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CONFLICT-RESOLVERS OR TOOLS OF ELECTORAL STRUGGLE?

Swedish commissions of inquiry 1990-2016

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ABSTRACT

Many countries face growing challenges of democratic governance from political polarization and the increasingly complex nature of policy problems. The question is then how can governments build consensus and confer legitimacy on policy proposals in an environment where negotiating agreement among competing interests is increasingly difficult? In the past, many governments have dealt with these types of challenges by appointing *ad hoc*, independent commissions of experts and stakeholders from both sides of the political aisle to provide independent policy advice and to serve as an arena for political negotiation. Such commissions have been especially prevalent in Sweden, known for its rational and consensus-oriented policy making process. Drawing on a unique database, we investigate whether Swedish commissions can still fulfill their role as the cornerstone of the Swedish policymaking process. We analyze commissions with regard to their membership, political independence, and resources. We find that broadly representative commissions with policy stakeholders and parliamentary politicians, which have historically constituted about 50 percent of Swedish commissions of inquiry, are now only a small fraction of commissions. The government is also exerting more control over commission outcomes by giving a greater number of directives. However, commission resources have stayed about the same, and commission do not appear to be used as a tactical electoral tool.

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Introduction

Before a bill enters the parliamentary decision-making process, it has undergone much preparation. Its legal, economic, and societal ramifications have already been scrutinized. Parliamentary parties have learned about each other's policy positions and become aware of where compromise is possible and where potential gridlocks lie. What is practically and politically possible is therefore to a large extent determined before most of members of the legislature have seen the bill.¹

When the policy issue is particularly important or controversial, this policy formulation stage may include a lengthy deliberative process involving policy stakeholders, interest groups, agencies, private companies, and organizations from the civil society. In Westminster systems, such as Australia (Prasser 2003), New Zealand and Canada (Inwood & Johns 2016), and North European countries with (neo)corporatist traditions, such as Sweden, Denmark, Norway, and the Netherlands (Siaroff 1999), the government may appoint *ad hoc*, independent commissions of experts and stakeholders, known as commissions of inquiry, Royal commissions, or, simply, advisory commissions, as part of this deliberative process.² Their purpose is to research policy initiatives requiring an in-depth assessment beyond the usual legislative process (Salter 2003) or the resource capacity of ministries (Premfors 1983), and to build consensus among policy stakeholders and politicians (Christiansen et al. 2011).

In Sweden, such commissions are used extensively: every year, the Cabinet appoints between 60-140 new commissions of inquiry (2016/17: KU10, 74) to prepare policy for major legislative initiatives. These commissions have been described as the cornerstone of Sweden's "rational and consensus-oriented" policymaking process (cf. Anton 1969; Trägårdh 2007, 255; Petersson 2016). They have also been used to reach consensus among political parties during times of parliamentary turmoil, such as the 1920s when there was no stable majority in the Swedish *Riksdag* (Tingsten 1940; Zetterberg 1990).

¹ We would like to thank Natalia Alvarado, Love Christensen, Jonas Fredriksson, Anne-Kathrin Kreft, Lennart Sandström and Hanna Seviarynets for excellent research assistance. We also thank Andreas Bågenholm, Johan Christensen, Mikael Gilljam, Peter Esaiasson, Johannes Lindvall, Elin Naurin, Jonas Pontusson, Anders Sundell, and the participants at the EUREX workshop "Expertise and policy-making – comparative perspectives", The Hague, Netherlands, May 13-14, 2019, the participants Quality of Government Institute conference in Copenhagen, Denmark, January 27-29, 2020, and the participants in the panel "Institutions, Growth Models and welfare States" at the 2019 annual meeting of the Council for European Studies in Madrid, Spain, June 20-22, for helpful comments. The errors that remain are our own.

² Similar types of institutions also exist in the United States and elsewhere under different terms, such as blue ribbon panels, task forces, and congressional or presidential commissions (Rowe and McAllister 2006).

Recently, however, both scholars and policymakers have expressed concerns that Swedish commissions of inquiry may have changed in ways that may have affected their consensus-building capacity (Gustavsson 2015; SOU 2000:1; SOU 2016:5). For example, the deadlines of commissions have become tighter, there are fewer broadly representative commissions, and commissions are not as independent from the incumbent government as they were before. Perhaps most importantly, there are fewer commissions with broad representation from the parties in the *Riksdag* (Petersson 2016). This is particularly worrisome given the recent transformation of the Swedish party system and the fact that Sweden is again in a situation with less stable political majorities in the *Riksdag* (Aylott & Bolin 2019; Lindvall et al. 2019).

Previous research provides a relatively clear picture of the development of Swedish commissions of inquiry up to the 1990s (Hesslén 1927; Meijer 1956; Johansson 1992; Hermansson et al. 1999). However, with the exception of two reports from the standing parliamentary Commission on the Constitution (2016/17: KU10; 2017/18: KU10), there is no complete longitudinal data of the development of the commissions of inquiry after the 1990s. This paper fills this gap. Drawing from a unique, hand-collected dataset of Swedish commissions of inquiry between 1990 and 2016, we describe the development of Swedish commissions of inquiry over the past 27 years. More specifically, we assess commissions of inquiry in terms of three aspects relating to their consensus-building capacity: their membership composition, political independence, and resources.

We conclude that the representativeness of the commissions of inquiry has changed dramatically, and that the traditional broad, representative commissions including members of the *Riksdag* are now only a small fraction of commissions. As a consequence, commissions may have lost their capacity to build consensus on policy across party lines. We also show that Swedish cabinets have become more active in giving directives to the inquiries. However, commissions of inquiry retain their independence of electoral cycles and have about the same level of resources as before.

This paper is organized as follows. The next section describes how the membership composition, political independence and resources of commissions of inquiry may affect their consensus-building and fact-finding capacities. We then provide background information about Swedish commissions of inquiry and describe recent developments in their composition, independence and their resources. The concluding section summarizes the results and discusses their implications for the ongoing discussion of the development and role of the commissions of inquiry in general and those in Sweden

in particular (Christensen & Holst 2017; Christensen & Hesstvedt 2019), as well as to the emerging literatures of change in policy advisory subsystems (Craft & Howlett 2013; Hustedt & Veit 2017).

Commission of inquiry and their role in the policy process

Defining commissions of inquiry

Commissions of inquiry are temporary bodies, usually appointed by the Cabinet to formulate policy goals and to prepare legislation on specific policy issues (Zetterberg 1990). The literature on commissions of inquiry has identified some of their key features (Prasser 2003, 55-56; Marier 2009). First, commissions of inquiry are *ad hoc* bodies established and appointed by the executive. Second, commissions of inquiry have a certain degree of independence from the government: they are not part of the regular public bureaucracy, nor are they a permanent advisory body attached to a department or minister. Third, commissions of inquiry have advisory power only, and the government may reject or accept any policy recommendations that they present. Fourth, commissions of inquiry engage a wider set of actors (e.g. academic experts and representatives from interest groups) in the process of deliberating policy and providing information, knowledge, and recommendations to policymakers, than is otherwise typical in the policymaking process.³

In addition to policy preparation, cabinets appoint commissions of inquiry to investigate particular events such as large-scale accidents or political scandals. These special inquiry commissions are not strictly advisory and may have judicial powers. They are excluded from this study. Instead, we focus exclusively on commissions which advise the Cabinet on specific policy initiatives. We refer to these as *policy inquiry commissions* (or, simply, commissions), to their investigations as *policy inquiries* (or, simply, *inquiries*), and to their output as *reports*.

Membership composition

Among the most significant predictors of commission outcome are the commission type and its membership composition. These are determined by the Cabinet, which can use its appointment powers to “set the stage” for later phases of the policymaking process (Jacobsson et al 2015, p. 45; see

³ We refer to Swedish commissions and special investigator inquiries (SFS, 1998:1474) as commissions of inquiry, although special investigator inquiries sometimes only consist of a special investigator and a secretary.

also Johansson 1992; Seidman 1998). The commission's type and membership composition is relevant for several reasons. Broadly representative commissions have a better ability to solve policy problems and to lay the ground for compromise among contending parties (Nyman 1999; Petersson 2016). By including representatives from interest groups and parliamentarians from the opposition parties, such commissions provide an opportunity for political negotiation, which can build consensus at the initial phase of the policy process. This can prevent or mitigate conflicts in the subsequent stages of the policymaking process (Premfors 1983). However, bureaucratic delegation literature also suggests that the broad representativeness of such commissions also makes them less responsive to their principal, and therefore a less attractive choice for the Cabinet (Dahlström & Holmgren 2019). At least in the Swedish case, it has been argued that commissions with fewer members are more aligned with government and are thus less independent (Jacobsson et al 2015, 63).

In Sweden, as in many countries, there are a couple distinct types of commissions. Typically, one type is larger, more broadly representative, and has more leeway in formulating policy, whereas other types consist mostly of civil servants and a few outside experts and have fewer powers. In particular, in Sweden, the government ordinance regulating commissions of inquiry (SFS 1998:1474) makes a distinction between *parliamentary commissions* and *special investigator inquiries*. A parliamentary commission is a representative body of parliamentarians, which might also include civil servants, and/or civil society organizations, and/or independent experts such as academics. By contrast, a special investigator inquiry is conducted by a specifically appointed individual, who may be a politician, a civil servant, a representative of a civil society organization, or some other person considered appropriate for the position by the cabinet. When analyzing 509 commissions of inquiry from the 1960s until mid 1990s, Hermansson et al. (1999, p. 29) found that the share of special investigator inquiries has increased from about 30 percent in 1960 to 60 percent in 1995, and the share of parliamentary commissions have correspondingly declined (see also Gunnarsson & Lemne 1998). Similar trends are seen in Denmark and Norway, which have an analogous system of commissions of inquiry (Christiansen, et al 2010, p. 31). This indicates a shifting balance from parliamentary commissions to special investigator inquiries and casts doubt on whether commissions can still fulfill their role in negotiating political compromise.

Along with the inclusion of parliamentarians, we investigate the presence of interest groups (Öberg et al 2011; Petersson 2016) and academics (Premfors 1983), as well the gender balance of commission

members. Previous research has argued that the involvement of interest organizations generates support and legitimacy for state policy in general, and induces interest organizations to moderate their demands and to handle grievances about state policy internally among their members (Rothstein 1992, 59-65; Öberg et al. 2011). Scholars tend to agree that neo-corporatist patterns in interest group participation have declined in general (Lindvall & Sebring 2005), and that the representation of interest organizations in commissions of inquiry has declined in all Nordic countries (Christiansen, et al. 2010; Skokjaer Binderkrantz & Munck Christiansen 2015). However, in Sweden, evidence suggests that over the last three decades, the government has encouraged an increasing and more diverse types of civil society organization to participate in national policymaking (Lundberg 2012). Results from studies on the Danish commissions confirm this pattern (Fisker 2013; Skorkjær Binderkrantz & Fisker 2016). Consequently, although the institutionalized forms of participation in the commissions may have declined over time, we would expect a stable or increasing level of participation by interest organizations.

The participation of academics relates to the role of commissions as problem-solvers and knowledge synthesizers. A central theme in the literature is the growing reliance and need for academic knowledge in the policy process (Kitcher 2011). Policymaking is increasingly knowledge-driven and evidence-based, which has caused modern governments to become dependent on academic expertise and advice (Weiss 1977; Brans & Vancoppenolle 2005). Several authors argue that today's governments operate in contexts that are increasingly complex and multifaceted, where problems faced by policymakers are contested and often difficult to resolve: policy problems are "wicked" (Klijn & Skelcher 2007). Thus, policymakers need expertise and technical knowledge in order to increase the analytical capacity, problem-solving capacity. Yet the extent to which commissions fulfill their role in enhancing knowledge is less known. Longitudinal studies of Norwegian commission of inquiry have found that the proportion of academics in commissions in Norway rose remarkably between the 1970s and the 2000s, which is evidence of an "epistemic" turn in the use of government commissions (Christiansen & Holst 2017; Christiansen & Hesstvedt 2019).

Independence

One of the defining features of commission of inquiry is that, once appointed, they operate independently from the Cabinet. This is important for both their problem-solving role and their credibility

with the opposition. However, commissions may also serve partisan interests. A common argument in the political science literature is that the incumbent government steers government activities to increase its chances of re-election. For example, the Cabinet might strategically adjust their activities according to the electoral cycle (Blais & Nadeau 1992), with activities thought of as being “popular” introduced before the election, and “unpopular” activities initiated after the election.

Commissions of inquiry could, therefore, be set up tactically for partisan reasons. First, the government could initiate a commission to signal an ambition to take an issue seriously (Hunter & Boswell 2015). Such commissions might have a symbolic function and convey the message that the government is taking action to address a policy problem. Second, commissions could be set up to gain or reduce support for a policy position (Bulmer 1983; Sulitzeanu-Kenan 2010), by providing the cabinet with arguments, evidence, and legitimacy for its preferred position. Third, commissions could be used to remove politically sensitive issues from the agenda (Bulmer 1983; Rowe & McAllister 2006). However, while this may be effective in the short term, the long-term effects of commissions can be difficult to anticipate as commissions often endure over long periods and might have a high degree of autonomy (Hunter & Boswell 2015). Thus, although establishing a commission may be tempting as a means to avoid criticism, it is also risky.

Furthermore, once a commission is initiated, it is possible that the government wants to make sure that the commission reaches a desired conclusion (cf. Jacobsson et al 2015). The government may instruct the commission by various means but the main instrument are the formal directives where the government specifies the commission’s mandate, including its mission and the period in which the commission must complete its inquiry (SFS 1998:1474). These directives can be more or less precise and include instructions to change, add to, or retract instructions by issuing a new commission directive. Thus, the number of directives issued to a commission provides us with a rough measure of degree of independence.

Resources

A third issue for any commission of inquiry is the extent to which the government provides it with adequate resources. Previous literature has shown that resources such as personnel, level of professionalization and money is positively associated with performance of public agencies (Lee & Whitford 2012). Similarly, resources in terms of time and money provide commissions with “general investigatory power” (Hayner 1994, 642) and, thus, largely determine its ability to gather knowledge, consult

with societal interests, facilitate for political compromises, analyze the policy problem, and produce recommendations. For example, the performance of commissions of inquiry depend on the extent to which the cabinet provide them with adequate time to complete their work. Critics have argued that Swedish commissions of inquiry are given less time to complete their work than before (Gunnarsson & Lemne 1998). In the beginning of the 1980s, a range of political initiatives were taken in order to speed up the inquiry process, for example, by reducing the operating time of a governmental commission to not more than two years (Bergström 1987, 358). A study by the Swedish National Audit Agency (*Riksrevisionen*) showed that between 1982 and 1995, the average duration of government commissions decreased from 4 years to 1 year and in 2002 the average duration was 1 year and 8 months. Special investigator inquiries are generally shorter than commissions (Riksrevisionen 2004). However, although commissions working on a long-term basis do not necessarily result in well-informed policy solution, a too limited timeframe reduces the commission's potential (Hayner 1994, p. 642; Prasser 2003).

The Swedish case

This paper studies Swedish commissions of inquiry from 1990 to 2016. Sweden is a small parliamentary democracy with a proportional electoral system, and a unicameral legislature (*Riksdag*) with 349 members. The number of parties in the *Riksdag* has varied from five during most of the of the 20th century to six in 1988, seven in 1994 and eight in 2010. The main parliamentary parties include four center-right parties and the Social Democrats. Historically, Swedish politics has been dominated by the Social Democratic party, which has held the Prime Minister position uninterruptedly from 1936 until 1976. In recent years, however, center-right coalitions have become more typical. For the time period studied in this paper there are four shifts in government. There are Social Democratic one-party governments for 13 of the years studied (Carlsson II-III, and Persson I-III), center-right coalition governments for 11 of the years studied (Bildt I, Reinfeldt I-II), and a coalition government between the Social Democrats and the Green Party for two of the years studied (Löfven I) (Bergman 2003; Lindvall et al 2019).

Commissions of inquiry are used extensively in the Swedish policymaking process (Meijer 1956; Petersson 2016; Zetterberg 1990), and Sweden is unique among other countries in that almost all significant legislative proposals are prepared by some type of a commission: from 1990 to 2015, the

Cabinet appointed between 68-134 new commissions of inquiry each year (2016/17: KU10, 74). Swedish commissions of inquiry are appointed and dismissed on an *ad hoc* basis by the Cabinet, and consist of one or more commissioners, administrative support, experts and sometimes reference groups representing stakeholders or interest groups. Commissions typically exist for between a few months and several years, with an average of about 16 months in 1990-2016. The reason for appointing a commission of inquiry is normally to examine a specific subject, such as preparing policy for a legislative initiative or a policy reform. However, a commission of inquiry can also get a wider mandate to study a societal problem or to investigate a high-profiled scandal or accident. The latter type is not included in our study. Examples of policy issues investigated by commissions of inquiry include new legislation concerning terrorist crime (*Terroristbrottsutredningen*, Ju 2017:03) and reforms of the social service (*Framtidens socialtjänst*, S 2017:03).

Data collection and sampling

We have collected new and unique data which allows us to evaluate changes to the three aspects of Swedish commissions of inquiry related to their consensus-building capacity over a 26-year period. Our data collection procedure was as follows. From a population sample of 3560 inquiry reports (*Statens offentliga utredningar*, or SOUs) published in 1990-2018, we identified 3054 inquiry reports with policy recommendation. From this figure, we eliminated five reports which were missing from all archives, fifteen special inquiry reports about accidents, political scandals and historical events, 54 additional volumes or appendices to reports already included in our sample, and 7 reports by a permanent commission (for example, Jo 1968:A). Examples of excluded inquiry reports include an investigation into the activities of Soviet submarine activity in the Swedish coastal waters (SOU 1995:135), and periodic long-term economic forecasts (*Långtidsutredningen*).

Because commissions often publish intermediate reports, we then identified the final report of each commission and used it to establish a list of all unique commissions appointed during the time period in our sample. Because of the time lag between the appointment of the commission and the publication of its final report (we allowed for a lag up to two years), we were only able to generate a full list of new commission appointments for the years 1990-2016. Our final data set includes 2087 new policy inquiry commissions appointed in 1990-2016. The sampling strategy is summarized in Table 1.

TABLE 1. SAMPLE SELECTION

# inquiries in sample	Excluded inquiries	Explanation
3560	0	Initial sample: published inquiry reports (SOU) in 1990-2018
	491	SOU with no policy recommendation
	54	SOU containing additional volumes or appendices
	15	SOU by investigative inquiries
	5	SOU not found
	7	SOU by a permanent commission
	216	Commissions established before 1990 or after 2016
	685	Other than the last inquiry by a commission
2087		Final sample: Unique policy inquiry commissions appointed in 1990-2016

Other studies of Scandinavian commissions of inquiry, such as Petersson (2016) and Christensen & Hesstvedt (2019) have used a similar data collection procedure. Alternatively, we could have used the *Kommittéberättelsen*, a yearly report from the Government offices to the *Riksdag* concerning all active commissions of inquiry. The advantage of using published reports is that they contain more detailed information about commission members than the *Kommittéberättelsen*. In addition, they contain information about reservations and dissenting opinions by the commission members, which are not recorded in detail in the *Kommittéberättelsen*. The disadvantage with our strategy is that it misses commissions which did not publish a report, did not complete their inquiry, or published their findings in a different report series, such as the departmental publication series (*Departementsserien*). From an additional data collection effort using scraped *Kommittéberättelse* records from 2002 to 2016, we estimate that our initial sample is missing approximately 16 percent of total inquiries. Our data collection strategy may also inflate the mean size and length of the inquiries, as the inquiries dealing with more important policy matters are more likely to be published in the *Statens offentliga utredningar* (SOU) series.

To obtain membership information, we scraped the Swedish government's open document database⁴ using Python 3.0 and BeautifulSoup 4.6. The resulting data set was verified manually against inquiry reports using electronic libraries of SOUs⁵, adding any missing information. Four SOUs which could not be found in electronic format were obtained from the Law Library of Uppsala

⁴ <http://rkrattsbaser.gov.se/sfsr>

⁵ The Swedish Law web page (<https://lagen.nu>), Linköping University's Open SOU web (<http://www.ep.liu.se/databases/sou/>), the Swedish Royal Library's SOU archive (<http://regina.kb.se/sou/>), and the Swedish government's SOU web page (<http://www.regeringen.se/rattsdokument/statens-offentliga-utredningar/>).

University. Since commission membership changes somewhat over its tenure, we used the membership composition in the commission's final report. These efforts resulted in a database of 23,145 members with the following roles: chairpersons, special investigators, commissioners, experts, subject specialists, excluding secretaries. The presence of an external reference group was also noted. If the scraped data and information in the SOU were in conflict, the SOU was considered authoritative.

Each commission member was then classified using a classification scheme used in previous research of Scandinavian commissions (see, for example, Christensen & Hesstvedt 2019). These categories were then reduced into five: *Academics*, *Bureaucrats* (Civil servants and public servants in Christensen & Hesstvedt 2019), *Interest groups*, *Politicians*, and *Other* (Professionals and private sector in Christensen & Hesstvedt 2019). Members that could not be classified with certainty were marked as *Unclassified*. Party affiliations for members of parliament, when missing, were added from the Swedish Riksdag web site⁶. We also coded the gender of the commission members using data on most common female and male names from the population registry records kept at Statistics Sweden (SCB).

Data for dissents was collected from each report, including the intermediate reports. Each time a member expressed reservations or dissenting opinions counted as one instance of dissent. Since members can dissent more than once, shares of dissent may exceed one.

⁶ <https://data.riksdagen.se/data/ledamoter/>

TABLE 2. SUMMARY STATISTICS, NEW POLICY INQUIRY COMMISSIONS 1990-2016

Variables	Mean	SD	Min	Max
Nr members (excl. secretaries)	11.09	7.35	1.00	75.00
Share of women (excl. secretaries)	0.41	0.22	0.00	1.00
Share of men (excl. secretaries)	0.58	0.22	0.00	1.00
Share academics	0.07	0.15	0.00	1.00
Share bureaucrats	0.55	0.28	0.00	1.00
Share interest groups	0.07	0.13	0.00	1.00
Share politicians	0.06	0.15	0.00	1.00
Share other	0.01	0.05	0.00	1.00
Share of unclassified	0.17	0.22	0.00	1.00
Share govt party (if politicians present)	0.47	0.36	0.00	1.00
Share opp. party (if politicians present)	0.53	0.36	0.00	1.00
No. directives	1.36	0.65	0.00	5.00
Length in months	16.36	9.55	1.00	86.00
Nr secretaries	2.02	1.58	0.00	16.00
Presence of reservations	0.07	0.26	0.00	1.00
Presence of special comments	0.32	0.47	0.00	1.00
Share of reservations	0.01	0.07	0.00	1.07
Share of special comments	0.07	0.13	0.00	1.00
Observations (Nr newly appointed commissions)	77.3	17.1	49	118

Table 2 lists our variables of interest and their mean, standard error, minima, and maxima. The shares of men and women, different member types, directives and the dissent variables are calculated over the particular commission/inquiry and its total membership (excluding secretaries and external reference group members). The length is calculated in months from the issuance of the first commission directive to the completion of the last inquiry of the commission. The share of politicians includes parliamentary, regional and local politicians. Some of the directive numbers and dates could not be located so the total number of observations is smaller for these two variables. Note that the shares of different members are based on a count of members who are not secretaries. This is primarily because secretaries are almost always civil servants.

Results

Both official government reports (SOU 2000:1; SOU 2016:5; 2016/17: KU10; 2017/18: KU10) and academic papers (Gustavsson 2015; Lindvall et al. 2019) have expressed concerns that the Sweden's capacity for rational and consensus-oriented policymaking has severely diminished. In particular, commentators have noted that traditional commissions of inquiry with broad representation from interest groups and both government and opposition parties are on the wane. This broad representation, which at least formerly characterized Swedish commissions of inquiry, has been seen as an important part of a more rational and deliberative policy process, as it lays the groundwork for a common understanding of the policy problem at hand and clarifies the policy positions of the involved parties. Our data reveals similar patterns.

Table 3 presents a typology of inquiries based on whether they are organized as a commission or a special investigator inquiry, whether they contain parliamentarians or not, and whether there is a parliamentary reference group attached to the inquiry. The typology is based on a recent report of the Swedish *Riksdag's* standing Committee on the Constitution (2017/18: KU10 64). The government ordinance regulating commissions of inquiry (SFS 1998:1474) stipulates that commissions should consist of a chairperson, one or more commissioners, subject specialists, and experts, assisted by one or more secretaries. Commissions with more than one commissioner have historically been *parliamentary* (i.e. included a counterbalanced mix of MPs from all major parliamentary parties and interest groups), but there have also been non-*parliamentary* commissions (i.e. not including MPs). In addition, the government may also appoint *special investigator* inquiries, which are headed by a single commissioner, the *special investigator*, assisted by one or more secretaries, and, optionally, one or more subject specialists and experts. These types of inquiries, which may consist only of two members, the special investigator and a secretary, do not typically involve MPs. Both types of commissions may also consult with outside parties not formally part of the inquiry. These are often organized into a group which may go under different names depending on its composition, such as a reference group, project group, or a working group. In particular, an inquiry may have a reference group of parliamentarians providing "parliamentary input" (*parliamentariska inslag*).

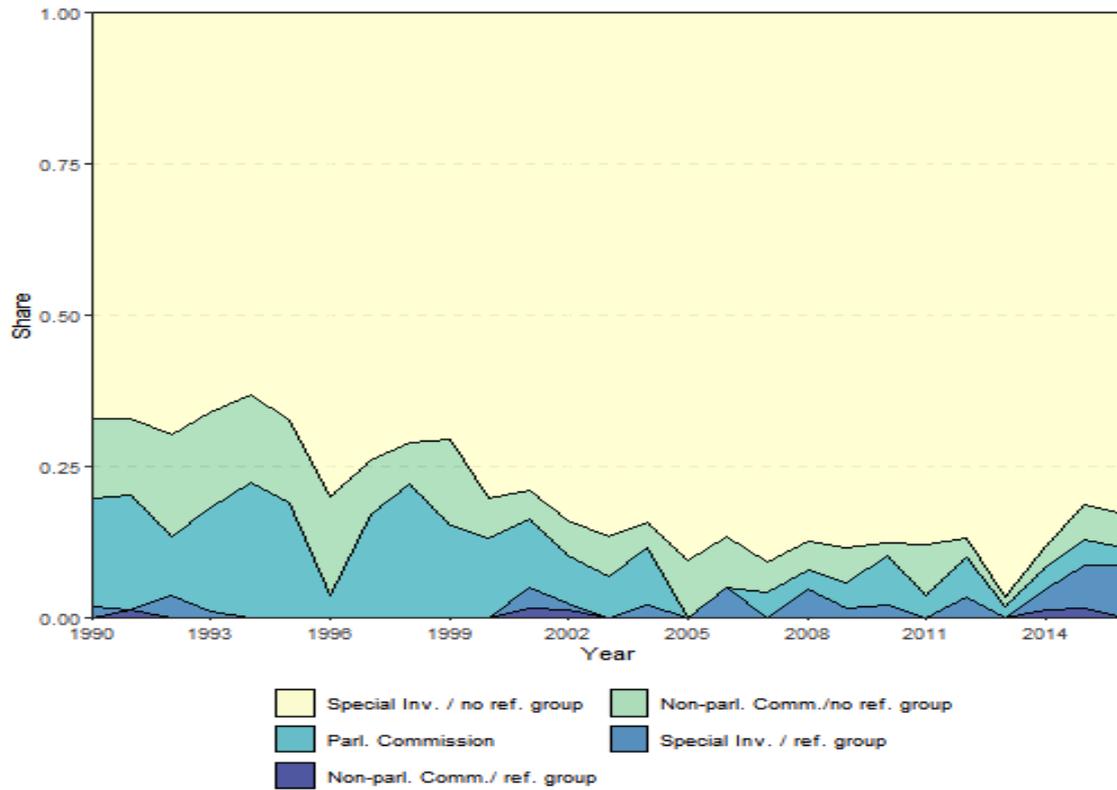
TABLE 3. TYPES OF COMMISSIONS/ INQUIRY STRUCTURES

Type of structure	Operationalization
1. Non-parliamentary commissions, without a parliamentary reference group	A commission with a chairperson, maximum of 1-2 parliamentarians as members, and no parliamentary reference group.
2. Non-parliamentary commissions, with a parliamentary reference group	A commission with a chairperson, maximum 1-2 parliamentarians as members, and a parliamentary reference group.
3. Parliamentary commissions	A commission with a chairperson, >3 parliamentarians as members.
4. Special investigator, without a parliamentary reference group	An inquiry with a special investigator and no parliamentary reference group.
5. Special investigator, with a parliamentary reference group	An inquiry with a special investigator and a parliamentary reference group.

Figure 1 depicts the shares of different types of inquiries/commissions appointed by the government over time. The vast majority of appointments (between 67 and 97 percent), with a positive trend over time, are special investigator inquiries with no parliamentary input. This continues a long-term increase of special investigator inquiries (Hermansson et al. 1999).

For most part of the 20th century parliamentary commissions were about a half of inquiries, with a lower proportion in the 1950s, and 1960s, and a higher proportion in the 1970s (Meijer 1969; Petersson 2016). However, in our data, parliamentary commissions represent only 10 percent of inquiries, with a negative trend over time. In other words, there been a dramatic shift in the structure of policy inquiries: the share of commissions, and, particularly parliamentary commissions, has declined, while the proportion of special investigation inquiries with no parliamentary input has been growing steadily at the expense of other types of inquiries, especially after 1998. By contrast, the share of parliamentary commissions has declined dramatically: in 2016 it was less than 3 percent of the yearly number of the newly appointed policy inquiry commissions in our sample. However, there appears some substitution of special investigator inquiries with a parliamentary reference group for parliamentary commissions: in 2016 special investigator inquiries with a parliamentary reference group comprise about 8.6 percent of the new commissions.

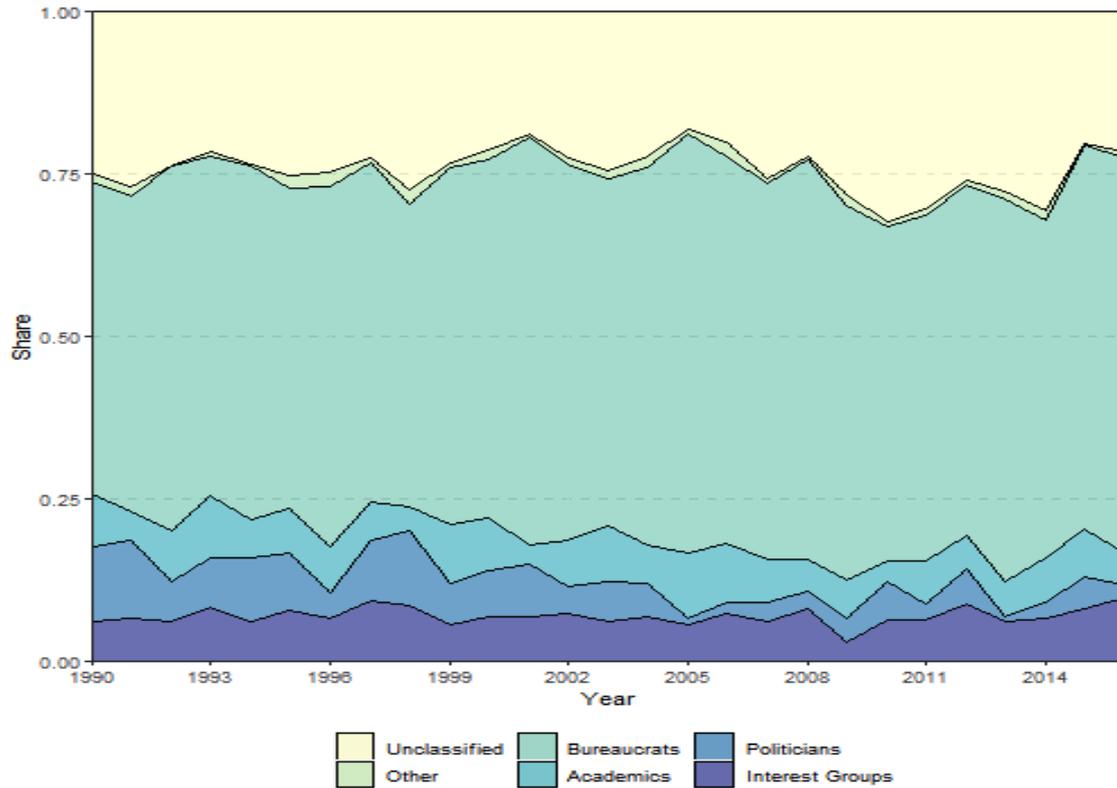
FIGURE 1. SHARES OF PARLIAMENTARY COMMISSIONS, NON-PARLIAMENTARY COMMISSIONS AND SPECIAL INVESTIGATOR INQUIRIES WITH AND WITHOUT A PARLIAMENTARY REFERENCE GROUP 1990-2016



Sample: New policy inquiry commissions 1990-2016.

We will now turn our attention to trends in the membership composition of commissions of inquiry. By members, we mean chairs, commissioners, special investigators, experts, and subject specialists, i.e. those members of the commission who are making decisions and are responsible for its work. In addition to these, commissions are assisted by secretaries who prepare the drafts for the inquiry reports. These are almost always civil servants working in the central administration. Commissions may also be supported by additional staff or have external reference groups attached to them (either consisting of parliamentarians or experts). Secretaries and additional staff are not included in the member count.

FIGURE 2. MEAN SHARES OF BUREAUCRATS, ACADEMICS, POLITICIANS AND INTEREST GROUPS, OVER TIME



Sample: New policy inquiry commissions 1990-2016.

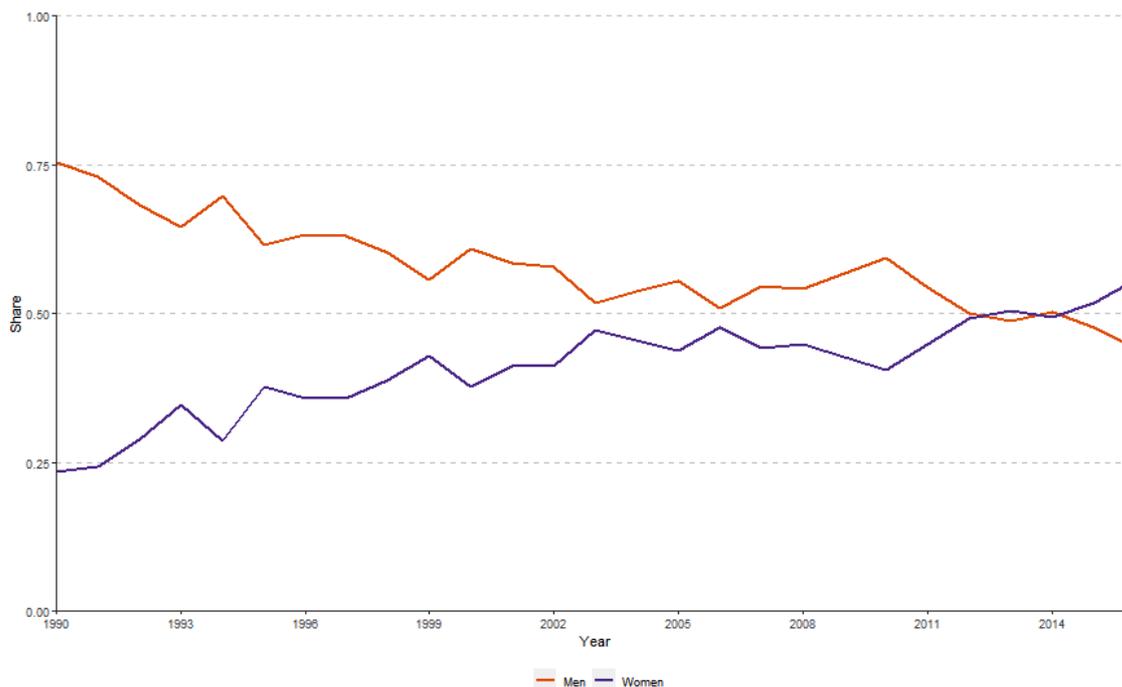
Note: An average of 18.6% members are unclassified each year.

Figure 2 shows the mean shares of bureaucrats, politicians, interest groups, and academics over time. The figure also includes a small number of members in the Other category, and a relatively large share of unclassified members. The latter category includes members that could not be classified with certainty. The shares are calculated over the number of members of the commission, excluding secretaries and external reference groups.

Bureaucrats make up a large and increasing part of the members of policy inquiries. In 2016 they comprise about 61 percent of the members in our sample, compared to about 48 percent in the beginning of the period. During the same period of time the shares of academics and politicians have declined to only 5 and 2 percent, respectively, in 2016. This decline is particularly dramatic when it comes to politicians, dropping from 11 percent in 1990, reflecting the same trend as discussed above

regarding the types of inquiries. It should also be noted that our sample probably underestimates the share of academics, as these are likely more common in the inquiries not included in our sample.

FIGURE 3. MEAN SHARES OF MEN AND WOMEN, OVER TIME



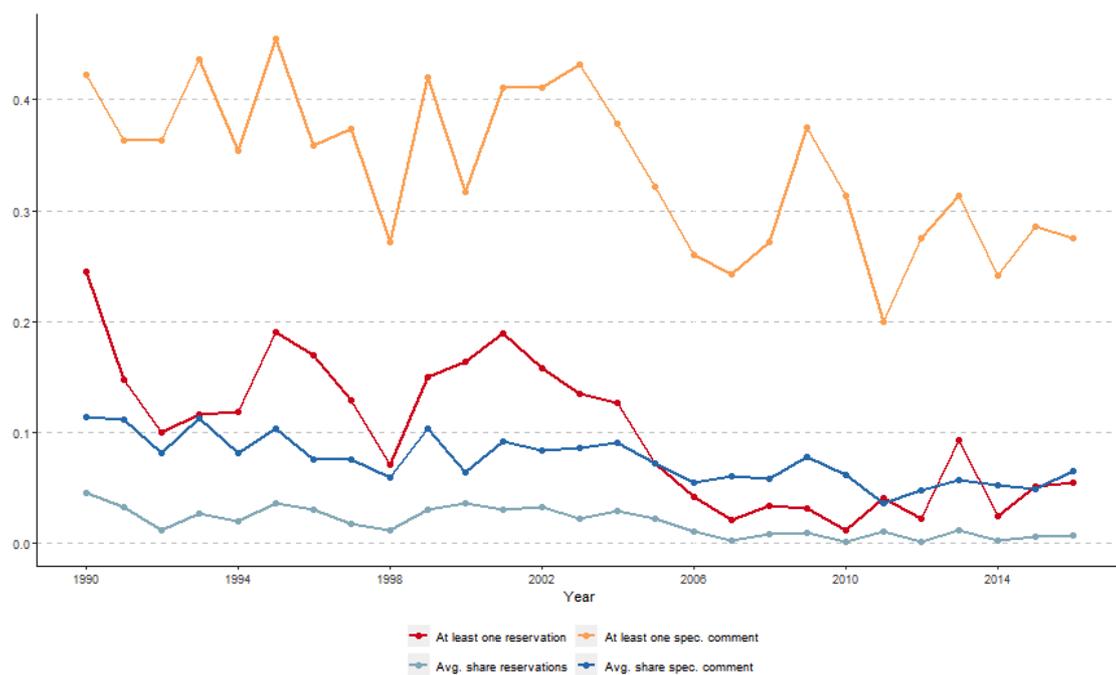
Sample: New policy inquiry commissions 1990-2016.

There has also been changes in the gender balance in commission membership. Figure 3 shows the shares of men and women as commission members (excluding secretaries) from 1990 to 2016. Men dominated the policy inquiry commissions in the beginning of the period, and made up no less than 75 percent of the members in 1990. Over time the gender balance among commission members has become more equal. In 2012 the balance was almost exactly 50/50, and after 2014 is a slight overrepresentation of women (52 and 56 percent women in 2015 and 2016, respectively).

These changes in inquiry types and commission membership have likely affected the conflict level within commissions. If commissioners disagree with the majority, they can write either reservations (*reservation*) or special comments (*särskilda yttrande*), a type of dissenting opinion, which are then included in the inquiry report. Subject matter specialists can also write special comments but are not allowed to write reservations. Experts can also write special comments, but only if allowed by the chair. Figure 4 shows the share of inquiries with at least one reservation, or at least one special

comment, as well as the average shares of reservations and special comments per member. The shares of reservations and special comments were calculated using inquiry reports (SOUs) as the unit of analysis. First, we counted the number of times an individual member expressed dissent via reservations or special comments, either alone, or together with other commission members. The resulting number was then divided by the number of commission members, excluding secretaries and external reference group members. The presence of reservations and special comments in inquiry reports has dropped noticeably over time, from 42 to about 27 percent for special comments and from about 24 to about 5 percent for reservations. Note that that politicians comprise the majority of commissioners, who are the most likely member type to note a dissenting opinion, so with a decrease in the type of commissions dominated by politicians as well as in the share of politicians as members more generally, it is quite natural that reservations and special comments become rarer over time.

FIGURE 4. AVERAGE PRESENCE AND SHARES OF SPECIAL COMMENTS AND RESERVATIONS

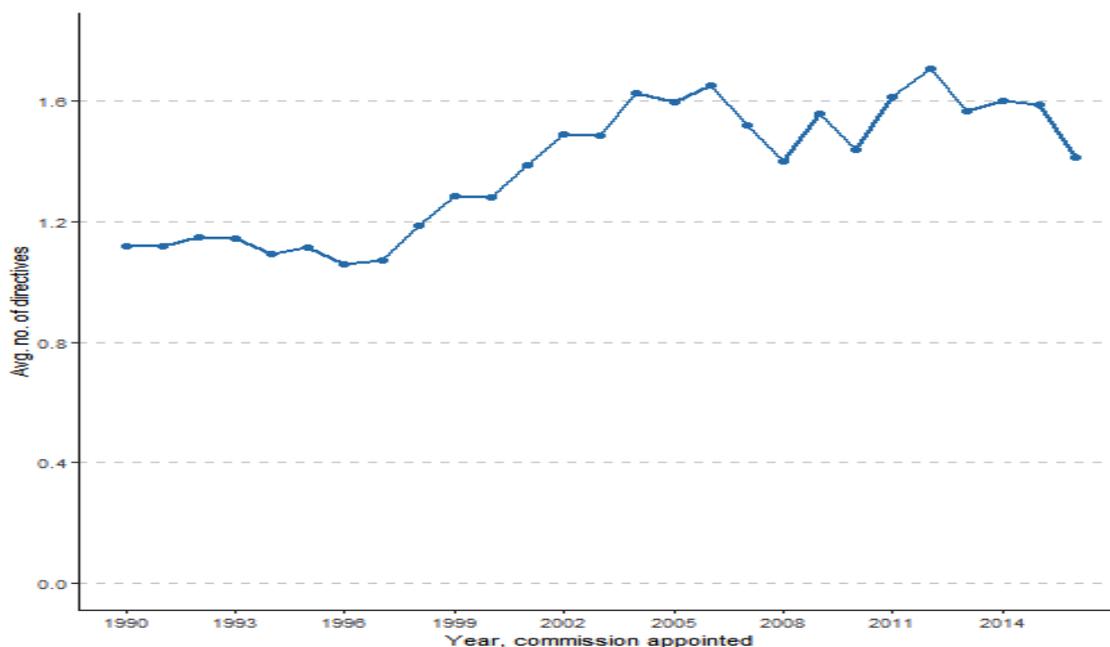


Sample: Completed inquiries 1990-2016, including final and intermediate inquiries

We now turn our attention to the question of commission independence. The most important tool the government uses to control commissions are the written instructions the government given to the commission, contained in the commission directive (*kommittédirektiv*). The directive specifies the

commission’s mandate, including its mission and the time frame in which the commission must complete its inquiry. The government can change, add to, or retract these instructions by issuing a new commission directive. One measure of how actively the government manages a commission is the number of commission directives issued to the commission by the government. Figure 5 shows the average number of directives issued to a policy inquiry commission by the time of its final inquiry. The years are the appointment years, i.e. the year the Cabinet issued the directive establishing the commission. Seen over the entire time period from 1990 to 2016 the average number of directives per policy inquiry has increased from just over 1 to closer to 2 in 2006 and 2014. For the inquiries appointed after 2014 the average number of directives has declined. In sum, Figure 5 indicates that Swedish governments have become more active in giving instructions to policy inquiries over time, with a decline after 2014.

FIGURE 5. AVERAGE NUMBER OF DIRECTIVES PER COMMISSIONS



Sample: New policy inquiry commissions 1990-2016.

Another question about independence is whether inquiries are used as a tactical tool in electoral struggle. There are at least three tactical reasons for assigning an inquiry just before the election: i) the government has made a number of election pledges in the previous election that it has not yet fulfilled, and assigning an inquiry is one way to show decisiveness before the election (Naurin 2014; Thomson et al 2017); ii) the government wants to avoid discussions about difficult issues during the

election campaign, and referring to a sitting commission of inquiry might be an effective way to avoid answering (Pettersson 2016); iii) the incumbent government might want to affect the policy process during the next mandate period, by way of writing instructions and choosing the chair to the commissions of inquiry, similar to how governments generally tries to influence policies through bureaucratic politics (Dahlström & Holmgren 2019). If the government uses new commission appointments tactically in its electoral struggle, we should see a jump in the new commissions before parliamentary elections. The literature as well as political commentators have suggested that the incumbent government might be motivated to take difficult questions off the agenda and push them to the other side of the election (Dagens Nyheter 2019; Pettersson 2016).

TABLE 4, (GOVERNMENT MANDATE PERIODS)

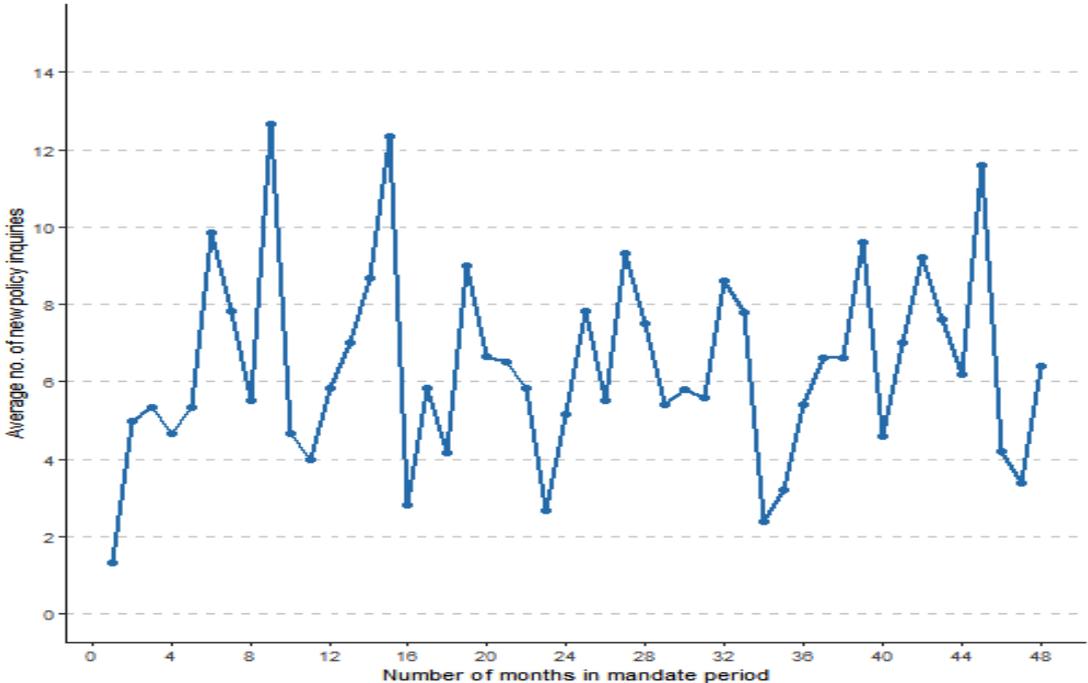
Government	Mandate period dates	Length of mandate period	Type of government	Government parties
Carlsson/Persson I	Oct 1994 – Sep 1998	48 months	minority	s
Persson II	Oct 1998 – Sep 2002	48 months	minority	s
Persson III	Oct 2002 – Sep 2006	48 months	minority	s
Reinfeldt I	Oct 2006 – Sep 2010	48 months	coalition majority	c-fp-m-kd
Reinfeldt II	Oct 2010 – Sep 2014	48 months	coalition minority	c-fp-m-kd

Legend: s= Social Democrats, c= Centre Party, fp= Liberals, m= Moderate Party, kd= Christian Democrats, mp= Green Party

Figure 6 shows the average number of new inquiries appointed by the government in its 48-month electoral mandate period. Swedish parliamentary elections are held in mid-September every fourth year, and the incoming government normally takes office in the beginning of October. We therefore assume that each mandate period starts in October of an election year and ends in September four years later. The mandate periods and corresponding governments are shown in Table 4. Figure 5 omits the mandate periods before October 1994, because they are of different length (36 months) than the subsequent periods (48 months), as well as the uncompleted mandate period after 2014.

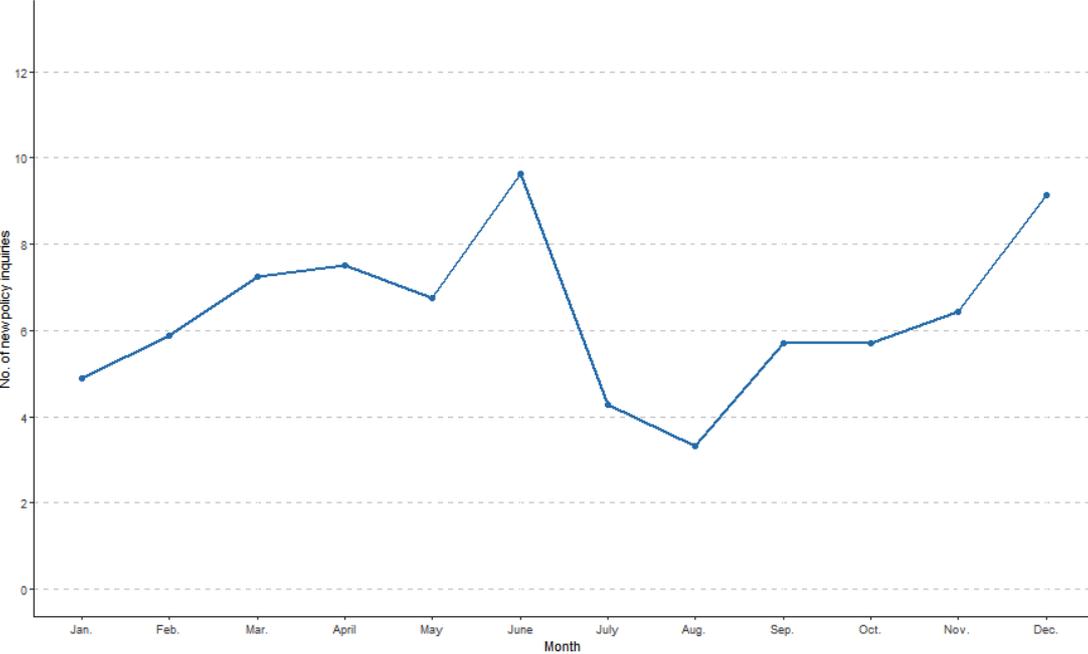
Figure 7 shows the seasonal variation in assignment of new policy inquiries and the completion of policy inquiries.

FIGURE 6. MEAN NO. NEW POLICY INQUIRY COMMISSIONS PER MONTH, 48-MONTH GOVERNMENT PERIOD



Sample: New policy inquiry commissions Oct 1994 - Oct 2014.

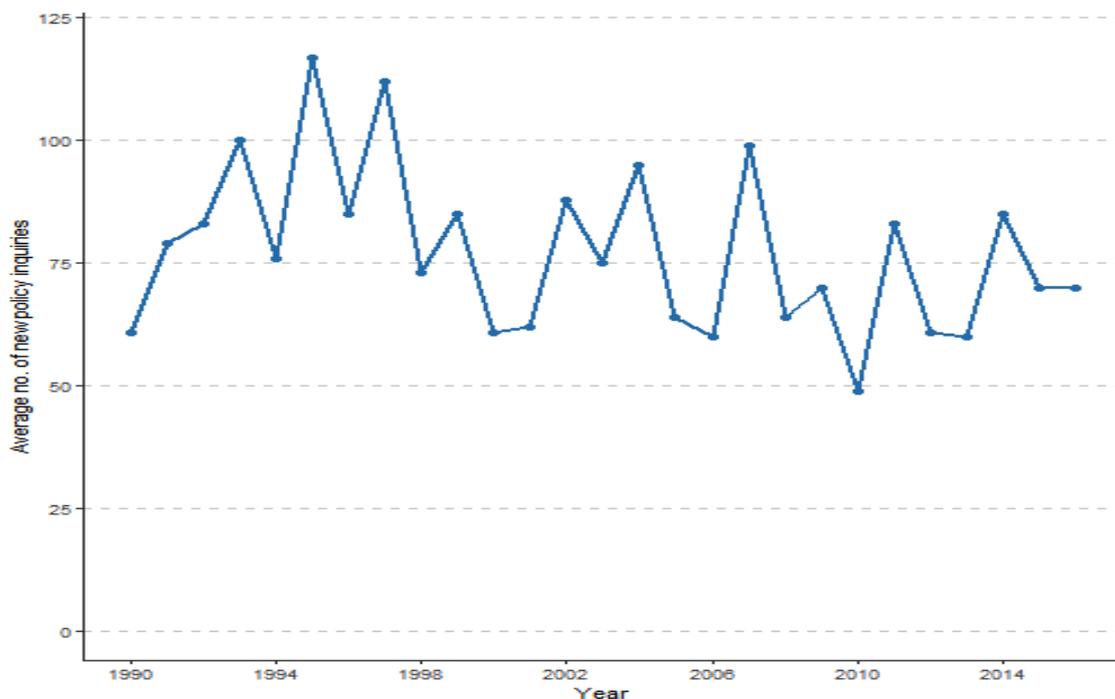
FIGURE 7. SEASONAL VARIATION IN THE APPOINTMENT OF NEW INQUIRIES



Sample: New policy inquiry commissions Oct 1994 - Oct 2014.

Figure 6 shows no obvious signs of a tactical use of inquiries by the government related to the electoral cycle. The peaks for appointments of new commissions are mainly in June during the first and last years of the mandate period and December throughout (Figure 6 and 7). The troughs for appointments appear during national holiday and vacation periods (July, August and January). The only sign of the government using commission appointments in a tactical way is the second peak in June just before the election in Figure 6. However, one should remember that June is the most common month for appointments (see Figure 7). Therefore, the timing of the appointment of new commissions most likely reflects the workflow of the government or the commissions of inquiry rather than tactical considerations related to the electoral cycle. The results remain the same if we only include special investigator inquiries.

FIGURE 8. NUMBER OF NEW POLICY INQUIRY COMMISSIONS

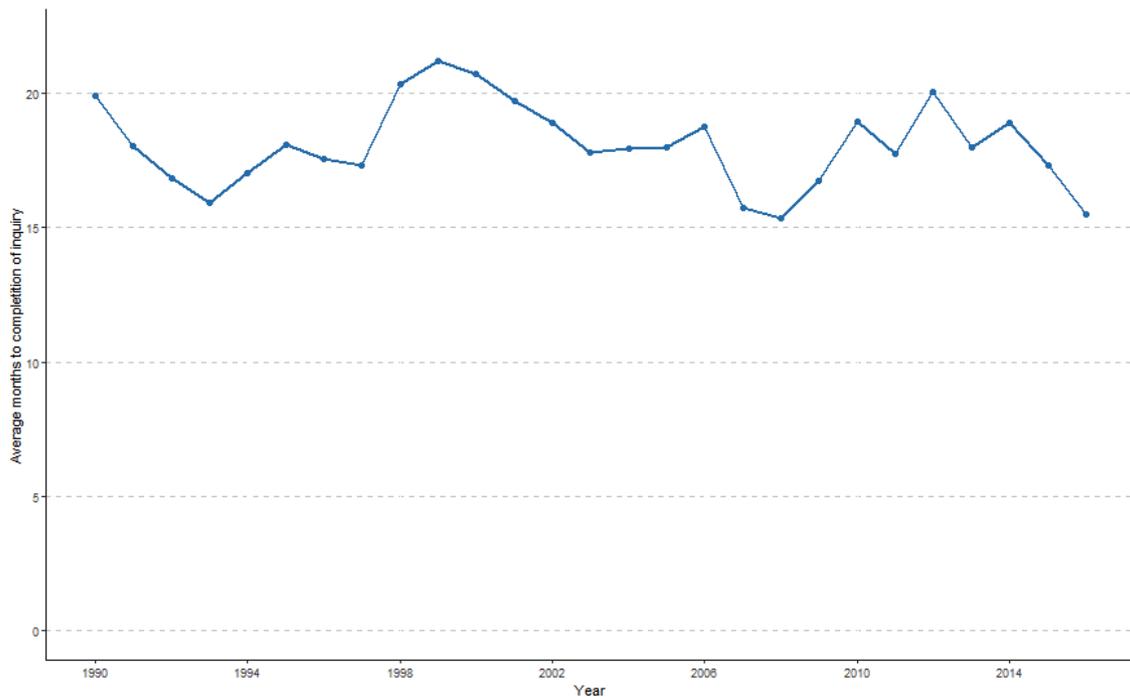


Sample: New policy inquiry commissions 1990-2016. Includes new commission assignments, but not the assignment of additional inquiries to an existing commission.

Our final question concerns the number of policy inquiries, their output, and their resources in terms of time. Figure 8 shows the number of newly appointed policy inquiry commissions per year. The figure shows a peak in the mid-1990s when the government appointed many large commissions. In

general, the second half of the 1990s seems to have been an exceptional period, with a large the number of policy inquiries when compared to policymaking periods before and after.

FIGURE 9, (AVERAGE NUMBER OF MONTHS FROM THE DATE OF THE ORIGINAL COMMITTEE DIRECTIVE UNTIL COMPLETION OF COMMISSION'S FINAL INQUIRY)



Sample: New policy inquiry commissions, 1990-2016.

Figure 9 shows the average number of months from the month when the commission directive was issued to the month when the commission completed its report. If the commission report only listed a month and a year, the day was coded as the first of the month. The average of all the years after 1990 for all new policy inquiries is 16.4 months, and the median is 15 months, which is somewhat higher than what the *Riksdag's* Commission on the Constitution recently found in their report (2017/18: KU10, 77). The reason for the small difference is almost certainly that i) the *Riksdag's* Commission on the Constitution only sampled 6 years from 1989 to 2015; ii) we only include policy inquiries which provided a policy recommendation. Previous studies on Swedish commissions of inquiry has noted that completion times assigned to commissions have declined (Hermansson et al 1999; SOU 2007: 75; SOU 2016: 5). Figure 9 does indeed show a slight negative trend of the average number of months per commission but it is only marginal seen over the entire period from 1990 to 2016. The peak in average time for commissions appointed 1990, 1998 to 2002 and then to lesser

extent also in 2006, 2010, 2012 and 2014 is more apparent. We may, however, underestimate the average time for commissions appointed late in the period, since the commissions with the longest time may not have issued their final reports.

Conclusions

The policy formulation stage of the legislative process is important because to some degree it determines whether the bill will get sufficient support and whether the proposed policy will successfully address the problem at hand. In Sweden and several other countries, governments often appoint ad hoc advisory commissions to prepare policy and to lay the groundwork for political compromise, especially for controversial or especially significant policy initiatives. These advisory commissions come in different shapes and forms and are alternatively seen as as facilitators of rational and consensus-oriented policymaking, or as tools of electoral struggle. While there are papers describing the development of the Swedish commissions of inquiry up until the 1990s (Hesslén 1927; Meijer 1956; Johansson 1992; Hermansson et al. 1999), there is no complete longitudinal data of the development of the Swedish commissions of inquiry after the 1990s (see, however, 2016/17: KU10 and 2017/18: KU10). This paper presents a unique dataset of all policy inquiries from 1990 to 2016 and investigates whether the composition, independence and resources assigned to commissions have changed in a way that hinders the fact-finding and consensus-building functions of commissions of inquiry. We show that the composition of inquiries has changed dramatically. The previously so important broadly representative parliamentary commissions have declined to less than 3 percent of the newly appointed policy inquiry commissions in our sample, from being about 50 percent historically. The dominant type of inquiry is today a much less representative special investigator inquiry, which makes up over 90 percent of all policy inquiries. The share of politicians as commission members has also declined, while bureaucrats are increasingly dominating commission membership. Partly as a consequence of these changes, the presence of dissenting opinions in the inquiry's reports have also dropped markedly. Swedish governments also become more active in instructing policy inquiries over time, with some decline after 2014. There is, however, only weak, if any, evidence of tactical use of inquiries by the government related to the electoral cycle. Finally, while the number of policy commissions and the time assigned to them has both declined slightly, these are only marginal changes.

These results have potentially important implications for the functioning of the Swedish policymaking process. To the extent the broadly representative commissions of inquiry were essential for establishing a common understanding for the policy problem and laying the groundwork for compromise in later stages of the legislative process, a vital part of the policy formulation stage is now missing (Gustavsson 2015). This might have been less of a problem as long as Sweden had governments with a rather stable support in the *Riksdag*, but the consequences may reveal itself because of recent changes to the Swedish party system (Aylott & Bolin 2019; Lindvall et al. 2019). Today's commissions are less able to identify and resolve dissent in at the policy formulation stage of the legislative process. Conflicts might therefore appear for the first time in the parliament when it is often too late in the process for a consensual solution to the policy problem at hand.

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APPENDIX

Appendix A: Member variables

Variable	Subcategory	Explanation
first		First and middle name
last		Last name
gender		Gender (M/F)
role	Chairperson	Chairperson
	Vice chair	Vice chair
	Special investigator	Special investigator
	Member	Full member of a parliamentary commission
	Subject specialist	Subject matter specialist
	Expert	Expert
	Secretary	(Head/assistant) secretary
	Reference group	Group of experts and/or MPs attached to the inquiry
career		Occupational title
employer		Employer/affiliation
party		Party affiliation
	s	Social Democrats
	m	Moderate Party
	c	Centre Party
	mp	Green Party
	v	Left Party
	fp	Liberals
	kd	Christian Democrats
	nyd	New Democracy
	fp	Liberals
sd	Sweden Democrats	
reservation		# of reservations by the member per inquiry
ytr		# of special comments by the member per inquiry

Appendix B

Main category	Subcategory	Description
Academics	Professors	
	Adjuncts	Academic adjuncts
	Docents	
	Lecturers	
	Ph.D.s./Licenciates	People with a doctoral (Licenciante) degree (unless in other category)
	Prof. emer.	Retired professors with a title prof.emer.
	Researchers	Researchers excluding those at research agencies.
Civil servants	Ministries	Employed by a ministry
	Agencies	Employed by an agency/bureau
	Research agencies	Employed by a research agency
	Public prosecutors and attorney general	
	Ministry attorneys	Attorneys working for ministries/agencies
	Other	This category was used for "landsh"ovdinger"
Public servants	Local public servants	Local/municipal public sector employees
	Regional public servants	Regional public sector employees
	Schools	Teachers, rectors
	University admins	University rectors etc.
	Medical personnel	Doctors, nurses, psychologists
	State enterprise employees	
	Riksbanken	Central bank employees
	Military	Military personnel
	Ombudsman	Ombudsmen at public agencies
	Other/unspecified	
Interest groups	Employer associations	Includes organizations representing industries.
	Labor unions	
	NGOs	Includes service organizations and religious organizations.
	Professional organizations	Organizations representing professions/trades
	Government interest groups	Organizations representing regions/municipalities
Politicians	Parliamentarians	Present and previous MPs
	State secretaries	
	Ministers	Cabinet ministers
	Mayors	
	Regional mayors	
	Regional politicians	
	Local politicians	
	Deputy representatives to the Riksdag	
	Party secretaries	
	EU politicians	
		Other
Professionals	Judges	
	Accountants and auditors	
	Journalists and writers	
	Other	
Private sector		Private sector employees
Consultants		
Other		