To illustrate the phenomenon that we are dealing with here - Swedish international propaganda and intellectual dishonesty -, I will describe an archival find.

In 1938 Gunnar Myrdal wrote two articles for the American journal *Survey Graphic*. He assured his readers that Sweden had preserved “individual liberty and free institutions” and that the “internal front of democracy” in the Nordic countries was strong, “stronger perhaps, than in any part of the world today”. In the Nordic countries there was also “an ingrained respect for law even, if you like, a legalistic bent of mind”. Due process meant much to everyone and “the common citizen could not conceive of accepting arbitrariness even if it meant security and higher income, and that, of course, is not the choice”. In Myrdal’s view, “Life and work, attitudes and patterns of behavior in Sweden” were “closer to American patterns than those of any other country”.

When Myrdal described the “machinery of Swedish democracy” he, *inter alia*, claimed that appointments were only based on competence. Regarding property rights he clarified that state intervention in Sweden was an expression of a national tradition, not something socialistic and new; and that it had been “a long time since Swedish business and finance were frightened by a socialist government”.

On the other hand, in the 1941 *Kontakt med Amerika*, written for a Swedish audience, Alva and Gunnar Myrdal discussed their concerns about political developments in Sweden.

The parliament had begun to issue so called mandate laws, and these resulted in a surge in government regulations that they saw as a serious threat to the rule of law. In their view, especially property rights were endangered; as was the integrity of the constitution. As the Myrdals explained it, their concern was due to the “manifest circumstance that neither the people in general nor their representatives in parliament seemed to be particularly concerned about the constitution”. In their view, “The general public [in Sweden] has at present no real understanding about these issues”; “The fundamental tenants of the rule of law are much more known and understood by the general public in America. Sweden is more psychologically and ideologically unprepared for the trials of these hard times and more helpless in this regard than any other nation that we know”. There were “too many Swedes that glibly believe that citizen rights are only of importance to journalists and members of parliament”.

These characterizations of Swedish political mentality no doubt directly contradicted what Gunnar Myrdal had written a few years earlier, for consumption by his American audience.

To further stress their point, the Myrdals provided their explanation to why the Swedes had so little interest in the constitution and the rule of law. Supposedly, the Swedish people were more concerned with the practical aspects of life and were therefore very little concerned or aware of the fundamental principles of political life. This again directly contradicted what Gunnar Myrdal had written in *Survey Graphic* about the relation between arbitrariness, security and higher income.

Finally, the Myrdals criticized that Swedish legal experts had so far refrained from communicating directly with the general public. In their view, this was a reason why there was very little knowledge in Sweden about issues that had to do with constitutionalism and the rule of law.

It was as if Gunnar Myrdal in *Survey Graphic* had taken his true understanding about Swedish political mentality and inverted it.

The point here is not so much Gunnar Myrdal's glaring self-contradictions - the Swedes shifted from being world leading to laggard, from similar to the US to very different, from democratically strong to weak, and from highly legalistic to highly materialistic -, as the potentially spurious nature of the sweeping reassurances about political culture, mentality and practice that Sweden-reporting is so full of, including the TIS report.

When the empirical basis for the TIS evaluation is probed, all we end up with are opinions by state-employed and selectively chosen “experts”.

History tells us that those experts lie, and know that they are lying.

Swedish Political Culture

Any serious study of Swedish political culture will encounter a split vision.

Since the 1930s, Swedish officialdom and American fellow travellers have been more or less lying about Sweden as a model democracy. These fellow travellers now happily meet in the context of global surveys.

At the same time, long-standing critical debate and recent academic research in Sweden points in the opposite direction.

There is in other words, a “Swedish dilemma” of representation that cannot be discussed without including the failures of global survey methodologies, propaganda strategies of the Anglo-Saxon political left, Swedish nationalism, and political corruption of Swedish academia.

Here are three examples of recent international surveys, according to which Sweden is one of the leading, if not the leading country in the world:

1. The British magazine *The Economist* has developed a Democracy index. According to this index, Sweden was not just the leading democracy in the world, in 2006 and 2008, it was also a "near perfect" democracy.
2. According to the World Values Survey, Sweden is the most modern country in the world in terms of being "secular-rational" and "self-expression" - their two compound indicators of human development based on “modernization theory”.
3. Transparency International compiles a Corruption Perception Index. According to this composite index, Sweden has consistently ranked among the six least corrupt countries in the world between 2001 and 2009.

Surveys such as these should be compared with statements made by prominent Swedish individuals, who have strongly criticized Swedish society on the same or similar topics:

1. Vilhelm Moberg was Sweden’s leading journalist and author in the 20th century. He was personally involved as a journalist in fighting the legal rot in the 1950s. On several occasions, he used the term “democratorship” to describe Sweden. By this he meant that Sweden was something halfway between a democracy and a dictatorship².
2. Gustaf Petrén was one of Sweden’s leading constitutional experts, the founder of a Swedish civil liberties union, an administrative high court judge, and a deputy parliamentary ombudsman during the second half of the 20th century. In 1978, in an academic article about the history of human rights in Sweden, he characterized the Swedish tradition as “despotic-democratic”³.

² Norberg, Johan. *Motståndsmannen Vilhelm Moberg*. Stockholm: Timbro, 1997.

³ Petrén, Gustaf. "Vägen till en svensk rättighetskatalog". In: *Skrifter till minnet av Halvar G.F. Sundberg*. Stockholm: Institutet för offentlig och internationell rätt, 1978.

3. Lars Gustafsson is a leading Swedish author and poet. In the 1960s, he was the editor-in-chief of *BLM*, Sweden's leading literary magazine. He has also been an academic philosopher in Sweden and a professor at the University of Texas at Austin. In 1983, he left Sweden for the US because his view was that Sweden had developed a "soft totalitarianism".

4. Hans Bergström was the editor-in-chief of *Dagens Nyheter*, Sweden's largest daily, between 2001 and 2003. After retiring, he was interviewed in a *Samizdat* magazine called *DSM*. In that interview, he expressed serious concerns regarding political freedom in Sweden. His main point was that Sweden had become a *de facto* one-party state⁴.

5. Maciej Zaremba is Sweden's most decorated journalist, in the 2000s. He is of Polish origin and is a cultural editor and journalist at the largest daily, *Dagens Nyheter*. According to Zaremba, 20th century Swedish political culture reflects a partly atavistic, pre-modern, religiously tainted and agrarian pedigree. A typical example of his attempts at a cultural analysis can be found in the following quote:

"It is probable that the concern for the Swedish model and the "Swedishness" that this model is believed to preserve, is lined with secularized religion, according to which the "People", in the absence of God, worship their own ethnic sense of community." ⁵

This amounts to a historical and cultural explanation to why Swedes lie about Sweden to foreigners, viz. a religiously tainted form of ethnic nationalism, not unlike attitudes that can be found in Japan.

6. Inga-Britt Ahlenius has had a prominent career in auditing, from head of the Swedish national audit to head of UN internal revisions. In 2005, she warned that Sweden had become a "soft state", i.e. a state that has problems delivering basic functions, the reason, according to Ahlenius, being endemic political corruption because of the corrupt system of appointment and a general lack of accountability. In one article, Ahlenius was quoted as saying that:

"In other countries ministers can be held accountable under law and end up in prison if they are guilty of malfeasance. In Sweden they are only responsible politically" (my translation).⁶

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⁴ Gillberg, Jan. "DSM-samtal med Hans Bergström: Sverige har blivit en ENPARTISTAT och ingen reagerar", *DSM*, nr 3, 2003.

⁵ Zaremba, Maciej. "När blir Sverige europeiskt?". Stockholm: Bertil Ohlin institutet, 2004. What Zaremba discusses here is a form of nationalism that is irrational and affects national identity.

⁶ Hedenbro, Marianne. "Den svenska staten en papperstiger", *Sydsvenskan*, 19/5-2005. See also: Ahlenius, Inga-Britt 2004. "Se upp med "affärer" och "gräddfiler"!", *Dagens Nyheter*, 22/12-2004.

The truth about Swedish political culture is that Sweden never modernized its political system during the 20th century. Beginning in the 1940s, a process of deterioration also begun that either undid liberal reforms from the previous decades or maintained archaic political structures while other Western countries modernized. This is especially true with regards to the rule of law, individual rights and accountability for civil servants.

As any legal scholar in Sweden can inform you, Sweden lacks a tradition of rule of law. The Swedish tradition is thoroughly bureaucratic, not legalistic. For example, until 1902 the King had two votes in the Supreme Court and judges were handpicked because of their loyalty to him. The courts could also not try administrative decisions. With few exceptions, appeal could only be made within the administration.

This Swedish tradition is fundamentally that of a 17th century Lutheran-orthodox military dictatorship.

A leading Swedish political scientist, the professor Olof Petersson, has described Swedish political culture as “state collectivistic”. Individuals do not matter nor do the normal forms of liberal democracy, only the state and the most powerful collectives. In 1989, he also criticized that in Sweden the view was that there could not be any conflict between the state and the individual. The interests of these two were seen as one and the same - at least by the authorities.

Sweden has reluctantly been forced to **formal** improvements with regards to the rule of law, especially since 1988, but it seems that practice remains the same, and may even have deteriorated. Warnings of deterioration, especially in the administration of social and economic policy, have been heard since at least the 1950s, and most intensely during the 1980s and after the financial crisis in the 1990s⁷.

Here are some historical examples with regards to the rule of law:

1. In 1956, the social-democratic minister of foreign affairs, Östen Undén, threatened judges with dismissal if they reviewed acts of government. He could do this because under the 1809 constitution judges could be “black-balled” by parliament, i.e. dismissed without giving any reason to why. After the advent of parliamentarism, in the 1920s, this in reality meant the government.

2. The social-democratic minister of justice Lennart Geijer, in a speech in the 1970s, claimed that it was a dangerous idea that the courts should protect the individual from the authorities, and that he considered this point of view “undemocratic”. Democracy was by him defined as unlimited powers for the representatives of an electoral majority.

3. In the early 1970s, the social-democratic minister Carl Lidbom told one court of appeal (Svea Hovrätt) during a session in parliament, that it made a mistake when it reviewed one of his law-proposals in the light of the European

⁷ It is worth noting that Sweden and Japan were the only countries with a severe financial crisis during this period, and probably for the same main reason: political corruption.

convention. He also told the court that it did best to forget about this “mistake”. This frightened the high courts into not applying the European convention in Sweden.

These are just a few well-known examples from modern Swedish political history.

How well known is this outside Sweden?

Perhaps this tradition is no longer relevant in 2011 someone may think?

4. In 2011, the think tank Timbro published a report by the professor of law Joakim Nergelius. He criticized the fact that there was no public interest in the rule of law and that the present minister of law described the legal system as if it was one large bureaucracy, rather than consisting of independent courts (more specifically he criticized her use of the term “rättskedjan”)⁸.

The title of this report was “strengthened but not strong”, referring to the status of Swedish courts. One thing that he criticized was that the higher courts had implemented a written and video based process as opposed to an oral process.

He did not mention this, but this in fact constitutes a reversal to conditions that existed in Swedish courts before a large reform court reform in 1948. In other words, this is a very recent example of deterioration of the rule of law in Sweden.

It is also worth noting that before 1948 the main rule, also in ordinary high-level courts in Sweden, was a written process. This illustrates the bureaucratic nature of the Swedish tradition.

The fact of the matter is that the system is not only foremost bureaucratic and loyal to the government; it is also loyal to the main sources of power, which are corporatist (i.e. the political parties, unions and employee organisations).

In 1964, in the booklet *Legal Values in Modern Sweden*, Stig Strömholm and Folke Schmidt, two legal scholars, described the Swedish court tradition in matters of penal law. In their view, the courts had been on the side of the authorities. They explained this in terms of an inheritance from an earlier and stern tutorial state. The “primary function” of the courts was of course to see that justice was done, they explained, “but generally speaking, it tended to fulfil its function in much the same way as a schoolmaster who, for disciplinary purposes, is at once prosecutor, judge and executioner”.

The professor of public law, Lotta Vahlne-Westerhäll is unique in that she and her colleagues at the Gothenburg University have empirically studied cases within social law, especially sickness cash-benefits. She concludes that both the government agency (Försäkringskassan) and the administrative courts engage in “bureaucratic handling of cases” rather than “material application of law” (my translations)⁹. Her own interpretation is that this is an expression of a tradition

⁸ Nergelius, Joakim. *Stärkta med inte starka*. Stockholm: Timbro, 2011.

⁹ Vahlne-Westerhäll, “Folkrättens perspektiv”, 262, 255 and 258.

from the 17th century that is still strong in both agencies and administrative courts.

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One of the most salient observations regarding Swedish political culture and corruption must be the Swedish dominant-party system, from 1932 and onwards, with only brief sharing of power or short opposition stints at the helm. The only countries with an equivalent experience during the 20th century are Mexico and Japan.

It is not surprising at all if such an historical record results in pervasive and structural political corruption on all levels and in all walks of society, especially when Sweden never has had a tradition of rule of law.

The abyss between this reality and the projected 20th and 21st century image of Sweden as a model democracy, has been addressed by Swedish officialdom in three main ways:

1. Outright lies and obfuscation, including pressing some seemingly positive exceptions such as access to public documents, the parliamentary ombudsman and strong formal freedom of press.
2. Reassurances that despite Swedish shortcomings, the system in practice nonetheless functions equally well or better than in other countries. This relies on the fact that there has been no real research about practice.
3. Academic taboos. Despite the centrality of the concept of political culture in official propaganda, Swedish universities have refrained from studying this culture. Nor has there, until recently, been any substantive empirical research about the functioning of key institutions.

Svante Nordin is a professor of the history of ideas. He has strongly criticized political correctness and political corruption within Swedish academia. Here is a quote from an interview in 2008¹⁰ (my translation):

“Sweden is so terribly homogenous. There is a culture of consensus, where everyone does the same thing. However, in this book I have taken the role of the devil’s advocate.

- And it is a good thing that someone does that. The consensus is strengthened because the state interferes and elevates a certain theory to dogma, such as gender theory, or, before that, peace research. Certain questions are excluded, as if anyone who criticizes such theories is against peace.

- The result is a terrible moralism and an anxious political correctness. I am a believer in academic debate about controversial issues, such debates are not as dangerous as they often may seem.”

¹⁰ Linder, Lars. “Professor på krigsstigen”, *Dagens Nyheter*, 29/3 2008.

When we review the report from Transparency International Sweden, we should remember this description of intellectual corruption in state-controlled Swedish academia.

The integrity of Transparency International Sweden (TIS)

Before we turn to the contents of the report, let's take a closer look at the board of directors for Transparency International Sweden. If culture is pervasive in a society, we should find reflections of it also in the structure of TIS.

This is based on information found on the TIS home page, about the members of their board of directors and the lists of interviewees and advisors for the 2011 integrity report.

1. Ann Wilkens is a former ambassador. Hence, she has been a government employee and she has probably herself directly benefited from the corrupt Swedish system of appointment.

This system has been criticised since at least the 1950s, but it was only when the political opposition raised the topic in earnest that TIS bothered about it. They then published a report in 2006 that claimed that this Swedish system was politically corrupt (or at least contained serious risk of such corruption). This shows how opportunistic TIS is. They only act on issues that have become politically correct to criticize.

2. Birgitta Nygren is another former ambassador. It is easy to see that the role of former ambassadors in TIS is to keep up national appearances in international fora. They are then more than likely to be manipulative and tow their old government line, since that is what they have been doing most of their lives.

3. Anna-Karin Lundin is a former administrative high court judge. The administrative courts system in Sweden is at the very heart of political corruption in Sweden, and as a high court judge in this system, Lundin is most likely herself directly responsible for systematic violations of both existing laws and principles in democratic countries, including the European convention of human rights. The reason for this being career necessities.

4. Göran Steen is a former director at the Swedish National Audit Office. In other words, he is a former government employee. He has not declared his potential conflicts of interest.

5. Robert Engstedt is a consultant for Price Waterhouse Cooper. He has not declared his conflicts of interest.

6. Sussi Kvarth has a bachelor of law degree. As an independent consultant she has two important political assignments. One is on a municipal board and one is on a regional board. In other words, she is probably financially dependent on local and regional politicians.

TIS has recently criticised municipal corruption in Sweden. The existence of such corruption has been known for decades. We find it mentioned in travel accounts already in the 1930s. Strong warnings of deterioration could be heard in the 1970s, after the large reform of the municipal structure, and the 1990s were

littered with well-known municipal scandals. However, TIS, again, only acted on this when it had become politically correct in Sweden to criticize it more openly.

7. Einar Lundgren is described as a chief legal officer at one of Sweden's largest construction companies. Traditionally, and also most recently, the very heart of municipal corruption in Sweden can be found in the construction business, and especially between local politicians and the largest construction companies. Here we have a chief legal officer from such a company. (I have personally known two top-level experts in the construction business, and both have described rampant corruption and a culture of a handful of men with power who close deals while sitting in the same sauna.)

8. Olle Lundin is a professor of administrative law at the University of Uppsala. Hence he is appointed by the government and is a state employee. He, more than anyone, should be aware of the political corruption of Swedish administrative courts, yet none of the salient research about such corruption is mentioned in the TIS report. He has not declared his conflicts of interest.

9. Anders Wigor is an accountant. With one exception, he has not declared which clients he has that may create a conflict of interest.

In summary, two members have strong ties to the administrative court system; two are former ambassadors, two are experts with strong ties to local politics, and the remaining consultants have not declared their conflicts of interest.

With six of the nine members we find some form of connection to the most serious forms of corruption in Sweden: the system of appointment, the administrative courts and municipal politics.

It should be noted that on page 50 in the report TIS is described as an "independent local organisation within civil society".

Civil society? Really! How is that defined? As one expert from Price Waterhouse Cooper - who has not declared his conflicts of interest)? As the construction company Skanska?

It is ironic, and also telling, that the 2011 integrity report notes the problem of public employees in Sweden passing directly back and forth to jobs in the private and other sectors. Yet, this does not seem to be a matter of great concern for TIS itself.

Five out of nine members are present or former state-employees. For the former employees, there is no information about how recently! This tells us something about how earnest TIS is about transparency and avoiding corruption. It applies to others, but not to them.

The lists with “advisors” and “interviewees” consists almost exclusively of state-employees; in government agencies, courts and at state universities.

On these lists we only find three representatives of journalists, and two of them are the worst possible selections. Arne Ruth is a demagogical defender of the image of the Swedish model, most infamously in two pseudo-academic articles from the mid 1980s. Yrsa Stenius is a much criticized former editor-in-chief at *Aftonbladet*, the labour movement tabloid. In other words, both are loyal and fanatic social-democrats.

Why are there no more critical, or liberal or conservative, alternatives on these lists, such as Hans Bergström, Per T Ohlsson or Maciej Zaremba?

The third journalist is Torbjörn von Krogh, a publicly unknown person who represents a research foundation (SIMO) without a clear official profile. The chairman of this foundation is a journalist with strong ties to the labour movement (Lars Ilshammar). They also have two members of the board that are information directors employed by state-owned companies. The chair of the council of this foundation is a former ambassador.

Given what we know about corruption in Sweden, how reliable would you consider this mixture of former ambassadors, loyal social democrats, state employees, state employed academics, information directors at state-owned companies, and consultants with direct links to local politics and local business?

Alternative list of advisors

Here is an alternative list of persons that should be contacted regarding corruption in Sweden. For those who have more generic names, and may therefore be difficult to identify and locate via the Internet or phone book, I have included a further specification.

1. Inga-Britt Ahlenius (former head of UN internal revisions)
2. Sara Stendahl (Gothenburg university, Public law)
3. Lotta Vahlne Westerhäll (professor emeritus, Gothenburg university)
4. Maciej Zaremba
5. Per T Ohlsson (former editor-in-chief of *Sydvenska Dagbladet*)
6. Hans Bergström (former editor-in-chief of *Dagens Nyheter*)
7. Joakim Nergelius
8. Jacob W. F. Sundberg (professor emeritus jurisprudence)
9. Johan Binninge
10. Brita Sundberg-Weitman
11. Ruby Harrold-Claesson
12. Mats Lönnerblad (journalist)
13. Anne-Marie Pålsson (Lund University, Economics).

Svante Ersson and Swedish political culture

The first substantive part of the 2011 integrity report is a chapter about general societal conditions, with the exceptionally broad headings “politics”, “society”, “economy” and “culture”.

I will not discuss this in any great detail. It is enough to note that the main factual bases of this chapter are the “valueless world surveys” as described above. I will therefore only give a handful of examples to further illustrate my points about method.

Sweden is given 100 points for political institutions. Since all political institutions in Sweden are state-collectivistic in orientation and thus always potentially politically corrupt - in a way that systematically violates existing Swedish laws and principles in democratic countries -, Sweden should in reality have only 25 points.

A recent example is the Swedish forrest agency. In a series of articles in the largest Swedish daily, Maciej Zaremba has described this board as thoroughly corrupt in relation to the government, public sector and private enterprises. They systematically grant permits in violation of the statutes, because the government and big business wants them to. He even used the word “mafia” to describe how this agency is positioned and functions politically¹¹.

Zaremba has revealed similar systematic corruption at the Immigration agency and the Work environment authority.

Since he is more or less alone as a journalist to do this kind of critical research, it is likely that the situation is the same throughout the Swedish state apparatus, and especially in areas that are of special interest to-, or are sensitive to the political elites in Sweden.

Another recent example is the Public Employment Agency. According to the statutes, the “fas 3” unemployment programme could not compete with ordinary jobs. However, leaked information revealed that 47% of the positions were ordinary jobs. Apparently, the agency was catering to the government’s real intentions, which were to make money from the unemployed and ensure that no one could receive benefits without working. Nobody was held accountable for this under law. The possibility of prosecution and compensation for those affected was not even mentioned in the media.

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1. Ersson claims that the position of the parliament depends on the majority conditions. He then notes that, formally, the parliament is very strong. That is about it. Why does Ersson not discuss practice?

¹¹ The first article in this series was: Zaremba, Maciej. “Skönheten och odjuren. Så drivs människan ut ur skogen”, *Dagens Nyheter*, 13 May, 2012.

The truth is that the Swedish parliament is formally the strongest parliament in the OECD and at the same time the weakest. During the period in question (2008-2011) two female MPs have resigned as MPs because their experience was that Sweden is a party-state – meaning that all the power lies with the political parties, and inside these parties mostly with the top leadership (the actress Solveig Ternström and Anne-Marie Pålsson, an Economist at the Lund University).

Pålsson has written a book about her experience as an MP, and has included research by the prestigious research unit of the Swedish parliament (*Knappttryckarkompaniet*. Stockholm: Atlantis, 2011).

This research showed that Sweden was the only country in the OECD where economic financing from the state was directed to the political parties and not to the MPs. (In Norway, Island and Slovenia they were directed to party groups within parliament – the list of OECD countries was not complete due to non-response).

The title of Anne-Marie Pålsson's book is in English "Button pressing company". This is a variety of the already well-known characterization of the Swedish parliament (since the 1940s) as a "transport company".

According to Pålsson's inside experience, the MPs are nothing else than mouth-pieces for the party leadership. If they are competent in a specific policy area, they are even given responsibilities in other areas, so to not be a threat to the party leadership. The result is that they know almost nothing about the laws that they decide about. If they do not comply they are simply stricken from the list at the next elections.

This is well known by everyone on a certain level in Swedish society, and a guess is that at least half of those involved in the TIS study have been perfectly aware of these known criticisms.

Ersson's choice of words is a good example, because it illustrates how Swedes act when they know that they should avoid a sensitive subject. He is of course fully knowledgeable about these criticisms, which is why he is so brief and uses the term "formal", and at the same time avoids giving the full picture.

2. The courts are described as independent in relation to the government. However, we also learn that this independence has been strengthened with the new (2011) constitution.

Since this is the main topic in this paper, I will return to it in some detail below.

It is sufficient here to note that Ersson does not mention the existence of political commissars in the lower courts - both the regular and administrative courts. These are political party members, often with a background in municipal and regional politics.

If all commissars vote the same, this becomes the court's verdict. In other words, they have direct influence over the judgements in the lower courts.

If we combine this with what we know about the political parties as the main nexus of power in Sweden, we can conclude that the Swedish (lower) courts are directly in the hands of top party leadership. Any judge that threatens the political system can be directly monitored and reported to the party leadership. Any unfavourable ruling for the political elites can be directly overruled.

Many administrative court cases directly address issues of importance to local politics, such as complaints against municipal social welfare offices, the public health service, etc. Of course, no real justice can be expected if representatives of these very same local political interests dominate the lower courts. And these political commissars may of course also have a common interest as politicians, even if they represent different political parties.

This Swedish system may seem like a variety of a modern jury system, but is nothing of the sort. The origins are historical and similar to the much-criticised courts in 19th century Russia, which were dominated by local power-holders to the detriment of ordinary citizens.

It is logical that if the main nexus of power in Sweden is the political parties, then they should also have taken direct control of the court system. As we shall see, the upper courts are instead controlled through the system of appointment.

3. On page 55 in the report, there is a table that presents sources of information. One of these sources is the Economist Intelligence Unit 2010 Democracy index.

As above, the EIU has given Sweden a top score for liberal democracy. However, besides references to other global surveys (such as Transparency, World Values Survey, etc) the only other source for this survey are unnamed "independent experts". There is not even information about their country of origin.

The EIU lowered Sweden's rating because of a lack of transparency, in 2010. This was probably based on the issue of party financing. Yet, nothing had changed in that area since 2006. Why did their "independent experts" not correctly assess the Swedish system for party financing in 2006 and 2008?

In fact, the EIU index is so riddled with incorrect information that even standard text books in politics and law in Swedish universities give a directly contradicting image compared to the results of this index.

I will not venture deeper into this here. However, the errors are so serious that there is reason to believe that the EIU does not consult any experts at all, and we should remember that this is a survey conducted by a commercial publishing company. Ersson is most probably aware of this.

4. The table on page 55 in the report explains that the question "Possibility of trying violations of human rights?" is measured based on the age of the institutions of ombudsman.

This is so rigged to favour Sweden that whoever decided this seems to have no shame whatsoever. Indeed no integrity whatsoever.

Furthermore, the Swedish parliamentary Commissioner has little or nothing to do with the protection of human rights. I will discuss this institution at length below, given the completely false and unsubstantiated evaluation of this institution in the TIS report.

We can note that later on in the report, a Supreme Court judge claims that there is very little in the way of legal review in Sweden. Of course, such review is essential for the protection of human rights. It is the awareness of this lack of legal review that prompts the choice of the ombudsman as an indicator to evaluate the protection of human rights. If a more correct measure was used the result would be completely different for Sweden.

5. On page 57, the claim is that the rule of law is strong in Sweden, regardless of which way of measuring is used. I have already introduced this topic above.

Compare the conclusions in the TIS report with the article by the Swedish professor of public law, Lotta Vahlne-Westerhäll, as above. She is clear about the fact that Sweden lacks a tradition of rule of law, even if she notes that there have been recurrent propaganda that claims the opposite.

One of her conclusions is that the Swedish system of appeal of administrative decisions does not meet European standards. For example, the main principle in these courts is still written as opposed to oral process. This sets Sweden apart with regards to one of the fundamental tenants of the Western tradition of rule of law.

What are the surveys used by Ersson based on? The opinions of other Swedish state-employed academics? The general public in Sweden responding to surveys?

We have already noted Nergelius' point of view that there is almost no awareness or public debate in Sweden regarding the rule of law.

We have to ask ourselves why academics like Westerhäll and Nergelius reach conclusions that differ so much from the results of such surveys.

6. Ersson briefly describes Sweden as politically stable compared with the rest of Europe. Yet, Swedish politics has been much more unstable than that of most European countries, during the second half of the 20th century - if we look at individual policy areas instead of years in government. This is another example of the misleading use of proxy indicators.

Two examples are taxes and education. No other comparable country has showed such extremes in these two policy areas, and also changes from one extreme to another.

- Taxes in Sweden were comparably low in the 1950s. Between 1970 and 2010 they rose from 47% to 67% and then went back to 47%. No other country has even passed the 50% border during this period.

- Education has passed from extreme state control, in systematic violation of article 2, to one of the most far-reaching systems of freedom of choice.

This is of course a natural result of having an extreme dominant-party system in a society with a pre-modern political culture. We should expect to find extremes of instability where democratic political culture is weak and changes at the helm are either very frequent or very infrequent, not just the former.

7. With regards to corporatism, Sweden is given a top score in terms of integrity. This is completely misleading for a society that does not even recognize the individual in politics.

8. Ersson claims that clientelism is weak in Sweden, yet the political parties in Sweden can be seen as one giant form of clientelism operating through a corrupt system of financing and

9. Ersson claims that the resources in Swedish society are relatively evenly distributed (p. 65).

It is well known that ordinary Swedes have very little in the way of savings. At the same time, much of capital is concentrated to a very small percentage of the population. International studies show that Sweden is probably the most unequal country in the OECD, in this regard (Luxembourg Wealth study 2006, www.lisdatacenter.org). In Sweden there is a small elite that owns most of the capital. There is of course a strong correlation between this and the general concentration of power in Swedish society. Again, we see the oligarchic tradition.

The usual manipulation when this is discussed regarding Sweden is to focus on *earnings* instead of *ownership* of capital.

This is a good example of why an understanding of culture is crucial and why there must always be extreme suspicion regarding the way that survey data is used to generalize about a certain aspect of a society. Reality is multivariate, but survey data are often based on one-dimensional theories.

Sweden is both extreme in terms of equality of earnings and extreme in terms of inequality of ownership of capital. This makes it easy to manipulate the international image of Sweden, by only discussing one variable.

Conclusions

International surveys, where some institution, sociologist or political scientist collects secondary data from different sources, based on some model or theory, or uses one-dimensional proxy variables, or issues questionnaires to experts or the general population for self-evaluation, are more or less worthless for any one particular issue or society.

They can simply not be depended on to correctly describe what they claim to describe. Real and actionable knowledge will require much, much more and different types of research.

That is the hard, cold fact of the current trend of “valueless world surveys”.

The flip side of this is that such surveys and survey data are very easy to manipulate for dishonest purposes.

If we want to understand the societal and cultural and economic foundations of Swedish society, the most important issues are:

1. The long period of dominant-party rule
2. The high concentration of power, including economic power
3. A political orientation that can be defined in terms of state-collectivism and conformity

None of this is given a priority in the assessment of integrity in Sweden, in the first chapter of the TIS report - if it is at all mentioned. To the contrary, Ersson actively obfuscates or even lies about these aspects of Swedish society.

Staffan Andersson and corruption in Sweden

One of the first chapters in the TIS report discusses what is known about corruption in Sweden. This chapter is highly interesting because it confirms much of my methodological and also cultural criticisms.

1. To begin with, Andersson references research that is highly critical of the Transparency corruption index. This, in itself, should be reason enough to stop financing Transparency International. If they want to contribute to the struggle against corruption, it is not acceptable that they use research that has been so heavily criticized. Either the method has to change or the financing should stop.

2. Andersson notes that “friendship” corruption has been discussed with regards to Sweden, but that it is very difficult to study. This is the same as what I learned when working at the Competition agency, as above, and what most informed Swedes already know. He even notes that the phenomenon of corruption is multivariate and can vary between sectors. This is intellectually honest and mature.

3. Andersson notes that low rankings for corruption in Sweden are primarily based on economic corruption and that other surveys are interesting but hardly conclusive one way or the other. This displays a strong awareness of the nature of corruption in Sweden and the weakness of “valueless world surveys”, and is also intellectually mature.

Of course, these limitations are not just relevant to the study of “corruption” but also to the study of “integrity”.

4. On pages 85 and 86, Andersson provides a very insightful and also complete description of the societal framework for municipal corruption in Sweden. This information in itself conveys an image of Swedish political culture that belies all claims that Sweden is a society with a strong integrity system. In Andersson’s description nothing works properly, from accountability and legislation to the press and revision. This is typical for Sweden, where all the links in a chain are weak, and when the chain is yanked in earnest it simply comes apart.

Since culture is pervasive, why should the national level be any different? What do we find if we apply a similarly honest and critical approach to the state level? That is what I have given examples of, above.

Furthermore, this reveals how deficient the TIS integrity method is. In Sweden, the regional level is where most of the money is. Yet, according to the TIS method it is evaluated together with the state. The result is a disfigured image of the whole. This is an example of the way that theories and methodologies often have a country-of-origin bias, and confirms, again, the need to take national idiosyncrasies in account. You cannot put the same glove on all hands, and therefore you should refrain from doing so.

5. Andersson perceptively notes how a Swedish corruption research project has used questions that because of subtle issues of wording do not really cover the forms of corruption that are relevant in the Swedish case (p. 86-87). He therefore proceeds to discuss different kinds of corruption. Also this is highly honest and intellectually mature.

However, there are also some serious deficiencies in this chapter.

1. Andersson uses data about prosecution, but if the legal system is corrupt, such data is worthless. This is the view that Ahlenius has of Sweden, as above. No real accountability under law. In these articles Ahlenius noted that in Sweden behaviour that is only criticised as being unethical is from an international point of view criminal and will normally be prosecuted, but this rarely happens in Sweden.

2. The additional data discussed by Andersson again reflect mainly economic corruption and horizontal bureaucratic corruption, rather than political corruption, as I have defined it above. This is also true for his excellent description of municipal corruption.

In other words, the shocking result of this very informed and intellectually mature chapter about existing about corruption in Sweden, is that the most important form of corruption is never really discussed or studied at all. Not in society in general, not in academia, and not in Andersson's chapter in the TIS report.

I repeat that the systemic political corruption in Sweden consists of civil servants and officers in the legal system, who, will if and when required to:

1. Implement policy
2. Protect the status or prestige of the elites

violate existing statutes and or principles in democratic countries.

Of this, we hear nothing in Andersson's chapter.

Conclusions

Staffan Andersson's chapter reveals information that is highly embarrassing to Transparency International, and all those who finance its activities. Clearly the Corruption perception index is not scientifically sustainable, nor is it possible to apply to the main forms of corruption in Sweden.

It also contains an excellent description of the societal framework for municipal corruption in Sweden. This description of Swedish local political culture belies all other descriptions of political culture and integrity in Swedish society. Nothing works the way it should in a modern democracy.

In fact, I could stop my discussion here and rest my case, just based on Andersson's description of the societal framework for municipal corruption in Sweden.

The same is true for the study of integrity, for example when it compounds the municipal and state levels for a country like Sweden, where the bulk of taxpayer's money is collected on the regional level.

In fact, the same seems to be true for all existing research about corruption in Sweden.

1. It notes and correctly describes some forms of municipal corruption, but methodologically and empirically fails to capture it.
2. The most important of all forms of corruption is hardly discussed at all.

The Swedish parliament and government

Three authors are responsible for the chapters about the Swedish parliament and government. Svante Ersson, Shanti Redebäck and Staffan Andersson.

These are the first more specific chapters, but I will not review them in their entirety. I will only provide examples that illustrate how the TIS report manipulates the image of integrity systems in Sweden, by comparing with the more critical sources and topics that have already been introduced above. First I discuss parliament and then the government.

1. On page 116 the authors claim that in a parliamentary system such as the Swedish one the parliament has a central role. As we have already seen, this is an outright lie. They must know that the Swedish parliament has no real power. Or, to be more precise, that the individual members of parliament have no real power.

2. The section about resources gives a completely incorrect image of reality. It does not discuss the fact that money, as above, is channelled directly to the parties and not the MPs or party groups in parliament. It also gives a completely false image of the capacity of the MPs to do their job in terms of understanding legislation, compared to Pålsson.

3. The section about independence of parliament from external parties is completely false. It does not mention the influence of the top party leadership. More importantly, it does not describe the links between the public sector and large organizations and the recruitment of MPs. Large percentages of Swedish MPs are public sector employees, or have a background in corporatist organisations. According to a recent survey, in the parliament's own newsletter, about half of all MPs are employed in education or in the health sector, which are predominantly public sector.

4. The section about openness is false, since none of the activities in parliament have any real interest for the matters at hand. Pålsson has described that the MPs know very little about legislation and only repeat party slogans in debates. The reality of legislation is lost in some thick report from a commission or some government proposition counting hundreds of pages of text, or simply mandated to acts of government and lower level statutes that are not reviewed by the courts and often are so generally held that they do not fill the requirements of rule of law (ramlagar, förordningar and lokala föreskrifter).

A recent example is sickness cash-benefits, where the National insurance agency complained that it was impossible to know what the legislators had really intended. Nor were the courts particularly happy to have to determine this without any solid base. This did in fact lead to a scandal, but only after the daughter of a woman sick with cancer phoned a national radio morning show. The system was incapable to correct itself without a personalized and emotional scandal outside of the ordinary democratic fora.

5. The section about accountability for MPs claims that the only accountability is at general elections (p. 127), but the report does not mention that the top party leadership elects the MPs. The citizens cannot choose to hold any one MP accountable at the general elections. Hence, such accountability is of no importance. Only the political party as a collective can be held accountable.

6. The report claims that the media actively reports on and examines the activities of parliament. No reference is given for this. Have they studied the media on this point? Like many other things in this chapter this is an outright propaganda lie. Most Swedes have little or no idea who their MPs are and what they have done or not done. The media are much more interested in the government and political party initiatives, because that is where the real power lies.

7. Regarding integrity there is no mention that, as above, a large percentage of Swedish MPs have a background in the public sector, and are effectively civil servants. This blurs the borders between parliament and government. For parliament to ensure measures that hold the administration accountable, would, for a large number of Swedish MPs, be the same as holding oneself accountable.

8. On page 131, the claim is that parliament handles the control of government in a good way. This is pure nonsense. Pålsson describes a common understanding that the national audit should not consider if the government follows statutes. Only the economy is audited, and the parliament often does not even care about doing anything based on these audit reports. The report here gives a completely different image compared to Pålsson. Furthermore, the parliament cannot force the government to do anything, only prevent it from doing things.

9. The report mentions a number of international conventions against corruption, and also that they must be accepted by parliament. However, it does not mention that they have to be transformed to legislation in Sweden to have effect in Sweden. Sweden has a tradition of signing international treaties without any intention of applying them in Sweden. This crucial aspect is simply glossed over.

The chapter about the government is of less interest. I will only give a couple of examples, based on what has already been mentioned above.

1. The section about accountability does not mention the critique by Ahlenius, as above, that members of the Swedish government cannot be held accountable under law, compared to other countries. Yet, the report gives Sweden a full score for government accountability and even suggests that such accountability exists and is well functioning.

2. On page 157-158 the TIS report suggests that there are strict rules for malfeasance in office. This is an outright lie. Malfeasance more or less disappeared as a crime in Sweden in 1976. Only severe cases of internal lack of discipline are prosecuted, which is something completely different. Rogue elements will appear sooner or later in any sufficiently large group of people. In terms of political corruption such prosecution is meaningless. To the contrary, the system encourages malfeasance because it does not prosecute violations of

existing statutes, if these violations have been in accordance with government interests. The Unemployment agency, as above, is a recent example.

3. The issue of the pre-modern system of appointment to higher office is not discussed at all in critical terms. Even if the system has been slightly reformed since 2006 and 2011, the majority of those that hold positions today have been appointed according to the old system. This system was completely closed and did not meet western standards. As above, according to Ahlenius, this is one of the main reasons why Sweden is a “soft state”. As above, TIS itself has also reported on this, yet the integrity analysis does not take in account that most of those today holding office have been appointed according to the old system.

In my view, these examples illustrate that the authors of the TIS integrity report are acting in bad faith. They are the professionals. They should know more about these topics than I do, including known scandals and realities of political culture. Yet almost none of this is reflected in their report.

The concrete tactics used to obfuscate in these two chapters are plenty.

One is to extensively discuss less important regulations and at the same time avoid the really important issues.

Another is to not include references to internal Swedish debate for a certain issue but not for another. When an issue is sensitive they instead prefer to only discuss one or more “valueless world surveys”. On the other hand, when it seems to favour their intentions they do include references to internal Swedish debate.

Conclusions

The chapters about parliament and government illustrate the importance of understanding political culture, and how the authors consciously avoid and misrepresent all crucial aspects with regards to the integrity of the Swedish parliament and government:

1. Financing (party instead of MP is not mentioned)
2. Connections to the public sector and corporatist organisation (half of the MPs are employed in the public sector)
3. Accountability (laws and prosecution for malfeasance are all but non-existent)
4. The role of the national audit (economy and not regulations, and weak handling by parliament)
5. The role of the media (not active with regards to parliament and debate in parliament of no substance or interest)
6. System of appointment (changed but has yet to have any substantial effect)

7. Swedish dualism (conventions have to be transformed to Swedish law to be valid in Sweden)
8. The lack of legislative competence of Swedish MPs.

Erik Karlsson and the integrity of the Swedish courts

- Sara Stendahl's doctoral thesis studied a large number of cases in the administrative courts, 1993 and 1999. She concluded that the courts did not motivate their decisions, and that they almost never changed the decision taken by the Social insurance agency. The agency's experts were treated as infallible.

- Lotta Vahlne Westerhäll has recently conducted interviews about and studied a number of court cases about confinement to psychiatric care. She found the same thing. The lower administrative courts just rubber-stamped the doctor's decisions.

This is not an image of rule of law, this is an image of almost unlimited political corruption.

Of course, if the lower administrative courts have been capable of this, and still are, and have not been sanctioned for it, they are capable of anything.

- A student paper in law has shown that it is almost impossible to sue a lawyer in Sweden for malpractice. The courts are almost 100% loyal to lawyers. Again, the oligarchic tradition.

- Zaremba has noted that not a single employer has been sentenced according to the 1993 law about bullying in the workplace. At the same time, employers have been convicted in France and England according to similar laws. This affects both the ordinary courts and the administrative courts.

If Swedish courts are capable of this they are of course capable of anything.

- Following the financial crisis in Sweden in the early 1990s, the banks withdrew credits in a way that led to bankruptcy for many small businesses. When they went to court, the courts systematically ruled in favor of the banks and in violation of the law. Mats Lönnerblad is a journalist who has written several books about this.

These are just a few examples from Swedish debate and recent history, which are probably unknown outside Sweden. However, they are most likely well known by the members of TIS and the authors of their system integrity report.

Why has Sweden as a society been unable to process the scandals and critical information that actually exists? Why does this information quickly become the object of systematic amnesia and denial?

The reasons why were pinpointed already by Vilhelm Moberg in the 1950s. His view was that the Swedish public was unable to identify and act upon structural and systemic faults. Scandal could follow scandal without anything being done about the underlying causes.

Or, as a British observer put it in the 1960s:

"washing one's dirty linen in public while hiding one's head in the sand is a common form of Swedish drill"¹².

Erik Karlsson in the TIS report is special in that he reports about some critical views, but then simply does not take them in account. The structure is often: here is one person, who says that the apple is rotten, and here is another that says that it is perfect, so I conclude that the apple is perfect. He then mixes this strategy with other subtle manipulations and exclusion of known critical debate.

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1. Karlsson mentions the political commissars in the lower courts, but describes them as "representatives of the general public" (my translation). The political parties in Sweden represent only 7% of the population in terms of membership, they do not have a democratic internal structure, and they of course also represent their own interests as political parties and as politicians, as opposed to the individual citizen with a complaint about a public sector decision. This potential conflict of interest makes them unsuitable for court duty, especially in the administrative courts.

2. Karlsson claims that the government agency Domstolsverket has no influence over the courts, yet on page 173 it is clear from one expert that this agency sets salaries and determines court priorities. He also mentions that the individual salaries for judges have been strongly criticized, and that Domstolsverket determines salaries in collaboration with a union (JUSEK). (This is by the way an expression of Sweden's state collectivistic political culture.)

Despite this, Karlsson sees no reason to reduce the Swedish score. He also accepts the view that Domstolsverket is more of a service agency than a directing agency, but does not inform that there are few formal restrictions to what this agency can decide regarding the courts.

3. In the section about resources we learn that there have been criticisms for protracted handling of court cases, yet this does not entail a reduction in the score. What Karlsson fails to discuss is the extent to which Sweden has been in violation of article 6, in this regard. There is only mention of existing criticisms but no details about kind and degree. This is one of the most common forms of manipulation in Swedish comparative studies – to misrepresent or obfuscate differences in kind and degree.

4. There is extensive treatment of the process of appointment of judges, and the earlier system is described. Yet, this is not taken in account. Instead, Sweden is given the highest score. Of course, most of the present judges were recruited according to the old system. What he also does not mention is that many judges have a background as working directly for the government. This is one of the oldest and most important criticisms of the system of appointment of judges. According to Joakim Nergelius' basic textbook about constitutional law (*Statsrätt*.

¹² Nott, Kathleen. *A Clean Well-Lighted Place*. London: Heinemann, 1961.

Lund: Studentlitteratur, 2006) this shows in the verdicts. The higher courts are known to judge in favour of the state and the government.

5. The section about openness contains no information about the difference between written and oral process. As above, according to Vahlne Westerhäll, the process in the administrative courts is more often written than oral, which severely reduces openness. Nor does this section discuss the way that permits to appeal are handled. Denials of permits to appeal are not motivated whatsoever. Nor does this section discuss how the court registers cases. I have actually conducted research myself about this, for this paper. It turns out that the administrative court in Stockholm has some 17.000 cases during two years registered under the heading "Social services law". It is impossible in such a mass of cases to find those of relevance to subsections in this law. Transparency regarding social policy is therefore more or less zero in this court. I have reported this finding to the parliamentary ombudsman, as a breach of the fundamental law regarding access to official documents.

5. There have been criticisms of the way that the courts write their decisions. According to the TIS report, the debate has only been about too technical and difficult language in judgements. However, there is nothing about a lack of motivation in judgements. Compare this with Sara Stendahl's research, as above. In fact, there is at one point a mention that to save time judges are often brief, but this is just mentioned in passing without any further comment.

An expert is referenced on this topic and the role of the parliamentary ombudsman. This expert "believes" that judges care if they are reported to the parliamentary ombudsman for substandard formulation of judgements. He does not know. Somewhat strangely, the expert has also said that the commissioner may not matter that much for an individual judge who is criticized. This is also just mentioned without any further comment.

And, yes, Erik Karlsson gives Sweden a top score in this section.

6. On the crucial issue of the practical integrity of Swedish courts, Karlsson claims that it is difficult to know for sure, but claims that no more important systematic problems have been encountered! This is despite the empirical research at the Gothenburg University, as above, and the many known criticisms in public debate, also as above.

What Karlsson does instead is that he refers to surveys about trust in the courts. This is a prime example of how such surveys can be used in a manipulative way. I will therefore discuss this particular use of surveys in some detail.

Karlsson fails to reference the only such survey of any interest, which is a government inquiry from 2008. He also fails to distinguish between the administrative courts and the regular courts and between those that have and do not have direct personal experience of the courts.

The government inquiry that Karlsson apparently knows about - because it is referenced in a different part of the report - but does not mention in this context,

has studied the administrative courts separately, but has failed to interview enough persons with direct experiences of these courts, thus not providing statistically useful results regarding this particular category.

For some reason, only 19 persons with direct experience of the administrative courts were interviewed, and they were much more critical than the average interviewee.

Clearly, the government survey was corrupt because it avoided interviewing enough persons from this group. With some 200.000 cases yearly in the administrative courts compared to 300.000 cases yearly in the regular courts, it should not have been a problem to interview enough persons with direct experience of the administrative courts. Why, if the sample of 19 suggested that this group was much more critical than the average, was not a sufficiently large sample interviewed?¹³

In other words, the only thing we know is that there seems to be a serious problem with those who have direct experience of the administrative courts, and that research on this topic is corrupt.

There is no mention of this by Karlsson.

7. The entire section about the integrity of judges has no mention, as above, of the Swedish tradition of judges having served as high ranking government officers, even if this is one of the oldest and most serious criticism with regards to the integrity of Swedish judges.

Most likely this state of affairs is in systematic violation of article 6, since judges cannot be seen as independent in relation to the government. They may end up judging old colleagues and they may also judge based on laws that they themselves have written.

8. Karlsson mentions the council for legal preview, but he does not mention research that has shown that in 50% of cases with serious criticism from this council, the parliament has passed the laws none the same.

9. The head of the Supreme Court has told Karlsson that despite a mayor change in the instrument of government to increase legal review by the courts, the courts will not do this (p. 189).

This is a clear statement of political corruption and intended violation of the constitution by the head of Sweden's supreme court, yet Karlsson sees no reason to reduce the Swedish score.

What Karlsson also fails to mention is the special situation in Sweden with regards to acts of government. Sweden is unique in that there has been no real review of acts of government. There is no discussion of this crucial aspect of legal review in Sweden.

¹³ See tabell 13, Bilaga 3, Bilagedelen A, in SOU 2008:106 and the preceding pages.

For the second time, I could actually stop and rest my case. If Karlsson can interview a head of the Swedish supreme court that says that she will not comply with recent changes in the constitution that have aimed at strengthening the rule of law, and still give set a high score for the integrity of the Swedish courts, then anything is possible.

Karlsson simply does not care about even the information that he himself provides.

That Karlsson also does not mention the review of acts of government, without comparison the worst of all systemic faults in the Swedish legal system compared with other countries, is sufficient to prove that Karlsson is through-and-through corrupt.

Conclusions

Karlsson notes a number of points of criticism, but then does not consider them when making the score (Domstolsverket, appointment of judges, writing decisions, protracted handling, head of the Supreme Court and legal review).

He also systematically glosses over what these points are all about and excludes important information (the political commissars, earlier employment of judges, protracted handling, writing decisions, oral process, permits for appeal, review of acts of government, trust surveys).

Furthermore, he directly lies about existing academic and journalistic research and excludes well-known and relevant public debate (Zaremba, Sundberg-Weitman, Social insurance, Sara Stendahl, Vahlne Westerhäll).

Erik Karlsson and the integrity of the parliamentary ombudsman

- During the 1930s and 1940s the parliamentary ombudsman in Sweden received over 100 complaints regarding the criminal activities of a judge. However, he failed to take action.

Only when a young external prosecutor started an investigation was the judge prosecuted. However, this prosecutor was obstructed by his superiors and when he complained about this, the ombudsman replied that the prosecutor could not be taken seriously because he was stressed out.

In 1956, the judge was finally convicted to 18 months in prison. The ombudsman was not re-elected and the minister of justice, who also had denied any wrongdoings, resigned.

- In the 1960s, the ombudsman was given the right to choose which cases to address and which not. In other words, there is no guarantee whatsoever that the ombudsman will handle a complaint. Of course, this also made it much easier to accommodate political dictates. The ombudsman simply avoids politically sensitive issues or politically sensitive individual cases.

- In 1976 the laws against malfeasance were reduced to almost nothing. This undermined the whole construction of the ombudsman office, because there was no longer any fear of being prosecuted. (At the same time, in practice such prosecutions had already become more and more infrequent.)

- In 1981, a retired ombudsman wrote a book about the first ombudsman. He noted that the first ombudsman (1809-1823) did not prosecute when he should have; he did not investigate if the authorities had followed the law, something he was supposed to do; he did not produce a yearly report according to regulations; he did not legally motivate his decisions; and he often did not collect sufficient information to be able to take informed decisions. Many things he just did not care about, including one of the most important derelictions of duty in Swedish history (the military was passive when a nobleman, Axel von Fersen, was murdered by a mob in the streets of Stockholm)¹⁴.

- In 1992, Maciej Zaremba in *Dagens Nyheter* criticized the case Daniel Stigström. It was a case of taking in custody of a child. After the case had been processed, Zaremba noted that the ombudsman more or less agreed with his critical points of view, yet grossly failed to take any appropriate action. The ombudsman only recorded the instances of malfeasance in his report and lamented them but saw no reason for further action. Why? Probably to teach journalists a lesson that it is not worth the effort to criticize the social authorities and to protect his career.

¹⁴ Bexelius, Alfred. *Vår förste JO 1810-1823*. Stockholm: Nordstedts förlag, 1981.

- In 1994/1995 the journal *Moderna Tider* featured articles by Maciej Zaremba and Hans-Gunnar Axberger (a professor of law who is now a parliamentary ombudsman himself) about the parliamentary ombudsman.

Zaremba compared with the Polish ombudsman. She had told him that she was surprised that in cases that she had handled in common with her Swedish counterpart, the Swede did not care about human rights violations.

In his article, Axberger in no unclear terms described the ombudsman as an integrated member of an oligarchic Swedish elite, and not a protector of individual rights in relation to the state. Especially in the 1980s, the ombudsman had, according to Axberger, become politically corrupt.

- Brita Sundberg-Weitman is a former head of a lower regular court. She has recently conducted her own research about the ombudsman. She found that the ombudsman never questioned what government agencies said and that the ombudsman only cared about formalities, even if this is not a valid limitation according to the regulation of the office. In fact, it is even a direct violation of the statutes that regulate this office. (She also noted that the lower administrative courts did the same. They did not question what the authorities said. This confirms Stendahl's and Westerhäll's findings, as above.)

Following this research, Sundberg-Weitman published an article in a Swedish tabloid that claimed that the ombudsman is a threat to the rule of law in Sweden, and that this must be discussed. There was no discussion.

The Swedish office of parliamentary ombudsman is in the TIS report described as the most important and well-functioning part of the Swedish integrity system, by Erik Karlsson.

As we have seen, the existence of this institution since 1809 is also used as a way of measuring if human rights violations can be addressed. Sweden gets the highest score, because Sweden invented the office of ombudsman.

The sordid fact of the matter is that, if anything, the Swedish parliamentary ombudsman contributes to violations of individual rights.

*

How has Erik Karlsson then constructed his gross lies about the true nature of the Swedish parliamentary ombudsman? He uses the same method as for the courts, but takes his manipulative techniques to new heights (or, better, lows).

1. He claims that the ombudsman fills an important role for constitutional control. This is absurd. In the TIS report we have already learned that there is almost no real legal review in Sweden, and that the ombudsman seldom has anything to say about legislation. There is no evidence whatsoever to support this claim made by Karlsson.

2. Karlsson notes what the ombudsman is supposed to do, then happily cites a source that claims that the ombudsman nonetheless inspects form and not

substance of government and court decisions. This self-invented restriction is one of the most important techniques of political corruption by the ombudsman. It also makes all discussion about resources void, since tremendous resources are saved this way by simply not investigating in terms of factually right or wrong and legally right and wrong (besides process rules).

Taking a direct queue from a former and highly corrupt ombudsman, this is elevated by Karlsson into a virtue of not trespassing on the independence of the courts.

This is of course nonsense, and twice so. (1) There are several cases that cannot be taken to the court, and then there is no reason to investigate only form and not substance. (2) The Swedish system requires that the ombudsman has this role, and there is no excuse to resign from it.

As above, this should also be compared with both the critique of the first ombudsman and Sundberg-Weitman's recent findings and critique.

Karlsson is simply passing on a specious lie.

3. At least two sources are reported by Karlsson as saying that the ombudsman lacks resources, and seriously so. Yet, this does not bother him. He claims that the ombudsman has a "good" situation with regards to resources, and he, yet again, gives the highest score. Why? Because he "has not come across any substantial criticism that the ombudsman does not fulfil its duties due to a lack of resources" (p. 306). Again, nobody really knows and the criticism that does exist is not mentioned.

The fact of the matter is that the ombudsman does not do what the ombudsman is supposed to do according to the statutes, in a way that reduces the work load to almost nothing, compared with a correct handling.

4. We learn that a position at the ombudsman's office is a step in a career for judges. Yet, the ombudsman is described as entirely independent. These people rely on the good will of the government for their future careers. That is far from an ideal position for an office such as this one. Ombudsmen should be close to retirement when elected and have a life tenure, to be taken seriously in terms of integrity.

5. The ombudsman is also described as independent because the ombudsman can be dismissed by parliament. This is equally nonsense. If the MPs are in the hands of top-party leadership and half of them are public employees they will of course prefer an ombudsman that does not embarrass these categories. This illustrates how one lie in the TIS report builds on another lie.

6. Karlsson claims that prosecutors in Sweden must prosecute if they have a case (p. 308). This is a blatant lie. In the 1980s, following a recommendation by a government commission, this requirement was removed. Prosecution in Sweden is an entirely arbitrary business and can be manipulated almost without limits by the prosecutors.

The reason for this lie is probably that the issue is sensitive in the Assange case, where Swedish prosecutors have lied publicly to international media about Swedish regulations and practice in this regard.

7. When Karlsson wants to prove that the ombudsman is independent, the “proof” consists of statements by a present and a former ombudsman and the “expert” Jesper Ekroth. I have observed Ekroth during a seminar held by the constitutional reform commission, and he is the archetype of the politically corrupt Swedish careerist. He defended a lack of clarity in the Instrument of government as if it was a virtue.

What we do learn from Ekroth and Karlsson in this chapter about the ombudsman is that there is no academic research about the actual workings of the ombudsman. So, in what way is Ekroth an “expert”. And why does Karlsson regularly only ask one and the same expert, but then cites at least two or even three government representatives? Why is there almost never in his contributions a balance between experts and state employees?

What does the Transparency method require? If an expert and a government representative disagree, interview two more government representatives and base the score on the majority vote?

8. Many persons who have troubles with the authorities are in a position of dependency. When the issue of fear of reporting to the ombudsman is discussed the chief ombudsman claims that it is difficult to know anything about this, but she “thinks” that it is not a problem (p. 310). The expert, however, is “rather confident” (“tämligen säker”) that this is not a problem. What does he know that the chief ombudsman does not? Of course he knows nothing, because nobody has seen a snake.

9. In the section about transparency the ombudsman is given a full score. However, it is also clear from the report that the ombudsman does not really follow up its own activities, and when this by chance is done the extent to which it is done is also unclear and unknown (see p. 321!). In other words, based on official sources we know nothing about what really happens at the ombudsman’s office. But, when somebody actually conducts such research (Sundberg-Weitman) the results are appalling.

I have contacted the ombudsman to see how their case file system works. Just as with the administrative court in Stockholm, the system lacks proper search categories for several types of cases, which makes it very difficult to do research that investigates a number of specific areas of application. This is hardly an image of transparency.

10. On page 314 we have the section about ombudsman accountability in practice. In this section there is no mention of Brita Sundberg-Weitman’s article and research. What happened? Was the ombudsman held accountable after the article in the tabloid *Expressen*? No, she did not even reply to the criticisms and there was no other response (at least there are no replies to be found by searching the Internet).

Why? Because no one in Sweden cares and because there is no tradition of accountability in Swedish society – at least not for the oligarchic elite. Citizens, on the other hand, can be terribly mauled by the system, also when they have done nothing wrong.

11. On page 318 we learn that according to the “expert” we do not know to what extent the authorities abide by decisions or critique from the ombudsman.

According to the expert this would require quantitative and qualitative research of a kind that legal scholars usually do not do! And, as far as he knows there is no “professional social scientific” research about this topic. Suddenly, it seems as if the report wakes up and recognizes reality!

But, if so, why has the ombudsman or the parliament not financed or conducted such research?

It would seem that knowledge about this should be absolutely necessary to legitimate the costs for the ombudsman. If the ombudsman is not effective, then why pay for the office?

Also, note the both facetious and interesting characterisation of a lack of academic research about legal practice in Sweden! As we have seen, this is not entirely true. Such research is now conducted in Gothenburg; and why does the expert not mention Sundberg-Weitman’s research? I sit because it is not “professional” or “social scientific”?

12. We further learn that many who turn to the ombudsman are disappointed because the ombudsman cannot change decisions. We then also learn that the confidence in the ombudsman varies within the population, but not how. We only get a description of the category that has the highest confidence. Why only of that category?

Why has there not been a study of the confidence in the ombudsman among those who have experience from contacting this office as plaintiffs?

And why are there so many citizens that do not seem to understand what the ombudsman actually does, and therefore are disappointed?

13. On page 320, Karlsson returns to the topic of the ombudsman as a safeguard of the constitution. This time he does mention criticisms that the ombudsman’s efficiency with regards to constitutional control is “in no way a given”. In other words, what we see is the opposite of his initial claim. How does Karlsson solve this? With a reference to another academic source, according to which there is a “widely held belief” that the ombudsman is efficient in this regard. Why one academic should be preferred over another is not clear, nor how and even if this widely held belief has been measured with a real survey - as opposed to one legal scholar who simply opinionates in an article -, or if this supposedly existing view has any foundation in what the ombudsman actually does.

We can note that the enthusiastic source here seems to be Ekroth *et consortes*.

What this discussion primarily is about is that the ombudsman interprets law and that the authorities supposedly adhere to these interpretations.

The fact is that the ombudsman has no such role according to the constitution, and therefore the interpretations are not binding, hence they are worthless as a real protection for the individual.

Furthermore, this reflects that the Swedish courts are dysfunctional. In any normal democracy it should be the duty of the courts to clarify the meaning of the constitution or other legislation.

Conclusions

What do we learn from this?

What we most of all learn is that nobody knows and nobody cares what actually goes on at the ombudsman's office, and that the ombudsman does not do what the instructions say that the ombudsman should do.

Constitutional control or not? Inspecting form or substance? Sufficient resources or not? Independent or not? Fear of reporting or no fear of reporting? Effective or not? Taking the government version for granted or not? Fulfilling its purpose or not? Accountable or not accountable? Trusted or not trusted? Understood by the public or not understood?

We also learn that Karlsson is happy dismissing all criticisms if there is somebody else that claims the opposite. He then systematically gives priority to those who claim that the ombudsman is well functioning. On what grounds he does this is not clear – or perhaps too clear.

It must in itself be highly suspicious that an office that has been so elevated and hallowed in international reporting and official Swedish propaganda about the rule of law in Sweden, has not been studied systematically at all within academia.

Most likely, this can only be because the results of such research would reveal that the ombudsman is a fraud.

Compared to Karlsson and TIS, I base this on prominent and known critique of the ombudsman in public debate, and what little research that actually exists about the first ombudsman and about one of the most recent ombudsmen.

Epilogue

This paper is not a dissertation about how the Swedish political system actually works, nor does it contain any final answers about the integrity of Swedish political institutions, even if I have strongly expressed my point of view. It also does not cover all chapters in the TIS 2011 integrity system report.

However, it is a report that with a wealth of examples shows that the TIS report is theoretically and methodologically worthless and politically corrupt.

For the sceptical reader, who does not know who or what to believe, I would like to stress two points:

1. It is highly suspicious that there is not more empirical research about institutional integrity in Sweden, and when such research exists it points to almost complete political corruption and even systemic collapse.
2. The best thing to do is to contact those persons that I have listed in the alternative advisor list above. All you have to do is send an e-mail or pick-up the phone. The worst thing that can happen is that you learn something you did not know before.