

# MEDIA LAW IN SWEDEN

JOAKIM NERGELIUS



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Law & Business

# **Media Law in Sweden**

**Joakim Nergelius**

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## The Author



Joakim Nergelius has been Professor of law at the University of Örebro, Sweden, since September 2003, as well as associate professor (docent) in European and Comparative Law at Abo Academy (Turku), Finland.

He has written extensively on Swedish, comparative and European Constitutional Law. Among his works are *Konstitutionellt rättighetsskydd – Svensk rätt i ett komparativt perspektiv* (Constitutional Protection of Human Rights – Swedish Law in a Comparative Perspective), *Stockholm (Norstedts)* 1996 (doctoral dissertation). *Amsterdamfördraget och EU:s institutionella maktbalans* (The Treaty of Amsterdam and the Institutional Power Balance in the EU), *Stockholm (Norstedts; Institutet för rättsvetenskaplig forskning)* 1998, *Svensk statsrätt* (Lund, Studentlitteratur, 3rd ed 2014) and the anthology, *Nordic and Other European Constitutional Traditions*, *Brill/Nijhoff (Leiden/Boston)* 2006. More recently, he published the book *The Constitutional Dilemma of the European Union* in 2009.



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# Preface

It is a great honour and pleasure for me to be able to publish a volume on Swedish Constitutional Law in the well-known series *International Encyclopaedia of Laws* (Constitutional Laws). As such, this volume is undoubtedly one of the first profound studies in English of the Swedish Constitution. I believe that it comes at an interesting and appropriate time, when the traditionally dominating principles of popular sovereignty and parliamentarianism are becoming ever more challenged by new influences from European law and when the scope of judicial review is in fact growing very clearly.

Traditionally, Sweden has in the twentieth century lived in a kind of peaceful bubble, developing peacefully, in harmony and stability, staying outside both World Wars, establishing democracy early and gradually also developing a generally admired welfare state. This peaceful history did also affect the framing of the new Constitution of 1974, which undoubtedly displays a high degree of trust and belief from the public in the work of the politicians. The point of departure, then, was definitely not the need to protect the individual from the state, but rather to make the state strong in order for it to be able to help the individuals achieve as good a life as possible. Gradually, however, in Sweden like in other states, this general belief in the wholly good force of political work, which leads for instance to almost unrestricted powers for the legislators, has come to be severely questioned and criticized.

In a way, that tension is at the moment the most crucial one in order to understand the current Swedish constitutional debate, in particular since a huge constitutional reform took place in 2010. However, also other interesting features need to be observed and analysed: for instance, how can Sweden, that has almost always been led by Social Democrats, still be a monarchy? And how does the well-known autonomy and independence of the public organs work in practice? What are the results of the incorporation of the European Convention on Human Rights into Swedish law? And how is regional or, more importantly, municipal autonomy affected by EU membership?

Hopefully, the interested reader may here find the answer to these and other relevant questions. The text book can then hopefully also contribute to a better understanding of the Swedish society, at least seen from its more formal aspects. One of the main aims of this book, thus, is to explain and present those new constitutional rules, that in particular will enforce the rule of the courts, make it more difficult for 'sitting' governments to remain in power after the elections and clarify certain items concerning the autonomy of the municipalities. Since this is a major



## Preface

constitutional reform, on which the political parties and numerous experts have been working a long time, the constitution does not look likely to change in a long time after that. But then again, who knows what might happen?

Örebro, September 2014  
Joakim Nergelius