
Interview: Lennart Hane



The 'generation of '68 and the destruction of justice in Sweden

“The nation should with law be built,
and not with lawlessness destroyed.”

—The first written law in Scandinavia, A.D. 1248

The following article, based on an interview with noted Swedish civil liberties attorney Lennart Hane, was written by our Stockholm Bureau's Michael Ericson on Nov. 3. Hane has argued cases before the European Court of Justice in Strasbourg, as well as in Sweden, on violations of basic legal safeguards for the citizen. He has spoken and written internationally on the dangers of application of Soviet legal methods to Western legal practice. He is a member of the newly formed International Commission to investigate Soviet-style human rights violations in the United States, which is assembling international jurists to review the recent attacks on Lyndon LaRouche and associates. This interview is the second in a series of interviews with the Commission members.

“It is the law, and not the ones who practice the law—whether a law enforcement official or a bureaucrat—who should hold power. Otherwise, first, it will be the citizens who gain power through their state, and not the state that holds power for its citizens. This is how I regard the characteristic feature of a non-totalitarian society, that it is the law and not the man who rules. The fight for the ‘rule of law’ has up until today been a crucial part of the fight for the Western concept of freedom. I therefore reacted very strongly when I received the news about the raid in Leesburg against Mr. LaRouche, whom I personally know to be a brave defender of that concept.

“There is as well a more fundamental question of policy today involved in this, and that is something that worries me considerably. As a lawyer working in Sweden, I have witnessed how the ‘rule of the law’ during the 1970s has been neutralized, and replaced by strong totalitarian tendencies. By the middle of the 1970s, I could recognize a pattern in this transition toward a totalitarian rule of justice modeled on the Soviet Union. I have become fully convinced that this is a result not of ignorance, but of a very conscious effort from a rather well defined new strata of our society.

“The subversion of the system of justice is an extremely powerful tool of the Soviets to break the will of resistance of the population in a targeted nation. I know that public opinion has so far paid very little attention to this, and I have myself been living in the illusion that Sweden was a warning example, by exception in this respect, to the rest of the Free World. If it is instead an advanced stage of a more general tendency in the West, which the news from the United States could indicate, then we are in great, great trouble.”

An interview with Lennart Hane, a well-known lawyer here in Sweden, is a rather shocking experience. He has numerous examples from Swedish legal practice over the last years where “the sword of the law” has struck the innocent in the most horrendous way. Examples come from all fields of the justice system: taxation, property claims, official matters, or family policies. Most striking, however, is Hane’s argumentation that all these cases are not the result of simple-minded and ignorant “servants of the law,” but of a systematic effort to transform Swedish society.

Hane has chosen to concentrate his own efforts in putting the limelight on what has been called the “Children’s Gulag” in Sweden. The new practice of Swedish state authorities in an alarming number of cases has become to forcibly take children from their parents, to put them in “social care.” The juridical basis for these often brutal police interventions, is later revealed to have been some social-worker’s highly arbitrary considerations. There are examples of rulings where the civil servant in question had reported an “impression of untidiness in the home of the family” or that the parents “believed in strange ideas” to justify such state interventions.

Hane explains that he has chosen to work in this particular field because it is the one where ordinary citizens most easily can grasp the violations against the most fundamental principles of justice now being conducted by the Swedish state bureaucracy. Hane’s strategy was to some extent proven correct a few weeks ago, when the Swedish state was forced to “kiss the staff” and pay a considerable amount in damages to two parents, whose cases the European Commission of Human Rights had admitted to take to the European Court in Strasbourg, accusing the Swedish government of violations of human rights. These are the first cases where the Swedish

state has admitted that something wrong had been done, but Hane, who himself was in charge of one of the cases, warns emphatically that there was no point of principle involved in the settlement. Therefore, he is convinced that there have to be many more such rulings against the Swedish state before policy is changed.

"To understand what has been going on in the Swedish juridical system during the decade of 1970s, you have to understand the significance of the 'General Clause,' first introduced in a Swedish taxation law from 1969, the Swedish advocate explains. "Swedish law is traditionally not based on 'common law' principle or on practice, where fundamental aspects of law-making is condensed in a set of principles, but is based on 'written rules of law.' There is also no constitution, in the American sense, to fall back on. So the written rule of law has to be very precise. A 'General Clause' is formally a written rule of law, but formulated so generally and vaguely, that it sets no limits whatsoever for the individual in a position of power to decide over the civil or other rights of the citizens, or over conflicts among them. There are instead rubber-formulations of the kind: 'in certain circumstances,' 'if needed,' 'in case of a need to,' or simply 'you may decide,' as the legal base for an executive order. These are concepts which, of course, can be stretched in any direction and without limitation, in almost all fields of civil rights.

"I know that it is a bit hard for the non-professional to immediately grasp the significance of this," Hane stressed, "but I will try to explain a couple of important points." Hane is now moving into the area of how this new "General Clause" method of lawmaking is attacking the most fundamental principles of a fair and unbiased justice. First, he points out that this General Clause is not something new in lawmaking. He cites a German professor, Justus Wilhelm Hedenmann, who in his book, *The General Clause: a Danger for Justice and State*, written at the beginning of the 1930s, warns that the General Clause then being introduced into German law was a "young cuckoo in the liberal state of law." In that book, Hedenmann, according to Hane, shows how the Nazi leadership took their General Clause straight out of the Soviet model of justice, where all authority, by law, is given to the person in power and no authority or civil right to the citizen. The Nazi legislation subsequently developed into a formal orgy of General Clauses.

"The system with a General Clause also makes the judge into a very dangerous individual. You know a judge ought to have something of the 'soul of a bookkeeper,'" Hane remarks. "He has to love his paragraphs and written rules of laws. They should for him be a condensed formulation of the principles of just order and moral life. But when he is confronted with a situation where he can't give his trust to the written rule of law, he will feel himself thrown into a quagmire, and so he will throw his trust to someone else—the man in power."

Lennart Hane's low-keyed remark makes you suddenly feel cold shivers running down your spine. Is this the explanation why no revolt occurred in the German system of justice when Hitler turned it into its opposite, an obedient tool of brutal dictatorship? As he describes what has gone on in Sweden in this respect, you start to understand why he talks about a conscious effort to build up a corrupt, but "legal" system.

How it all started

"No one understood at the time what the horrendous implications were of the new legal policy the first Palme government introduced in the beginning of 1970s. It was formulated by Palme's personal friend, later also his minister without portfolio, Carl Lidbom, in a very well-known formulation that read: 'We socialists can never reach our goal if we don't thoroughly rid ourselves of the old conception of law, which pretends to express some kind of unchangeable justice. The law is a working tool which we will use to achieve our political goals.'"

Hane continues, "The socialists under Palme, though, knew what they wanted. They started to write new laws at an incredible rate. Over 1,000 new laws a year were passed from 1969 onward. No citizen could keep track of all the new laws, and of course, the sense of being a moral person obedient to the law deteriorated. If you had no chance to know the law, how could you then live according to it? But worse than that was that on the same lines as for the General Clause, there was no longer the "written law" that was the ultimate basis for a just ruling. Instead, in court cases, you started to argue from the "intentions" of the lawmaker, as it was expressed in the preparations for the parliament, when they took the decision to implement the new law. Therefore, today, in Swedish court proceedings, you argue not from the word of the law, but from the documents coming out of the three stages in making a new law.

"These three are: a) the expert investigation done by the respective departments of government; b) the proposition made by the minister in question to the parliament, when the law was passed; c) the different considerations of the institutions to which the law has been submitted for consideration. This has, in its turn, led to a situation where the actual law has lost its exclusive value to the whole apparatus of law-making. In Sweden, we today have several armies of experts, officials, and institutions in the system, which in itself has become like an iceberg, where the legislative bodies of the government and parliament are only the tip of that same iceberg. The question is, who is in charge? I have started to talk about a legal mafia, which actually to a large extent has the government and parliament in their control. It is a self-feeding process."

In the discussion about the structure of this mafia, Hane points out that it mainly consists of a new strata of society in the armies of sociologists, teachers, and "culture geogra-

phers,” a kind of people you never heard about 20 years ago. It is to a large extent the “generation of 1968,” and its “march into the institutions.” They have introduced a totally unscientific and loose language, which in the new system, rules the lawmaking process. This loose language actually today dominates both lawmaking and the execution of the law in the Swedish court system, according to Hane.

“Talk about corruption!” Hane emphasizes: “They have developed a very sophisticated system, where the press and media play a crucial role, which works in five stages. First, they have to find a ‘need’ for a new law. I have found out that they often let an ‘expert’ discover a local problem and publish that in the local newspaper. Now it becomes a news item and the national radio and TV can jump on it. The ‘need’ is discovered, and the rest will march on by itself. The media debate, the expert investigation ensues, then the writing of the law proposal. It is submitted to institutions to get their consideration; then comes the preparation of the law in the department in question, etc.

“These same experts later will be called in by the courts, as ‘experts,’ when the new law is going to be ruled on in the courts. We had a very good example of this recently. A couple of years ago they passed a new law for ‘environmental crimes,’ which actually turned out to be so flimsily written that they haven’t been able to even turn up anyone accused of breaking the rules of the new law. What did they do then? Did they take it out of the law-book? Of course not. Instead, they have started to discuss transforming it from a law that is part of the penal code, into a system of charges and fees decided by an official, not a ruling of a court—fees much greater than the earlier stipulated fines.

“This pattern of a total shift of power to the unchecked bureaucracy makes the citizen completely defenseless. In reality, it is actually worse than that. The Swedish legal system is rapidly being transformed into a system for terrorizing, haunting, controlling, and punishing the normal citizens of the country. Of course, this is used politically against any ‘dissident’ against the system. There are innumerable such cases documented. But it also can, and does, strike arbitrarily against any moral and steadfast person.

A case study: the family

One of the most revealing things about this whole process, Lennart Hane underlines, is the ideological and political thrust in it. He uses the example of the change in lawmaking on the family during this period. He points out that Lenin, back in 1918, introduced a system of “postcard divorces” to facilitate his social revolution, in full knowledge that the family as an institution is a stabilizing factor for society. When Stalin later wanted to consolidate Russian society, he reintroduced the family as a highly regarded institution. “You can see the same pattern in the Swedish experience during the last decade as under Lenin, rarely, of course, with open references directly to the early period of the Soviet Union.

During the 1970s, it became much easier to get a divorce in Sweden. The traditional prerequisite of infidelity, living apart for over three years, and a forced mediation of a priest or specially assigned person, was all taken away. Actually, if there are no children under 16 years of age in the family, you can get a divorce in Sweden today by mailing in a registration form to the authorities.

But this has been introduced hand-in-hand with the state actually demanding a greater say in family life by claiming to “uphold the interests of the children” in a divorce. The transformation has undergone several phases over the years. But it boils down to a situation, where, today, the law states that “joint custody” should be preferred and that the social authorities should have a “say” in all decisions concerning the future of care for a child in a divorce case. Previously, of course, if the two parties were in agreement as to how the divorce should be carried out, that agreement was their business. Of course, there was the juridical possibility of a court case to solve any unsettled problems, if an agreement couldn’t be achieved. Now the social authorities can enter into every divorce case involving children. The parents’ right to the upbringing of their children, codified in many international conventions on human rights, is destroyed in Sweden; it is a blatant breach of the fundamental principles of a civilized state. This is perhaps where it is most easy for the layman to see that the transformation of the whole codex of law in Sweden is modeled on the system of law in the Soviet Union, and its copies in the Eastern bloc countries.

“The first time I discovered the crucial role of the media in all this is actually telling here. It was back in the early 1970s, when the attack on the family was opened. I was invited to a radio debate on the question of the ‘family versus living together in freedom.’ I was directly told to attack the ‘heavy religious traditions’ and the ‘plights of marriage.’ I told them that I didn’t plan to do that, but rather to stress the advantage of having a functional legal package set for you if things came to a divorce. At that point they kicked me out of the debate and found another ‘pro-’ who was ready to play the ‘useful idiot’ and keep to their rules.

“I don’t try to say that everyone involved in this transition is a Soviet agent of influence. My own personal experience tells me, rather, that it needs only a very few controllers to steer such a transformation, if there is no public debate on the principles of a just law to counter the proposed “reforms.” I myself often get the image of the computers working with fluids, instead of electrons, where very tiny streams of gas or fluid managed to steer very powerful streams. That’s how I see the “generation of 1968” deployed to take over the institutions of our society. I hope by my work on the Human Rights Commission investigating abuses of the rights of Mr. LaRouche and his associates, to be able to contribute, with my experience from Sweden, to ensure that the United States and Western Europe will not lack such an informed people as we did here in Sweden, when the attack rolled in over us.”