

Statutes of the Swedish Academy

Background

The comments below are based on the wording the statutes have in the critical edition of *Statutes for the Swedish Academy* (2nd edition 2012). The statutes are supplemented by the Manual of Rules and Procedures¹. Additionally taken into account is what has been included in previous comments on the Statutes, to be applied according to *Decisions taken by the Academy and approved by its Patron the King*.²

In an introductory section, the Academy indicates its view regarding its legal status and place in Sweden's legal framework. The individual regulations of the Statutes are then commented on, and the conclusions drawn in this first section constitute a basis for subsequent interpretation.

Legal background

Like its sister academies³, the Swedish Academy is a legal body that is organised according to private law⁴, though with a public affiliation. Such legal entities are sometimes referred to as corporations with a public affiliation.

By saying that the Academy has a public affiliation one means that its legal capacity is ultimately based on the public sanctioning the Academy acquired when its Statutes were laid down by Gustaf III and the various funding which he placed at the disposal of the Academy in connection with this.

As a private legal corporation, the Academy thus has a form closely related to that of a foundation.⁵

This proximity means that the Statutes in terms of private law can be interpreted against a background of – and supplemented by certain rules contained in – the (Parliamentary) Act on Foundations (1994:1220). It is not equally self-evident to make analogies based on the regulations that are assumed to apply for non-profit associations.⁶ However, when it comes to

¹ See Schück, H., *History of the Swedish Academy*, Vol I, p. 101 (1935) [Cit. Schück]

² Allén, S. [ed.], *Statutes of the Swedish Academy* (2 edn. 2012).

³ Differences exist between the sister academies. Some are the result of individual initiative, which means that these individual initiators can be regarded as the true founders, with a subsequent royal confirmation. This applies, for example, to the Royal Swedish Academy of Sciences. The Royal Swedish Academy of Letters, History and Antiquities, on the other hand, is the result of a royal initiative, as is the Swedish Academy. Among the academies, only the Swedish Academy has statutes not laid down by the King in Council according to the constitution (RF) of 1809 or by the government according to the constitution of 1974. This gave the Swedish Academy a distinctive independence in relation to the state.

⁴ The fact that the Academy, according to RF 12:4 and 6 § Copyright Regulation (1993:1212) has been given the assignment by the Government to act according to 51 § Copyright Act (1960:729) does not mean that the Academy is now to be considered as an authority in the RF sense. Regarding RF's concept of authority, see for example prop 1973:90 p. 232 f. Since the same concept of authority applies to the Freedom of the Press Act (TF). See Government Bill (prop) 1975/76:160 p. 134), nor is the Academy an authority in the TF sense.

⁵ This position has also previously been adopted by the royal academies. See comment letter to Swedish Government Official Report (SOU) 2009:65

“Modernised taxation regulations for the non-profit sector” from the royal academies (2 November 2009).

⁶ The contributor or contributors are seen there, among other things, to have the right to alter the purpose and to

the internal work of the Academy, certain guidance can be got from the general principles that can be assumed to apply to executive committee work in associations.

To the private law sections of the Act on Foundations belong, among other things, the regulations concerning administration (chapter 2), book-keeping and accounts (chapter 3), auditing (chapter 4), reparation (chapter 5). The regulations can be assumed to be analogously applicable to those sections which do not refer to the remit of the supervisory authority.⁷

However, the Act on Foundations also contains regulations other than those of a private legal nature which do not apply to the Academy. Particularly referred to here are regulations concerning the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) and the role of other authorities regarding the alteration etc. of regulations in the foundation constitution (chapter 6), the regulations concerning the name of the foundation (chapter 8 §1), those concerning supervision (chapter 9)⁸ and those concerning registration (chapter 10).

It is noted that the Swedish Academy as a legal body also functions as an administrator of a number of foundations connected to the Academy and is also legatee, devisee or donee of certain properties with conditions.

§1.

The Swedish Academy consists of eighteen members. This number may not at any time be increased.

This regulation indicates that 18 members (Academicians) shall be responsible for the administration of the Academy's affairs and that this number may not increase. Membership involves a commission to administer the Academy's property in accordance with the Foundation

dissolve the property bond and reclaim the donated funding. That such a right was intended or should follow from the Letter of Foundation is contradicted by its wording: *wishing to support [the Academy] with special monies ... and We have wished now and for always to lay down certain statutes for the dealings of the Academy that we wish to be unswervingly upheld*. Nor does the Founder of the Academy seem to have intended to participate in the administration or to exercise continuous control over the administration, which is typical of the relationship of contributors to associations of the type mentioned. Concerning the participation of Gustaf III in the work of the Academy, see Schück, p. 186 ff. On the other hand, a certain control results from the Statutes according to §14, as well as the possibility of gaining insight according to §34. Furthermore, the Patron of the Academy is regarded as having the right to exempt from the quorum regulation in §12. See also the comment to §12.

⁷ Applying the reasons for chap 7 in the Act on Foundations regarding liquidation and dissolution would involve certain problems of a particular nature, which are not dealt with here.

⁸ It follows from the Statutes that the Patron of the Academy has certain rights of surveillance. See §§14 and 34 as well as the interpretation given to §20 and the practice relating to the implementation of the Statutes that has developed after previous consultations with the Patron of the Academy. It would seem natural to interpret this right of surveillance in such a way that it by analogy also includes a competence according to 6:1, 6:3, 9:7 p. 1, 4:5 and 4:8 in the Act on Foundations. Regarding the competence of the authority to carry out surveillance it is noted that the Academy was not placed under the surveillance that resulted from the royal circulars of 24 April 1788, 10 October 1806 or 13 July 1809. At the introduction of the predecessor of the Act on Foundations, the Act (1929:116) on the surveillance of foundations (Surveillance Act), the legislator stressed that the law in itself could have been applicable to the academies. Since such a system was not regarded as suitable, foundations such as those administered by an academy for which the king had determined statutes were expressly excepted from the duty to report specified in the law; 2 § 1 st. 2 p. Surveillance Act. The administration by these academies of the foundations was thus also excepted from the surveillance of county administration; 8 §1 st. e contrario. No factual alteration seems to have been intended when the present law on foundations was introduced.

Letter and the Statutes, corresponding to so-called internal management in the Parliamentary Act on Foundations. This primarily means that each Academician is to ensure that the assets of the Academy are used in accordance with the purpose that Gustaf III can be assumed to have intended. See in this connection §§22 and 23.

Membership constitutes a commission relationship between the member and the Academy, which entails an obligation of loyalty in relation to the Academy.

The main substance of this obligation is that the member may not take measures that are likely to harm or in any way impede the fulfilment of the Academy's interests, which from time to time are defined by the Academy itself, taking the Statutes into consideration. The Academician is expected to place the interests of the Academy above personal interests and to avoid situations where a conflict of duties arises. More precisely, one can say that the Academician is expected to show keen application, to respect confidentiality, to avoid criticising the Academy or fellow Academicians in public, to act prudently and with good judgment and integrity, and also to draw the Academy's attention to risks concerning or threats against its activities.

Should the number of Academicians fall below 18 as a result of death, expulsion or resignation, the Academy is obliged, without any unnecessary delay, to elect a new member. Cf. §11.

§2.

The Academy's officials are three in number: a Director, a Chancellor and a Secretary. The first two positions, those of the Director and Chancellor, shall be rotated every sixth month, on the first of June and the first of December, whereas the Secretary has a permanent position.

In a previous comment on the regulation it is stated that: *The three officials are appointed from among the members of the Academy. The Secretary is obliged to retire not later than at the end of the calendar year in which he has his 70th birthday, unless the Academy in a particular case should grant otherwise.*⁹ In a previous comment a Director, a Chancellor, and a Secretary have been taken to mean a chairman, a vice-chairman and a secretary. The terms are stated as going back to the statutes of the French Academy.

Concerning the functions of the officials, see §§4, 5 and 8.

§3.

When the Director or Chancellor is to be elected, the Secretary shall place in a box as many balls as there are members present in the city, and each member, including the Secretary, shall then take out one ball; among these balls one shall be marked with a dot, another with two dots. The member who takes out the former becomes Director and the one who takes out the latter becomes Chancellor.

⁹ The use of **he** and **his** in the Statutes reflects the fact that when the Swedish Academy was established, only male members were envisaged. Swedish is able to express both **his** and **her**, when referring back to a subject, by the possessive pronoun **sin**. To preserve gender equality, **his and/or her** would have to be written each time **sin** occurs in the Swedish text and refers to an Academician. For the sake of convenience, **his** has been used. No gender slur whatsoever is intended.

The statute is not applied as formulated. In previous comments it is stated that the Director and the Chancellor are appointed via an election. The use of an election goes back to an alteration of the regulation – or possibly an interpretation of it – that is said to have been decided by Karl XIV Johan in 1829.¹⁰ The practice is that the election of officials takes place via acclamation and is based on a special list of rotation.

However, the system described above ultimately derives from general principles of the law of association that should be regarded as applicable when an executive committee for a foundation-like legal entity is to choose its officials from among its members, i.e. that the person chosen is the one who has received more than half of the votes cast. If there is a tie, the Director has the casting vote in his capacity of chairman. Cf. §4 below. If two members have been nominated for a post, a ballot must take place. A member has the right to call for a secret ballot. If no such ballot is called for, a vote by voice or show of hands decides the selection. Participation in a ballot is possible if a member submits a sealed ballot paper. Cf. the comment to §5 below.

It is also the Academy's responsibility to select a chartered accountant in a similar manner.¹¹

§4.

At all meetings the Director is chairman, but in his absence the Chancellor, and should he too be absent, this function is taken over by the Secretary.

The regulation states that the Director is to act as chairman at meetings of the Academy, the Chancellor shall be vice-chairman, and the Secretary deputy vice-chairman. Regarding the tasks of the Director, see §§31 and 33.

§5.

The person among the Academicians to be elected Secretary must live and reside in Stockholm. The ballot to elect a Secretary is invalid unless at least nine members have participated in it. His duties include keeping a diary of the activities of the Academy, drawing up and issuing decisions, and storing in a special room all documents dealing with the organisation, activities and affairs of the Academy, which, without appropriate permission, he must never pass on to outsiders.

Indicated by previous comments: *When electing a Secretary it is required that at least 12 members are personally present or participate in the ballot by submitting sealed ballot papers, and that one candidate secures more than half of the votes cast.* The regulation that the Secretary must live in Stockholm is not applied.

The purpose of the previously decided divergence from the formulation of the Statutes – a tightening up of the required number of participating members from nine to twelve – seems to have been to bring about equality between the election of a Secretary and that of a new member, whereby the Academy in its interpretation has equated the expression *participate* with the

¹⁰ Schück, p. 102 f.

¹¹ See the introduction regarding analogous application of chap. 4 in the Act on Foundations.

expression found in §12 *[to be] present*. The sealed ballot papers are sent to the current Secretary if a member is unable to take part in the election through physical attendance. With an extension of the interpretation already made the statute shall be understood as meaning that the election is to take place via a secret ballot.

The Secretary is to keep the minutes (*keeping a diary*) and ensure that decisions taken are documented and, where appropriate, dispatched and implemented. The Secretary is and shall be internally responsible for the Academy's archiving function.

Normally, the Secretary shall be the Academy's spokesman and express its point of view to the outside world. The authority for another member to represent the Academy as spokesman arises on the basis of delegation of one current issue to the next. It follows from this regulation that another official or individual member cannot act as spokesman without a special delegation approved by a majority of the Academicians or, if such a decision to delegate cannot suitably be waited for, by the Secretary. The Secretary submits the reports on matters in hand, but can delegate the task of reporting a particular matter to another member. It is the Secretary's responsibility to ensure that the matters the Academy regularly has to deal with are entered on an agenda. If a further basis for decision making is called for, decisions can be postponed until the next meeting, unless the Academy decides on a different course of action since decisions cannot (or ought not to) be waited for without causing inconvenience. Matters to do with election according to §§12–14, expulsion according to §19 and certain prize decisions are subject to special preparation requirements.

The Secretary is to work for unity, to cherish democratic principles and internal transparency and to promote a good working environment and well-being for members and staff.

The regulation indicates that the competence of the Secretary as regards granting access to Academy documents is limited. Existing comments on this section indicate: *For the passing on to outsiders of documents or material from the Academy's archives a decision from the Academy is required or, with the authorisation of the Academy, from the Secretary*. The comment basically expresses that the Secretary can be empowered to pass on documents to outsiders. This empowerment can also apply to a particular category of documents. The regulation makes it clear that another official or individual member cannot divulge documents to outsiders and that the member cannot assume to have a 'tacit' competence to do so.

The regulation concerning a limited right to give outsiders access to Academy documents cannot be assumed to refer to the Academy's financial accounts. Generally accepted reporting routines for non-profit foundations shall be applied.

§6.

The Academy's seal or Great Seal shall depict, on the one side, our bust, with this circumscription: GUSTAF III Founder of the Swedish Academy, and on the other, a laurel wreath, within which the words Talent and Taste can be read, as well as around it The Great Seal of the Swedish Academy. The lesser one is identical with the reverse of the greater one, except for the alteration of the word: Lesser Seal.

§7.

The seal shall always be in the Secretary's keeping. The Great Seal shall be used under all open letters dispatched, while the lesser one is used for correspondence.

Indicated by previous comments: *The Seal* (the stamps of the Academy) *is only used if the Academy makes the decision to do so in a particular case.* By *open letters* is meant documents in which something is announced. So there is no legal effect obtained from using the seals.

§8.

All the Academy's decisions, letters and certificates shall be signed by the Director, or in his stead the Chancellor, after they have been countersigned by the Secretary, who also takes care of the addition of the seal as prescribed in the previous statute. Should it so happen that the Secretary, through the instituted drawing of lots, is also the Director, the Chancellor is to countersign.

Indicated by previous comments: this statute is not applied.

Despite this, it is necessary to form an opinion on how signing for the Academy is to be performed. The Statute indicates that the founder intended the Director and Secretary to sign jointly, i.e. only in this way can the Academy assume responsibilities or acquire rights (unless the Academy is represented in composition and form as intended in §36). It should be noted that if a member carries out a legal act on behalf of the Academy that exceeds his authorisation, this act of law does not apply against the Academy if the person against whom the act of law was carried out realised or ought to have realised that the authorisation had been exceeded: Cf. 2:17 in the Act on Foundations.

The Secretary and the Treasurer can be authorised to sign singly for the Academy up to a certain maximum amount.

§9.

The Academy shall always elect as members those who are known for their good manners and customs, as well as for having insights compatible with the aims of the Academy.

The meaning of *aims* here is 'objective'. The objective of the Academy is stated in §22, with a sub-regulation in §23. The regulation that a nominated member must be known for *good manners and customs* shall be understood in conjunction with §10, which states what should be taken into account.

§10.

As the reputation of the Academy depends to a great extent on the election of members, only competence shall be considered in this connection. Applications or approaches are not permitted, nor may any member prior to the election promise to

give away his vote.

The regulation indicates that the election of a member must be based on the accomplishment of the nominated candidate in respects required for furthering the objective of the Academy. Membership is first and foremost to be considered as a commission and not as a mark of honour.¹²

The regulation indicates that *applications and approaches* for election from outsiders shall not be taken into account.¹³

§11.

On the decease of a member, a new election may not be held until thirty days have passed since the death has been announced in the Academy. The present as well as absent members must then immediately be informed by the Secretary about the vacancy, and the day and hour set for the election shall be announced a fortnight in advance in the public newspapers.

Indicated by previous comments: *Announcement in the newspapers is not required. The period of vacancy is reckoned from the date of decease.*

The regulation seems to have given rise to the idea that a member can only leave the Academy because of death or expulsion, despite the fact that members have left the Academy in other ways.¹⁴

The only meaning that can now be given to the regulation is that the Academy must observe a mourning period after a member's decease before a new election is carried out. See §11a.

§11.a

A member has the right to withdraw from the Academy. Notification of this must be given in writing to the Academy.

The Academy has the right to determine that a member who has not participated in the work of the Academy for two years has withdrawn from the Academy.

The meaning of §11 has been clarified via the addition of a new regulation on 2 May 2018.¹⁵ A member who wishes to withdraw is allowed to do so via a unilateral notification. Such a withdrawal does not require any decision from the Academy except a written confirmation. A decision is however required according to section 2. Such a decision is not a decision in the sense of §§19 and 20.

¹² Svensén, B., *Talent and Taste – The Swedish Academy, past and present*, p. 189 (2015).

¹³ Cf Schück, p. 108.

¹⁴ See Schück, p. 112.

¹⁵ Royal Court 6/2018.

§12.

Election of new members may not take place unless there are at least twelve Academicians present.

According to old practice, *present* is taken to mean that a member participates in the election either by being physically present or by submitting a ballot paper.

The election of a new member can only take place if twelve members participate in the ballot. A member who is unable to be present can instead take part by submitting a sealed ballot paper, after which a ballot is conducted according to §13 with the participation of those physically present. If a submitted ballot paper contains information about how the voter intends to cast his vote, this regulation must be taken into account in such a way that a white or black ball is placed in a balloting receptacle on the voter's behalf.¹⁶

Concerning required presence, see also §36.

In the unusual event that several members should be permanently unable to participate or, contrary to §37, refrain from participating despite being summoned to an election, so that a quorum is not possible, the question of dispensation can be brought up. That the establishing of a quorum should be blocked by such circumstances cannot be assumed to have been intended by the Founder.¹⁷ Historical circumstances give rise to the conclusion that the Patron of the Academy can issue a dispensation from the quorum regulation, so that an election can be carried out in cases of the type referred to here.

Indicated by previous comments: *For an election to be valid the same regulation applies as for the election of the Secretary according to §5.* The content of the comment is better expressed by saying that for a valid election of a Secretary the same regulation applies as for the election of a new member. It would also seem reasonable for the Statutes to be given such a content that an unnecessarily large number of forms of election does not arise, provided such an interpretation cannot be assumed to run contrary to the wishes of the Founder.

§13.

On the appointed day, the election is held at five o'clock in the afternoon precisely. A roll call is then twice made by the Secretary, and no member is allowed to cast his vote if he is absent when his number is called. Elections are conducted via two ballots. At the first one, each member shall write on a sealed ballot paper the name of the person he wishes to vote for, and when the person with the most votes has been elected, he is immediately subject to a second ballot with black and white balls, the former indicating disapproval, the latter approval. If there are a third of the balls against accepting the proposed candidate, this person – despite the earlier ballot – is excluded: although, to the candidate's advantage, the balls may be counted in such a way that should the number of the members present

¹⁶ The problem seems to be of little practical significance. See Schück, p. 107.

¹⁷ At the election of Gustaf Mauritz Armfelt (1757–1814) on 8 or 12 April 1786, 10 out of 13 members were present. At the election of Carl Gustaf Nordin (1749–1812) on 22 April 1786 eight members were present and two participated via submitted ballot papers. Also at the election of Carl Gustaf Leopold (1756–1829) on 1 June 1786 only 11 out of 15 members were present. The King was present, but did not make any comment. At the meeting held on 14 September 1786 the King stated that the Secretary was to instruct those absent *to submit their ballot papers sealed, an alternative which the King confirmed would also apply in future.* See Schück, p. 105 f.

not be divisible by three, a third of the next divisible number of black balls is required for exclusion, i.e. when thirteen or fourteen members are present, five black balls are needed for exclusion, and for sixteen or seventeen, six black balls.

Indicated by previous comments: *The specific time on election day does not need to be observed.*

The statute says that elections are via two ballots. The regulation that *no member is allowed to cast his vote if he is absent when his number is called* means that only members who are listed on the electoral register are entitled to vote, ~~so~~ **and** that members who have submitted a sealed ballot paper shall be listed on the electoral register.

Indicated by previous comments: *If the highest number of votes cast at the first ballot is attained by two members or more, the ballot is renewed with the inclusion of submitted ballot papers. If the highest number of votes is still attained by two members or more, the election is postponed until the following meeting.*

The present system is that the person elected must gain more than half of the votes cast.

§14.

The result of the ballot shall be kept secret until it has been submitted to the Patron of the Academy. If this person gains the approval of His Majesty, he is duly elected, and a day is appointed for his reception, which is also announced in public newspapers.

Indicated by previous comments: *The election is not submitted to the King until the elected person declares himself ready to receive it. The elected person is normally admitted at a public meeting at the Academy's Annual Grand Ceremony. The day does not have to be decided at the election meeting or be specially announced.*

The regulation entails that no member may divulge the outcome of the election process to anyone except to the person who has been elected in accordance with §13 and to the Patron of the Academy. Confidentiality applies for the convenience of both the elected person and of the Patron of the Academy. Confidentiality does not have any end-date. Infringing confidentiality further means a significant breach of the member's loyalty obligation towards the Academy. The issue of confidentiality is dealt with in more detail in the comment to §15.

The wording of the regulation is that the Patron of the Academy shall give his *approval* for the proposed person to be able to be declared duly elected. This implies that the Patron of the Academy has the right of veto. That this is a question of a right of veto is also confirmed by the wording in §15.

§15.

The members of the Academy are bound and obliged to keep silent and secret the misadventure that might befall a proposed candidate who after having gained most votes at the first ballot is excluded by the black balls at the second ballot, or after having been elected by the Academy is not fortunate enough to gain the approval of its Patron.

The comment on §14.2 also applies here.

The regulations on confidentiality in §§14 and 15 are also applied to protect those who in the course of the Academy's current work are advanced as candidates for Academy prizes, grants and subsidies, but who for various reasons do not come into consideration. Confidentiality must be applied, but with the modification that a member may consult outside specialists during the preparatory work on anticipated decisions. Before doing so, it is the member's duty in such cases to consult the committee concerned and ensure that the specialist involved accepts a corresponding confidentiality as stated in §15.

Outside this area, a confidentiality based on an obligation of loyalty towards the Academy applies for the person who has accepted the commission of member. Concerning this, see §48.

§16.

When an Academician has been elected, he shall be admitted at a public meeting and give an address about his predecessor. It shall also be permitted him during this address to recall the memory of one of the three great and immortal Swedish monarchs GUSTAF I, GUSTAF ADOLPH the Great, and CARL GUSTAF.

Indicated by previous comments: *The Academy can decide that the inaugural address is in particular cases to be given on a different subject.* It is conceivable that this, after consultation, will take place when a new member replaces an Academician who has withdrawn during his lifetime.

§17.

The Chairman is to reply to this address in the name of the Academy, after which the new Academician takes up his place, having signed his name.

§18.

Under all works that are published by members of the Academy, in authorisations and treatises, as well as in other instances when members use their other titles, they may also write and refer to themselves by the title of Academician, namely: one of the Eighteen of the Swedish Academy, or also one of the Swedish Academy.

§19.

If a member is found to have acted in a dishonourable way, he shall be permanently expelled.

The regulation has never been applied,¹⁷ so there is no practice.

The Swedish word [*b*] *eträdes* in this context means 'be discovered, found [out]' (to have done something).

This regulation means that a member who in a manner important to the Academy mismanages his commission shall be dismissed. Cf. 9:6.1 in the Act on Foundations. Not every act of mismanagement need necessarily lead to expulsion, only substantial mismanagement.

Mismanagement that in itself is not significant can, however, reach the threshold if it is repeated despite admonition. The threshold can also be passed if mismanagement applies to more than one instance. The regulations on possible bias are not applied to matters dealt with in §19. A member who is potentially a subject of expulsion is thus free to participate in the preparation of the matter and the voting.¹⁸

The consequence of all mismanagement is that the member is in principle responsible for harm thereby caused the Academy as a result of premeditation or negligence, in accordance with the basis of 5:1 in the Act on Foundations, even if expulsion is not being considered. The question of damages is dealt with by a general court. A member who is the subject of a decision on an action for damages is challengeable. See §33 below.

Dismissal is a serious legal remedy and requires a legally secure preparation of the case.

It is self-evident that the member concerned shall be given the opportunity to advance arguments in support of his points of view and be offered the chance of trying to convince the other members of the legitimacy of his case. It is also self-evident that what is being held against the member must be based on clear assertions regarding factual circumstances relating to the case as well as evidence, so that the member has a real chance of defending himself and advancing counter-evidence during the preparation of the case.

§21 set forth that the decision concerning dismissal must be approved by the Patron of the Academy before having a legal effect. This ensures certain guarantees for the quality of the decision. If the person dismissed cannot accept the decision, this can lead to litigation concerning a civil right that actualises the right for the case to be heard in accordance with article 6 (1) of the European Convention. The preparation and hearing of an expulsion case must therefore be of such a nature that a decision for dismissal will in all probability be upheld by a subsequent legal examination based on the same material that the Academy has considered.

The member who can possibly become the subject of expulsion may – like any other member – call for the issue whether there are grounds for expulsion or not to be examined by an arbitration panel before voting takes place. The examination shall be made in accordance with the act on arbitration valid at the time, with the Academy designating an arbitrator and the member concerned also designating an arbitrator. The thus selected arbitrators are then to select an arbitrator who is also to be the chairperson of the arbitration panel. Such a request for arbitration must be made in writing to the Secretary (or to the Director, should the person making the request be the Secretary), after which all members shall be informed of the request. The request must be made within ten days from the question of expulsion being raised. The expenditure for the arbitrators shall be borne by the Academy. The members are to consider the result of the arbitration before the Academy's decision on the question of expulsion in accordance with §20.

The member concerned is free to request dismissal for the period during which the investigation (or arbitration) is taking place. Such a request shall be approved, unless there are special reasons for not doing so.

¹⁸ Cf Hemström, C., *Expulsion from a non-profit association*, p. 78 (1972).

§20.

Any member may request examination for the expulsion of another member in accordance with § 19 or § 48. The issue shall then without undue delay be raised at a meeting where at least twelve members shall be present. If a majority of participants supports the request, the issue of expelling the affected member is to be referred for adjudication according to prevailing arbitration law, unless the member threatened with expulsion has already submitted his or her resignation. The complainant members, acting jointly in the Academy's name, are to appoint an arbiter for the Academy, prepare a motion calling on the arbitration panel to declare the affected member expelled, and advocate on behalf of the Academy. The complainant members shall also appoint the Academy's legal representation. If a member who has supported the motion withdraws from the expulsion submission, the remaining complainant members may still pursue the submission.

The original wording of 20 § was “When the expulsion of a member is the matter at hand, twelve members must always be present, who advocate expulsion by black balls and retention by white balls.”

The Statutes set out a procedure for the examination of a motion regarding expulsion. A decision regarding expulsion is to be reached by an external, non-partisan agency. The purpose of the procedure is to make it possible to deal with an expulsion issue with minimal disturbance to the Academy's work. In effect, the expulsion issue will be taken off the Academy's table during deliberation.

One or more members can raise the issue of the expulsion of another member in accordance with the grounds for expulsion given in the Statutes. For the issue to be acted on, at least twelve members must participate. Participation can be by proxy. If a majority decides that the expulsion issue is to be substantively examined, the majority shall put the matter before an arbitration panel under forms required in law. The Academy is the appellant and is represented by the majority which proposes that the arbitration panel declare the affected member expelled. It is therefore the arbitration panel that rules on the expulsion. The decision is in the form of a ruling that takes effect the day of the decision. The arbitrators are bound to secrecy in their standing as arbitration judges. Secrecy holds between the parties as set out in the Statutes. If the member in question is declared expelled, the expulsion is to be announced through the Secretary.

Regarding quorum see § 12.

§21.

The Academy shall bear the costs of arbitration. The Academy shall also ultimately meet equitable costs for legal representation for the member under threat of expulsion as well as its own costs. The arbitration panel shall rule on relevant demands for cost compensation.

The original wording of 21 § was “For expulsion a two thirds majority of those present is required, for the calculation of which the law already stated in the § on elections applies.”

The Academy is to pay the fees of an arbitration panel and meet its expenses. The Academy will also in relevant instances meet the fees for its own legal representation and costs to the member threatened with expulsion for legal representation. Compensation to the member under threat of expulsion will be paid subsequently following due process.

§22.

The supreme and most important task of the Academy is to work for the purity, vigour and majesty of the Swedish language, in both sciences and, in particular, poetry and eloquence in all their attendant aspects, as well as in that which serves to interpret the Divine Truths.

§23.

Therefore, it is also incumbent on the Academy to compile a Swedish dictionary and grammar as well as such treatises as can contribute to the establishing and promotion of good taste.

§24.

When rules for writing have been laid down by the Academy, its members must observe them in all of their works if they wish to use the title of Academician.

Is not applied.

§25.

The meetings of the Academy are of two types: private and public. Private meetings are held once a week during the seven working months, on the day agreed at the commencement of the working period in the autumn. This meeting should last at least two hours and start at half past four in the afternoon. At this meeting all matters relating to the work of the Academy are discussed. The public meetings are held with open doors at the Academy's Annual Grand Ceremony and when a new member is to take up his place in the Academy for the first time.

Is not applied.

§26.

The latter type of meeting, with the except of the annual ceremony, or if a special command is given by the Patron of the Academy, shall be held whenever a new member is to be admitted. The former type at least once a week, with the exception of the months when the Academy's holidays take place, i.e. June, July, August, September and October, when meetings shall be held once only, on the Thursday

immediately preceding or following the fifteenth of the month.

Is not applied.

§27.

Every year the Academy shall hold its Grand Ceremony, on the birthday of GUSTAF ADOLPH the Great, the ninth of December, which after the revision of the calendar takes place on the twentieth day of the same month. The ceremony is conducted in accordance with the regulations of the Academy's Manual of Rules and Procedures.

§28.

At the public meetings when members are to be admitted, what is stated in §16 applies, as well as that which is prescribed in the Academy's Manual of Rules and Procedures; also, the officials are to arrange for one or more members to read aloud a piece of poetry, a speech or some other work that they have composed, or some piece of the work of the Academy.

Is not applied.

§29.

At the private meetings, the members may take their places as they arrive: but at the general and public meetings, the first members of the Academy retain the places that they have been allocated by casting lots. The Chairman, however, shall always take the foremost seat, so as to keep order in the discussions and the ballots. When a new member is subsequently admitted, he takes the place of his predecessor, so that no moving about will be permitted, and he shall also write his name under that of his predecessor and take over his chair.

§30.

It is incumbent on the Academy at its private meetings to deal with general affairs, or with scrutinies that it may have been specially commissioned to perform.

§31.

At both general and private meetings, the Chairman is to promote good order and discourage all bad behaviour.

The regulation draws attention to the fact that it is the Director's responsibility to ensure good order in his capacity as chairman.

§32.

If opinions among members are divided on matters in hand that cannot be put to a vote, the issue will be postponed to another meeting.

Indicated by previous comments: *The Academy decides whether or not a matter shall be postponed to a later date.*

§33.

The Secretary shall present all matters for discussion: the Chairman for his part shall announce the decisions after having heard the opinions of those present, in this fashion, that he first asks the opinion of the member sitting closest to him on his right, and so on, finally stating his own ideas on the matter.

The regulation makes it clear that the Secretary presents matters to be discussed. The Secretary may ask another member to present a certain matter. The matter is then discussed in an orderly fashion. If opinions are divided and thereby prevent the Director from formulating a decision that can be approved in consensus, a ballot is conducted (provided the issue is not postponed in accordance with §32). Prior to the ballot, the Director formulates proposals to be opposed to each other. The proposal which gains most votes is passed. A member has the right to call for a closed ballot.

Preparation and decision making of issues shall be characterised by objectivity and impartiality.

The handling of issues to do with suspected bias, gifts and conflict of interest are regulated in special provisions (Attachments 1 and 2).

§34.

Nobody who is not a member is allowed to be present at the private meetings of the Academy, except monarchs, or children of foreign monarchs, should they desire to pay the Academy this honour.

This regulation shall be read in conjunction with §48. The closed nature of the meetings is intended to create the right atmosphere for trustful cooperation between the members.

The regulation also means that the Patron of the Academy always has the right to be present at the private meetings of the Academy. Cf. what has initially been said about a certain regulatory surveillance by the Patron of the Academy.

The Academy may decide to authorise an outsider with specialised knowledge or competence to be present at a private meeting. In such an instance, the person concerned must sign a special confidentiality commitment.

§35.

There shall be no difference between the Academicians as regards lineage, rank or office: for which reason they may in the Academy never use other titles with each other than those which they have from birth.

The regulation clarifies that members are to consider each other as equals. See also comment to §11.

§36.

No decision shall be valid unless seven members, among them one of the Academy's officials, are present and have ratified it in the meeting room of the Academy.

The regulation refers to the general rule for a quorum. The Swedish word *öfvervarit* means 'to have been physically present'. Decisions must be taken in the premises of the Academy, but the Academy can decide on another location in special instances.

§37.

No member who is in the city may, without a valid excuse, abstain from attending the meetings; particularly when the issue to be examined is the election or expulsion of a member, or the scrutiny of a work; and the reason for any non-attendance must always be reported by a member.

Indicated by previous comments: *Reporting a valid excuse is not expected.*

The regulation means that members have, in principle, an obligation to take part in ballots, in accordance with §§12–13 and §20. Similarly, the attendance requirement applies for *the scrutiny of a work*, which, as a matter of interpretation, should be considered as also including work in the committees on which the member may serve from time to time. A member should as soon as possible inform the Secretary (or, where relevant, the committee concerned) of any planned absence from a meeting (or a committee meeting). The obligation to participate in work is not disregarded if a member has a valid reason for abstaining from this work. A member who omits carrying out work without a valid reason has admittedly violated his obligation of loyalty, but scarcely to such an extent that the member *solely* for that reason can be the subject of expulsion in accordance with §19. The opposite, i.e. that a member could be expelled for negligence in carrying out work without any valid reason is hard to reconcile with the content of §11 a, and this regulation must therefore be assumed to regulate the effect of negligence to carry out work.

The phrase *is in the city* shall be interpreted as meaning 'is able, in terms of communication, to be physically present'.

§38.

At every private meeting, eighteen attendance tokens of silver are delivered to the Academy for the eighteen who are the Academy's members, with the likeness of the Patron of the Academy on the one side, and the emblem and motto of the Academy on the other. At half past the hour of four o'clock, when the Academy clock strikes, which has been synchronised with the tower clock of the nearest church (the appointed hour for meetings in §25), these tokens shall be distributed to the members present: but should it so happen that one or more remain which cannot be divided equally, they are kept until the next meeting and added to those which are delivered for that day, and distributed in like manner among the members. Any member who is not present at the appointed hour cannot, even if he later makes his appearance, be entitled to enjoy his right to the distribution.

Is not applied.

§39.

Each and every member of the Academy may freely and openly allow his works to be subject to the scrutiny of the Academy.

Is not applied.

§40.

It is the task of the Secretary to appoint scrutinisers who are to express their opinion; but such persons shall be strictly forbidden to communicate information about the work or their scrutinies to any outsider before this has been shown and approved in the Academy, or to take the documents with them should they travel outside the city.

Is not applied.

§41.

To ratify the Academy's statement about such matters, seven members, among them an official, must be present. If those who approve do not exceed by two votes those who disapprove, the matter shall be postponed until the next meeting.

Is not applied.

§42.

The approval given by the Academy must always be formulated in certain prescribed terms. It must be written on parchment, be signed by the Director and Secretary of the Academy, and be provided with the seal of the Academy.

Is not applied.

§43.

Even outsiders may proffer their works to be scrutinised by the Academy.

Is not applied.

§44.

When scrutinising such works, the same regulations apply as stated in §41, although a majority of one vote shall be sufficient in this case.

Is not applied.

§45.

If approval has been given to a particular work, the rules set out by the Academy for language and orthography must be observed when it is printed: Also, authors shall not be permitted when publishing to ignore any remarks the Academy may have made in this regard.

Is not applied.

§46.

If it should happen that the Academy feels itself justified, for the sake of taste and language, in making remarks about some published work, these shall be presented with courtesy and in no way with formulations that are irritating or insulting, or with any compelling authority.

Is not applied.

§47.

If anyone publishes something in print against the Academy, no member shall be allowed to reply to it or seek to enter into any defence, provided he has not been requested and commissioned to do so at a general meeting of nine members.

The regulation shall be interpreted partly on the basis of the fundamental principle of freedom of opinion in 2:1 RF, and partly on the basis of §48. The regulation can hardly mean anything else than that the spokesman for the Academy to the outside world must usually be the Secretary. See comment to §5.

§48.

No member may reveal anything that has to do with amendments, rejections or anything else that might have to do with the Academy or its members. Anyone doing so shall be expelled.

Indicated by previous comments: *Every member must in writing undertake to observe confidentiality without reservations.*

The written commitment mentioned consists in the member signing the statutes on admission.

Any member who wilfully or through negligence infringes confidentiality is accountable for the harm which is thereby caused the Academy.

The Academy notes that what was finalised and decided in relation to confidentiality at a meeting held on 3 March 1977 still applies ([Attachment 3](#)). The level of regulations concerning confidentiality that have to do with work on the Nobel Prize has been increased. The decisions on the raising of this level taken on 20 September 2012 ([Attachment 4](#)) and 13 May 2014 ([Attachment 5](#)) still apply.

The commitment to confidentiality in accordance with §48 aims at creating the preconditions for a climate of trustful cooperation between members within the Academy. The legitimate interest of the general public to become acquainted with how the Academy operates can be satisfied via information from the Secretary. See the comment on §5 paragraph 4. It is assumed that every member, according to his own judgment and on his own responsibility, decides what else can need to be disclosed in various situations without the intention of the regulation being abused, which means that what is disclosed must never be likely to harm the interests of the Academy.

It does not involve a breach of loyalty to disclose to an authority or any other authorised body something which can be suspected of constituting a crime resulting in a prison sentence, or some other serious abuse, in the event that some measure on this account is not taken or cannot reasonably be expected to be taken by the Secretary. Cf. 2 §2 st. act (1990:409) on business secrets. Cf. also Criminal Code (BrB) 23:6.

A member's partner or others close to him shall be considered as outsiders. It is the member's responsibility as for himself to inform them about and make them observe confidentiality regarding any information that they can come in possession of.

Confidentiality is invalidated by the duty to witness in a court case. For exceptions to the duty to witness, see chapter 36 of the Code of Judicial Procedure.

§49.

At the Annual Grand Ceremony of the Academy, two large medals of gold are presented, each worth twenty-six ducats, as rewards for two entries that have been judged to be the best ones written on the set subjects, and two of silver for those which are closest to the former, and thus also merit an accessit.

Is not applied.

§50.

These two subjects are now and henceforth always to be one in eloquence and one in poetry, and are also set for the next year at the Annual Grand Ceremony, and are immediately announced in all the public newspapers and in the learned journals that are published monthly. This announcement is repeated a second time three months later.

Is not applied.

§51.

Should any individual person, be he known or unknown, establish a prize and offer a medal for it as well as request the Academy to present it, the Academy is obliged to accede to this request, once its subject has been approved by its Patron.

Is not applied.

§52.

Two months prior to the Annual Great Ceremony, or by the eighth day of the month of October, all prize entries are to have been submitted. Each and every one of them, as is always customary, shall be provided with a maxim, which also shall be found on an attached sealed paper that also contains the name of the author.

Is not applied.

§53.

When the entries have been scrutinised and the Academy has ratified its decision, the sealed paper may be opened of those who have won first and second prize. The rest of the sealed papers are returned if so desired.

Is not applied.

§54.

At the Annual Grand Ceremony the entries that have won the Great Prize are read out, and the names of the authors are revealed to all those assembled. If the winner of the Great Prize is present, he is immediately called forward in order to receive from the Director both the medal and the applause of the Academy. He is then allotted a seat on the special bench designated for prize winners which he is always entitled to retain at all the public meetings of the Academy. His name and also the day on which he won the prize, as well as the subject of his entry, shall be recorded on a plaque in the hall of the public meetings: the decisions of the Academy are also to be announced in the public newspapers.

Is not applied.

§55.

Authors of the entries that have not gained a prize may, if so desired, be informed of the comments that have been made.

Is not applied.

§56.

If anyone reveals in advance that he is the author of an entry, this entry shall not be further scrutinised or taken into account in any way.

Is not applied.

§57.

During the first year after a subject has been announced, members of the Academy are not to write on it, or have it entered in the prize competition: But should, at the appointed time, no entries have been submitted that deserve a reward, it is then incumbent on one or more of the members of the Academy to write on the subject and, when their entry has been duly considered in the Academy, to read it out at a general meeting and have it included in the Acts of the Academy, to serve as a model for those who are considering writing on similar subjects.

Is not applied.

§58.

The prize medals that are awarded for eloquence depict, on the one side, the emblem of the Academy, or within a laurel wreath these words: Talent and Taste, as well as the circumscription, The Swedish Academy Founded XX Martii MDCCLXXXVI. On the other side: Mercury as an upright young man with a winged hat on his head, with a

caduceus in one hand and a rolled document in the other, the god who, according to the ancients, was the originator and ruler of eloquence; and in the exergue: Eloquence. The medal that is awarded for poetry: on the one side, the emblem of the Academy as above: on the other side Apollo Citharædus, as depicted by a marble antique statue in the King's Cabinet, without a circumscription, but in the exergue: Poetry.

Stockholm Palace, the Twentieth Day of the Month of March, Anno Domini Seventeen Hundred and Eighty Six

Gustaf

11 September 2018