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National Tradition or Foreign Patterns? Sources of Inspiration for Finnish Constitutionalism at the Beginning of the Twentieth Century – A Comparative Approach

1. The Constitutional Heritage of Finland¹

Maintaining some degree of independence (*Itsenäinen Suomi*), Finland existed from 1809 to 1917 as the Grand Duchy of Finland (*Suomen suuriruhtinaskunta*). This was an autonomous territory located within the Russian Empire and it was connected with the Russian Empire by a personal union. Earlier, Finland was under Swedish rule. However, on 6 December 1917, the Finnish Declaration of Independence (*Suomen itsenäisyysjulistus*) was published. The independent Kingdom of Finland (*Suomen kuningaskunta*) was proclaimed. Thus, the new Finnish state was organized in the form of a monarchy, although constitutional discussions at the time drew on the experience of both Scandinavian monarchist states, such as Sweden and Norway, and republican states, such as France and the United States.²

After the end of the civil war of 1918, constitutional legislation on the form of the new state intensified.³ Until then, the basic constitutional act still in force in the

¹ This section in part presents material from the author's doctoral dissertation. See: D. Michalski, *Ustrój polityczno-prawny Finlandii i jego funkcjonowanie w latach 1917–2000. Studium prawnno-historyczno-porównawcze*, Warszawa 2021. It also draws on material from D. Michalski, *Constitutional Norms in the Polish and Finnish Constitutions of the Interwar Period*, "Studia Iuridica" 2019, vol. 80, pp. 235–249.

² Compare them in: *Monarkia waiko tasavalta?*, "Turun Sanomat" 1918, issue 4034, p. 4; K. Wainio, *Monarkia waiko tasavalta?*, "Uusi Aura" 1918, issue 62, pp. 4, 6.

³ The civil war, which was fought to determine the form of the new state. The combatants were supporters of independence and complete independence from Soviet influence (the Whites) and leftist revolutionaries supported by the Bolsheviks (the Reds). The war lasted 108 days and resulted in over 30,000 casualties. For more on this topic, see, among others: D. Michalski, *Fińska droga do niepodległości – rewolucja 1917–1918* [in:] *O wolność i sprawiedliwość: chrześcijańska Europa między wiarą i rewolucją*, eds. U. Cierniak, N. Morawiec, A. Bańczyk, series: Człowiek, Wiara, Kultura, no. 4, Częstochowa 2018, pp. 503–514; B. Szordykowska, *Historia Finlandii*, Warszawa 2011, pp. 231–237; S. Hentilä, *Od uzyskania niepodległości do zakończenia wojny kontynuacyjnej 1917–1944* [in:] *Historia polityczna Finlandii 1809–1999*, eds. O. Jussila, S. Mentilä, J. Nevakivi, Kraków 2001, pp. 118–128.

country was the Instrument of Government from 1772. In that year, the Swedish king Gustav III Vasa, after a year of rule, led a coup resulting in limiting the competences of the *Riksdag* (Swedish parliament) in favour of the monarch. Thus, on 21 August 1772, the Instrument of Government was adopted in Sweden, a fundamental law the provisions of which granted the king full executive power. Finland, then under Swedish rule, was forced to accept the provisions of this new Swedish constitutional act.⁴ The Finnish Parliament (*Eduskunta*) confirmed it on 15 May 1918.⁵ Although in Sweden a new Instrument of Government was adopted in 1809, Finland decided to maintain the previous one because the new one came into force when Finland had already become part of the Russian Empire.

After the civil war, elections to the *Eduskunta* took place in 1919, the outcome of which ultimately determined the failure of any monarchist model. The vast majority (three quarters) of seats were won by groups supporting a republican form of government. The consequence of this was a departure from a monarchist model for a republican one.⁶ The task of enacting the constitution was set before the new Parliament. A constitutional commission presented relevant projects to the Parliament.⁷ Two of them that were monarchist were rejected, which is understandable in the political situation of that time. The new project selected included points of contention regarding the political position of the President of the Republic and the procedure for his election. Right-wing groups supported strong presidential power, while left-wing groups supported the strong rule of the Parliament.⁸

The *Eduskunta* approved the republican Instrument of Government (*Suomen Hallitusmuoto*)⁹ on 21 June 1919, adopting the draft of a new Constitution. Thus, there was a change in the form of government from a monarchist one to a democratic and republican one. The regent Carl Gustav Emil Mannerheim approved the new Instrument of Government on 17 July 1919.¹⁰ The name of the basic law, Instrument of Government, was historically conditioned and referred to the normative act of 1772, valid in Finland from the time of the Swedish dependence.¹¹

⁴ On this topic, see, among other: B. Szordykowska, *Historia Finlandii...*, pp. 64–66; T. Cieślak, *Historia Finlandii*, Wrocław–Warszawa–Kraków 1983, pp. 111–112.

⁵ J. Paasivirta, *Finland and Europe. The Early Years of Independence 1917–1939*, Helsinki 1988, p. 148.

⁶ B. Szordykowska, *Historia Finlandii...*, p. 239; T. Cieślak, *Historia Finlandii...*, p. 228; S. Hentilä, *From the Power of the Estates to the Power of the People* [in:] *The Parliament of Finland*, Helsinki 2000, p. 37; *idem*, *Od uzyskania niepodległości...*, p. 141.

⁷ J. Nousiainen, *The Finnish Political System*, Cambridge, MA 1971, p. 145; T. Cieślak, *Historia Finlandii...*, p. 228.

⁸ L.A. Puntila, *The Political History of Finland 1809–1966*, Helsinki 1974, pp. 121–122; S. Hentilä, *Od uzyskania niepodległości...*, p. 142.

⁹ *Suomen Hallitusmuoto*, Suomen Asetuskokoelma 94/1919, pp. 1–23.

¹⁰ Y. Blomstedt, *A Historical Background of the Finnish Legal System* [in:] *The Finnish Legal System*, ed. J. Uotila, Helsinki 1966, p. 21; J. Osiński, *Prezydent Republiki Finlandii* [in:] *Prezydent w państwach współczesnych*, ed. *idem*, Warszawa 2009, p. 196. On the beginning of the republic and its authorities, see also: P. Rajala, *Suomen historia*, Porvoo 1989, pp. 52–53; L.J. Hendell, P. Katara, G.F. Schmidt, *Finnland im Anfang des XX. Jahrhunderts*, Helsingfors 1919, pp. 546–588.

¹¹ T. Cieślak, *Historia Finlandii...*, p. 228.

The adoption of the constitutional act ended disputes about the form of the state and completely ruled out the possibility of building a system of government other than a republican one. It also indicated where to look for the basic constitutional principles of the Republic of Finland, which became a democratic state based on the rule of law, in which the principle of the separation of powers applied. However, because of strong monarchist traditions, the division into legislative, executive, and judiciary was not clear. While the judiciary was clearly separated from the other powers, the legislature and the executive were not clearly or transparently separated. The competences of the president were distinguished, for example, by the extraordinary right of legislative initiative.¹² The adoption of the new constitution resulted in the creation of a strong power centre, granted to the office of the president. As a result of the experience of the political system and a historical tradition stemming from the periods of Swedish and Russian rule, the constitutional domination of a strong and independent head of state appeared in Finnish republicanism. That is why the elected President was granted an almost unchanged scope of state power from that of the constitutional king.¹³

A characteristic element of Finnish constitutionalism at the time was the exclusion of the powers and functioning of the Parliament (that is, legislative authority) from the scope of the basic law. This was regulated in a separate normative act. In Finland, the Parliament Act of 1906 was still in force from the period of the Russian Empire.¹⁴ In 1928 it was replaced by the Parliament Act¹⁵, a normative act of an already independent Finland.

The Parliament Act of 1928 was one of a series of constitutional acts issued from the beginnings of the independence of the Republic of Finland until the adoption of a new unified constitution in 1999. It repealed the previously binding law of a similar name, which was traditional for Finnish constitutionalism, the Act on the Parliament of the Grand Duchy of Finland.¹⁶ This was mainly a justification for the separate regulation of matters concerning the functioning of the parliament. The previous, separate regulation of matters concerning legislative power was appropriate primarily for the period of autonomy, when parliament functioned as the legislative body of the Grand Duchy of Finland. At that time, the remaining matters were not subject to constitutional regulation, because the appropriate norms had to be sought in the acts

¹² V. Merikoski, *The System of Government* [in:] *The Finnish Legal System...*, pp. 25–26, 31.

¹³ For more on this topic, see: D. Michalski, *Akt o formie rządów z 1919 roku – pierwsza konstytucja niepodległej Finlandii*, "Studia z Dziejów Państwa i Prawa Polskiego" 2016, vol. 19, pp. 252–253; J. Karp, *Prawo wyborcze na urząd prezydenta w Finlandii* [in:] *Prawo wyborcze na urząd prezydenta w państwach europejskich*, eds. S. Grabowska, R. Grabowski, Warszawa 2007, pp. 84–85; T. Cieślak, *Historia Finlandii...*, pp. 228–229; B. Szordykowska, *Historia Finlandii...*, pp. 240–241; M. Klinge, *Krótką historią Finlandii*, Helsinki 1997, p. 122; K. Ciemniewski, *Zasady ustroju politycznego Finlandii*, Bydgoszcz 1971, pp. 125–126.

¹⁴ For more on this topic, see: D. Michalski, *Akt o formie rządów z 1919 roku...*, p. 253; M. Grzybowski, *Systemy konstytucyjne państw skandynawskich*, Warszawa 1998, p. 17.

¹⁵ *Valtiopäiväjärjestys*, Suomen Asetuskokoelma 7/1928, pp. 101–116.

¹⁶ *Suomen Suuriruhtinaanmaan Valtioapäiväjärjestys*, Suomen Suuriruhtinaanmaan Asetuskokoelma 26/1906, pp. 1–24.

of the Russian Empire, which were also binding in the autonomous territory. Therefore, a characteristic element of Finnish constitutionalism at that time was the exclusion of regulations concerning the competences and principles of the functioning of the parliament. Legislative power, outside the scope of the fundamental law, was regulated in a separate normative act of a constitutional nature.¹⁷

2. Constitutional Influences in Finland: A Comparative Approach to Contemporary Finland

For centuries, the Nordic countries, and in a narrower sense, the Scandinavian countries (Denmark, Norway, and Sweden), were considered a politically homogeneous area. Despite differences, these societies established cooperation, which developed an awareness of the bonds that connected them. At the same time, until the end of the Middle Ages, the historical development of the Nordic areas was based on the strategic dominance of political powers. On the one hand, there was the Kalmar Union in which Denmark had a dominant position, and on the other, Sweden (from 1523) upon which Finland was dependent. However, the development of these areas led to their political disintegration. The most important moments here were: the collapse of the Kalmar Union in 1523; Finland's separation from Sweden in 1809 and its full independence in 1917; Norway's transition to Swedish rule in 1814 and its gaining full independence from 1905; and finally, the severance of Iceland's last ties with Denmark in 1944.¹⁸

The history of Nordic constitutionalism is historically based on two states, Denmark and Sweden, which were hegemons in the region and influenced other states. For this reason, two varieties of Nordic constitutionalism can be distinguished: eastern (Sweden and Finland) and western (Denmark, Norway, and Iceland).¹⁹ However, the factor that integrated Nordic constitutionalism was the spread of Swedish institutional models to other countries—Norway, Finland and, to a lesser extent, Denmark.²⁰ In sum, the Scandinavian political model is characterised by the existence of the following institutions: social democracy functioning within a monarchy, legalism with often anachronistic constitutions, the frequent lack of an explicit principle of popular sovereignty, and the original institution of the *ombudsman*.²¹

Finnish constitutionalism and its constitutional institutions were strongly influenced by Nordic constitutionalism, especially Swedish constitutionalism, from the very beginning of its development. This was because Finland was an integral part of the Swedish Empire until 1809 and later of the Russian Empire from 1809 to 1917.

¹⁷ M. Grzybowski, *Systemy konstytucyjne państw skandynawskich...*, p. 17.

¹⁸ N. Andren, *Government and Politics in the Nordic Countries: Denmark, Finland, Iceland, Norway, Sweden*, Stockholm 1964, pp. 13–14.

¹⁹ N. Herlitz, *Elements of Nordic Public Law*, Stockholm 1969, p. 155.

²⁰ R.F. Thomasson, *Sweden. Prototype of Modern Society*, New York 1970, p. 13.

²¹ A. Grochulski, *Państwa skandynawskie [in:] Systemy ustrojowe państw kapitalistycznych*, ed. E. Zieliński, Warszawa 1975, p. 285.

Importantly, despite over a hundred years of Russian domination, the Finns resisted Russification and retained the traditions and constitutional institutions with which they had been associated for centuries. In this situation, Finnish constitutionalism evolved in its own direction, creating original solutions, institutions, and constitutional mechanisms, which were, however, very similar to Swedish ones.²² Geographic proximity to Scandinavia was not the only reason for adopting and continuing Nordic constitutional traditions. There were political, social, and economic reasons for this.²³ A system of several constitutional acts was created during the period of Swedish domination and for political reasons the constitution of Finland was initially based on four sources. These are primarily two fundamental laws, which, because of the subject matter they regulate, can be referred to generally as the 'form of government' and the 'parliamentary act'.²⁴

The principles of the political system of Finland, as defined in its 1919 Constitution, differed from most forms of government in force in various European countries after the First World War. These European constitutions, while emphasizing the clear supremacy of parliaments, granted heads of state a limited representative role in principle. The president was a symbol of national unity, stood outside or above political parties, did not make his own key political decisions, but relied on the decisions of the prime minister or the cabinet. The head of state in a parliamentary system was actually an advisor to the cabinet and performed more representative functions, in contrast to other political forms, in which ministers were his advisors and executors of decisions.²⁵ In authoritarian or even totalitarian states, the head of state had far-reaching powers. However, the situation was different in Finland, where the indirectly-elected President was granted a scope of state power that was almost unchanged from that of the constitutional king.

Today, the constitutions of the Nordic states do, indeed, define their forms of government. Denmark, Norway, and Sweden are parliamentary, hereditary constitutional monarchies, while Iceland and Finland are parliamentary republics. Apart from Iceland, the other countries have complex constitutions, which consist of several legal acts regulating the functioning of representative bodies (Finland, Sweden), the responsibility of public officials (Finland), the succession to the throne (Denmark, Sweden), and even freedom of speech and the press (Sweden). The basic

²² V. Serzhanova, D. Wapińska, *Ewolucja konstytucjonalizmu w Finlandii* [in:] *Aktualne problemy reform konstytucyjnych*, ed. S. Bożyk, Białystok 2013, pp. 417–418. See also: P. Kastari, *The Historical Background of Finnish Constitutional Ideas*, "Scandinavian Studies in Law" 1963, no. 7. The influence of Nordic legal and constitutional institutions can be observed in the case of Sweden, but also in Norway and Denmark: M. Grzybowski, *Geneza i współczesne tendencje rozwojowe skandynawskich instytucji parlamentarnych*, "Gdańskie Studia Prawnicze" 2014, vol. 31, pp. 281–304.

²³ This position is taken, among others, by M.A. Mogunowa in *Skandinavskije gosudarstwa. Centralnyje organy vlasti*, Moskwa 1975.

²⁴ P. Kastari, *The Finnish Constitutional System and Its Development* [in:] *Constitution Act and Parliament Act of Finland*, Helsinki 1967, p. 5.

²⁵ D. Michalski, *Ustrój polityczno-prawny Finlandii...*, pp. 234–235; K. Cierniewski, *Zasady ustroju politycznego Finlandii...*, p. 129.

principles of the states' constitutions are included in the Forms of Government that apply in them. The original constitutions have many similarities, but, generally, because of the different socio-political conditions in which they were created, they affect the political life of individual countries in different ways.²⁶

The Swedish Constitution of 1809 was adopted at a time of great internal tensions, and although it was intended to separate powers effectively to prevent royal absolutism, it maintained the monarch's quite extensive prerogatives. However, the new Constitution of 1974 adopted the principle that all public authority comes from the people. This increased the role of the unicameral parliament and the head of government, while the monarch remained the sole head of state. The Finnish Constitution of 1919 was created after independence and the end of the civil war and adapted many previously functioning Swedish institutions and, to a much lesser extent, Russian ones. As a result, a strong constitutional position was granted to the republican head of state while preserving a fairly significant position for the Parliament operating on the basis of a modern act from 1906. However, in the currently applicable fundamental law, more emphasis is placed on parliamentary government.²⁷

In terms of structure and substantive content, original Nordic constitutions did not contain solemn preambles, and their normative part consisted primarily of the principles of the system, the division of powers, although often allocating primacy to the executive, to the judiciary, and sometimes to the principles of the supremacy of the people. They also offer guarantees of fundamental rights (usually in contemporary acts). For this reason, old constitutions often did not correspond to the changing socio-political situation of the nineteenth and twentieth centuries, which made it necessary to amend them through a special procedure. Thus, in Sweden, to amend the Constitution, it was necessary to vote on it twice, while maintaining the principle that the second vote should take place after the elections to the *Riksdag*. In Norway, the parliamentary-qualified majority entitled to adopt constitutional amendments became two-thirds of representatives. On the other hand, in Finland, which adapted Swedish and Norwegian institutional solutions, any amendment had to be adopted first by a majority vote, and then, after parliamentary elections, by another resolution requiring a qualified majority of two-thirds of the votes. The exception was the recognition of an amendment as urgent, which resulted in its being considered by a difficult-to-obtain five-sixths majority and its adoption by a two-thirds majority, without the need to postpone it until the next elections. The Finnish Constitution was made more flexible by the possibility of adopting extraordinary acts, which made exceptions to the validity of constitutional norms. Indeed, this is a heritage of the period of Russian rule and the lack of any possibility of changing the basic rules in the state without the consent of the Empire.²⁸

²⁶ D. Michalski, *Ustrój polityczno-prawny Finlandii...*, p. 250.

²⁷ *Ibid.*, pp. 250–251.

²⁸ *Ibid.*, pp. 251–252.

Differences are also notable in the matter of the executive. Currently, in Iceland and Finland, the president is elected by universal suffrage, while in Denmark, Sweden, and Norway, a hereditary king holds power for life. Nevertheless, in practice, the constitutional position of the executive in relation to the legislature is similar, as they exercise their power through ministers who are responsible to parliaments. In Scandinavian political and constitutional terminology, the term government is usually understood as comprising the head of state together with a cabinet of ministers. In contrast to the British constitutional tradition, ministers do not necessarily have to be members of parliament, and in Norway, combining these functions is even unacceptable. Generally, in Denmark, Iceland and, with some restrictions, in Norway, there is no duality of executive power, because ministers at the head of large departments centrally manage the administration.²⁹

Common elements can be seen in the matter of legislative power. Unicameralism and four-year terms of office are in force everywhere in the Nordic states. Unicameralism existed first in Norway, and in 1919 it was introduced in Finland, and in 1953 in Denmark,³⁰ and in Sweden it has existed since 1971.³¹ However, these are not uniform bodies in terms of institutional structure; for example the Norwegian *Storting* meets in two chambers, while the Finnish *Eduskunta* is a typical unicameral body.

Another similarity is the appointment of a Parliamentary Ombudsman to monitor the legality of the application of the law by the courts and administration. The office of Ombudsman was established originally in Sweden in 1809 and spread to other countries in the region. A common feature almost everywhere is the parliamentary method of appointing the Ombudsman from among people of high social prestige and with legal training. The Ombudsmen's task is to ensure that the law is analyzed by state bodies and that legislation is in accordance with the constitution. Annually, reporting to the parliament, they publish their opinions, demand changes to resolutions passed incorrectly, and, exceptionally, they can even refer the matter to the appropriate judicial body. They are a body that supervises and admonishes, and, above all, they are independent of other state bodies.³² They can act on citizens' complaints and, thus, protect their rights against abuses.³³ In Sweden and Finland, a Chancellor of Justice is also appointed, who has similar competences, but is also a legal advisor to the government. Both bodies cooperate to avoid conflicts of competences and conflicts of duties.³⁴

²⁹ A. Grochulski, *Państwa skandynawskie...*, pp. 297, 301.

³⁰ M. Sczaniecki, *Powszechna historia państwa i prawa*, Warszawa 1994, p. 504.

³¹ L. Kowalska-Postén, *Zarys rozwoju parlamentaryzmu w Szwecji*, "Komunikaty Instytutu Bałtyckiego" 1982, issue 34, p. 43.

³² W. Szyszkowski, *Instytucja ombudsmána w nowoczesnym państwie*, "Zeszyty Naukowe Uniwersytetu Mikołaja Kopernika w Toruniu" 1969, issue 37, pp. 37–45.

³³ E. Hansen, *Ombudsman w państwach skandynawskich i podstawowe przejawy jego działalności*, "Studia Prawnicze" 1972, issue 32; *idem*, *O nadzorze ogólnym w Szwecji*, "Nowe Prawo" 1960, no. 3, pp. 367–368; *idem*, *Instytucja ombudsmána w Norwegii*, "Nowe Prawo" 1968, no. 3.

³⁴ A. Grochulski, *Państwa skandynawskie...*, p. 310. See also: P. Kastari, *Delegat parlamentu i kanclerz sprawiedliwości Finlandii*, "Państwo i Prawo" 1963, no. 3; K. Cierniewski, *Zasady ustroju politycznego*

The interpretation of the constitution and the conformity of the adopted legal acts with it is mostly the responsibility of parliaments. Nordic constitutional law scholars even claim that despite their penchant for legalism, the great authority of the constitution does not mean that it is strictly respected.³⁵ As a result, little importance is attached to examining the constitutionality of laws. Perhaps because of the high sense of legalism, it would be difficult to pass a law that contradicts the primary principles. In connection with this, the courts have been called upon to a small extent for this purpose in Denmark, Norway, and Iceland, while judicial review is practically not used in Finland or Sweden.³⁶

3. The Specificity of Finnish Constitutional Arrangements³⁷

The political and legal system of Finland in the period 1917–2000 was marked by its own characteristic solutions. Apart from traditional, modern constitutional principles, known in European and world constitutionalism, Finnish constitutionalism was influenced by institutions developed primarily during the period of Swedish rule and, to a lesser extent, Russian domination (including the strong constitutional position of the head of state, a unique legislative body, a special procedure for amending the fundamental law, exceptional laws, and the lack of constitutional courts).

During the period of political stabilization after the First World War, Finnish principles and basic constitutional rules did not change. After gaining independence in 1917, work began on repealing the fundamental laws adopted during the period of Swedish dependency (including the Instrument of Government of 1772) and Russian dependency (including the Parliament Act of 1906), which were still in force. Until the adoption of a new, unified constitution³⁸ in 1999, Finland's constitutional system was regulated by a constitution composed of several acts. The Instrument of Government of 1919, the Parliament Act of 1928,³⁹ the Ministerial Responsibility Act of 1922,⁴⁰ and the Act on the High Court of Impeachment of 1922⁴¹ were considered as fundamental constitutional acts, which repealed the previously binding acts regulating the principles of the political system in the state. A much desired period of political stabilization was introduced after the turbulent period of the First World War by the first of these acts

Finlandii..., pp. 203–206; M. Grzybowski, *Szwecja* [in:] *Systemy ustrojowe państw współczesnych*, eds. S. Bożyk, M. Grzybowski, Białystok 2012, p. 209.

³⁵ N. Herlitz, *Elements of Nordic Public Law...*, p. 44.

³⁶ A. Grochulski, *Państwa skandynawskie...*, p. 285.

³⁷ This section draws on my research presented in my doctoral dissertation: D. Michalski, *Ustrój polityczno-prawny Finlandii...*, pp. 269–271.

³⁸ *Suomen perustuslaki*, Suomen Asetuskokoelma 731/1999.

³⁹ *Valtiopäiväjärjestys*, Suomen Asetuskokoelma 7/1928, pp. 101–116.

⁴⁰ *Laki eduskunnan oikeudesta tarkastaa valtioneuvoston jäsenten ja oikeuskanslerin virkatointen lainmukaisuutta*, Suomen Asetuskokoelma 274/1922, pp. 1099–1100.

⁴¹ *Laki valtakunnanoikeudesta*, Suomen Asetuskokoelma 273/1922, p. 1098.

(the Instrument of Government). Moreover, for the Finnish people the balance struck here had even greater significance after the end of the civil war in 1918.

My research indicates that by introducing a republican political system, with a specific role of the head of state and its dominant influence on the political situation in the state, a kind of compromise was developed between two extremely different political concepts (a republic as opposed to a monarchy). Thus, the parliamentary-cabinet system typical of the republican form of government was not introduced, as was generally the case in other European countries, but rather a strong (almost actually a monarchical) position was allotted to the president. Through such a specific hybridization of the political system, it was possible to gain the greatest possible social support for the idea of the political development of the new state.

What distinguished constitutionalism in Finland from European solutions, apart from the fact that the subject of constitutional regulation was regulated in several acts and from the specific type of republican system adopted, was the special procedure for adopting and amending fundamental laws. The procedure by which the implementation of an adopted amendment was suspended until the first ordinary session after new elections and its re-adoption by a qualified majority was specific and derived from Swedish legal culture.

In addition to traditional constitutional laws, Finland's legal system had a number of exceptional laws, deriving from the period of dependence on Russian legislation. Systemic reforms during the period of autonomy, and especially its limitation, were practically impossible, and yet were necessary because of the political needs of that time. Their provisions were able indirectly to affect the constitutional system, as they could be temporary or permanent laws. Naturally, the legal basis for issuing exceptional laws was rooted in both the Instrument of Government and the Parliament Act. At that time, unable to change the fundamental laws, and wanting to ensure the protection of fundamental rights and property, it was decided to adopt laws in the manner provided for changing the fundamental law, without permanently affecting the functioning of the system. This led to the flexibility of the Finnish constitution, while maintaining the principles of the system.

Another important aspect that distinguished the Finnish system was the lack of an appropriate constitutional court. No judicial body was established that was authorized to examine the compliance of an adopted law with the fundamental laws. Respecting the principle of separation of powers, ordinary courts also lacked the authority to assess the quality of adopted law. However, specific Nordic bodies were established, such as the Chancellor of Justice and the Parliamentary Ombudsman, the authority of whom, despite seemingly similar competences, permitted reaching agreements beyond party divisions; their opinion on adopted laws was accepted without dispute.

The main effect of the systemic evolution of eighty years of the so-called 'first constitutional period' (1919–2000) was the strengthening of parliamentarism by shifting the centre of gravity of power from the head of state, which weakened the position of the head of state in favour of the legislative body. Such a rich legacy of stable constitutional achievements was established without systemic revolution while

incorporating them in uniform fundamental law, the one that is currently applicable that, in 2000, began the so-called second constitutional period in Finland.

Finally, the specifics of Finland's political and legal system are confirmed by comparing its system with those of other European countries. This specificity means that Finnish institutions, although closest to the Nordic system, are characterized by their own distinctiveness. These include: the special systemic position of the head of state; constitutional exceptional laws; the suspension of the execution of a draft constitutional law that has been voted on until the first ordinary session after elections; the lack of constitutional courts, and the unicameral nature of the representative body. This does not permit an unambiguous positioning of Finland's system in the traditional theoretical division into democratic-liberal, authoritarian, socialist, or even totalitarian states. Because of the form of government and the systemic position of the head of state, Finland was closest to authoritarian states in the so-called first constitutional period (1919–2000). However, through the influence of the legislature and the judiciary and via a wide catalogue of fundamental rights that were actually applied, Finland is not far from democratic-liberal states. Thus, the specific hybridization of power translates into an ambiguous definition of the entire political and legal system, which makes this country extremely interesting.

Conclusions

There is some debate as to whether contemporary constitutional solutions in Finland emerged from a national tradition or from foreign patterns. One can state that the origins of Finnish constitutional solutions are based both on Swedish patterns and on Russian influences. As soon as Finland gained its independence for the first time, the priority was to define the constitutional legal basis.

The current political and legal system of Finland is characterised by its own properties in terms of solutions but is not completely self-determined in its origins. As a result of breaking free from Russian dependence, the idea has been to emphasise the continuity of the legacy of the Swedish legal tradition with Finnish national separateness. Apart from traditional, modern constitutional principles, known from global and European constitutionalism, the Finnish constitutional situation was influenced by institutions developed primarily during the period of Swedish dependence and, to a lesser extent, during the period of Russian dependence. In consequence, the Constitution in the first constitutional period (1917–2000) consisted of several legal acts and the strong constitutional position of the head of state. However, the second constitutional period (from 2000) is still characterised by a unicameral legislative body (*Eduskunta*), a special procedure for amending the fundamental law, exceptional laws, and a lack of constitutional courts.

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Summary

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National Tradition or Foreign Patterns? Sources of Inspiration for Finnish Constitutionalism at the Beginning of the Twentieth Century – A Comparative Approach

Finland became a sovereign subject of international law on 6 December 1917. One of the manifestations of state-building is the adoption of a Fundamental Law, which is generally given the form of a constitution. In the political history of Finland, there is a normative act that is referred to as that constituting the foundations of the system of the independent Finnish state. Indeed, this was not the only act comprehensively regulating constitutional matters in the state. Thus, the constitution of the newly established state was not unitary in nature, but complex. Moreover, it was initially based partly on foreign normative acts, taken over from the period of dependence, that is, Swedish and Russian acts. This article discusses the historical inspirations for Finnish constitutionalism. The following research questions were asked in the course of the research that preceded the article: 1) What was the constitutional heritage of Finland's initial period of independence?; 2) Whose constitutional experiences were the inspiration for the sources of Finnish constitutional law?; 3) What is the specific nature of Finnish constitutional arrangements?

Keywords: comparative approach, constitutional heritage, constitutional influences, Finland.

Streszczenie

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Tradycja narodowa czy obce wzorce? Źródła inspiracji dla fińskiego konstytucjonalizmu na początku XX wieku – Finlandia w ujęciu porównawczym

Finlandia stała się suwerennym podmiotem prawa międzynarodowego 6 grudnia 1917 r. Jednym z przejawów występowania czynników państwowotwórczych jest przyjęcie praw fundamentalnych, którym na ogół nadawano formę konstytucji. W historii politycznej Finlandii istnieje akt normatywny, który jest określany jako akt stanowiący podwaliny ustroju niepodległego państwa fińskiego. Jak się jednak okazało, nie był to jedyny akt kompleksowo regulujący materię konstytucyjną w państwie. Konstytucja nowo powstałego państwa nie była zatem pojedynczym aktem, lecz miała złożony charakter. Co więcej, początkowo opierała się częściowo na obcych aktach normatywnych, przejętych z okresu zależności, odpowiednio – od Szwecji i od Rosji. Celem niniejszego artykułu jest przeprowadzenie badań nad historycznymi inspiracjami fińskiego konstytucjonalizmu. Dla prowadzonych analiz zadano następujące pytania badawcze: 1) Jakie było dziedzictwo konstytucyjne początkowego okresu niepodległości Finlandii?; 2) Czyje doświadczenia konstytucyjne były inspiracją dla źródeł fińskiego prawa konstytucyjnego?; 3) Jakie są szczególne cechy fińskich urządzeń konstytucyjnych?

Słowa kluczowe: podejście komparatystyczne, dziedzictwo konstytucyjne, wpływy konstytucyjne, Finlandia.