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# The Two Chambers of the Icelandic Althing

*Bjarni Benediktsson, Minister of Justice, Reykjavík*

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## I

With the establishment of the Althing, or National Assembly, in the year 930 the Norse settlements in Iceland became united in one national State. During the period of this ancient republic both the legislative and the supreme judicial power rested with the Althing. On the other hand, a universal executive power was never created, and this fact was to a large extent responsible for Iceland's subjection to the Norwegian Crown in 1262. After that the joint responsibility for legislation vested in the Althing and the King continued until 1662, when the King's absolute power was acknowledged by the Icelanders. The judicial power remained with the Althing, which acted as a kind of Upper Court, until 1800, when a new court of Justice, the *Landsyfirréttur*, was set up and the Althing was abolished.

The organization and functions of the Althing during this long period were thus considerably modified as time went on. A division into Houses or Chambers such as exists in various legislative assemblies nowadays never took place in the ancient Althing. Therefore it is not necessary in this connection to make a close study of these historical matters, but only to stress that despite all the modifications the Althing was always the main legal symbol for the separate existence of the Icelanders as a nation, first during the independence period and later during the struggle for a restoration of that independence. The King of Norway was at the same time the King of Iceland until Norway severed her connection with Denmark in 1814, the two latter countries having had a joint king since 1380. In 1814 Iceland went with Denmark, for the country had for long been governed from Copenhagen and was in practice regarded as an inseparable part of the Danish State. With his absolute power on the decline, the King established by a decree of 8th March, 1843 a special consultative assembly for Iceland, and





gave it the title of Althing. The Icelanders heartily welcomed this measure and the title, as they regarded both as a sign of the restoration of their ancient freedom. Later on the Althing developed into a modern representative legislative assembly. The purpose of this paper is to show why and how that assembly was divided into two Chambers and the effect of that decision.[1]

## II

After the King had surrendered his absolute authority in Denmark and had convened a Constituent Assembly (*Rigsforsamling*) there, the Icelanders were promised by a royal decree of 23rd September, 1848, that their own assembly would be summoned in Iceland in order to give an opinion on Iceland's special position within the Danish State. It was held in Reykjavík in the summer of 1851, but did not finish its work, for the King's representative dissolved it – under protest from the members, led by Jón Sigurðsson, Iceland's champion of national independence – when he felt the Icelanders' demands were becoming unreasonable.

At first the Danish Government proposed that elections to this national assembly, *þjóðfundur*, should be indirect, stating that, as it was not to be divided into Chambers, it was not enough to follow the rules of the Lower Chamber (*Folketing*) of the Danish legislative assembly, but account would also have to be taken of the Danish Upper Chamber (*Landsting*).[2] It was thus clear that in the early stages of the independence struggle Icelanders would have to put up with less favourable terms than otherwise because the assembly was not to be divided. However, the Danish Government desisted in this when it was pointed out that a similar rule had not been followed in the case of the Danish Constituent Assembly (*Rigsforsamling*).[3]

Nevertheless, the Government soon used the same argument again in the Bill it submitted to the national assembly (*þjóðfundur*) on elections to the Althing, which was to have little more power than the more important municipal councils in Denmark, the Icelanders acquiring the right to elect representatives to the Danish *Rigsdag*. The Government stated that it was necessary to impose further limitations on eligibility to the Althing and to have there some members nominated by the king, because the Althing was

[1] See further Bjarni Benediktsson: *Deildir Alþingis*, Reykjavík 1939.
[2] *Tíðindi frá Alþingi Íslendinga* 1849 pp. 844-5, Viðbætir 32 ff.
[3] *Tíðindi frá Alþingi Íslendinga* 1849 pp. 785, 848, 939 and the laws from 28 Sept. 1849.

not divided into two Chambers. Therefore it was not enough only to take account of the rules concerning one of the two Chambers of the Danish *Rigsdag*.[4]

Jón Sigurðsson and the other members of the committee set up to deal with the Government Bill proposed that the Althing should be granted legislative powers and should debate all affairs in a single Chamber, to which members should be elected solely by popular vote. At the same time the committee admitted that 'just and satisfactory results are much better assured by two Chambers than one, where there is a class distinction, a difference in status, a popular force and a large number of representatives that made such a division of the representative power appropriate and, where these conditions prevailed, it might be appropriate generally to have eligibility to one of the Chambers more strict than to the other . . .'[5]

After the collapse of the national assembly (*þjóðfundur*) in Iceland all efforts of the Danish Government to solve the problem of constitutional reform were suspended until in 1867 it placed a Bill before the Althing providing for a Constitution for Iceland.[6] According to this Bill the Althing was to consist of a single assembly, comprising 21 members elected by popular vote and 6 high officials. In its comments on the Bill the Danish Government stated that, although a division into two Chambers would no doubt be more correct, the basis for an independent and respected Upper Chamber in Iceland was lacking, and it was therefore necessary to have other safeguards to prevent the assembly from taking precipitate decisions that might be detrimental to the common weal. The Government considered such safeguards would be provided by the presence of the 6 officials and by the regulations regarding a fixed budget. Furthermore, the Danish Government proposed that each Government Bill should be given a third reading, in the words of the Government as it thought fit after the second reading, and after the third reading voting should only take place on whether the Bill was to be approved or rejected as a whole. A member's Bill was to be submitted for a third reading in the form approved by the second reading, with the addition of any amendments proposed either by the Government or by 10 members of the assembly.[7]

[4] *Tíðindi frá Þjóðfundi Íslendinga* árið 1851 pp. 427 ff. and 488-91.
[5] *Tíðindi frá Þjóðfundi Íslendinga* árið 1851. p. 527.
[6] *Tíðindi frá Alþingi Íslendinga* 1867 II pp. 11 ff.
[7] *Tíðindi frá Alþingi Íslendinga* 1867 II pp. 33-35, 44-45.





It was particularly in order to get rid of this proposal that the Althing in 1867 resolved that the assembly should be divided into Chambers. The resolution was to the effect that in the Althing there should be 36 members, of whom 30 were to be elected by popular vote and 6 were to be officials appointed by the King. All the latter would sit in the Upper Chamber, together with 6 members to be elected directly by the Althing (from among those elected by popular vote) for the whole electoral period, as soon as the Althing reassembled after new elections. Both Chambers were in general to enjoy equal rights, though the supplementary budget was to be submitted first to the Lower Chamber, whilst the standing budget was to remain as proposed in the Government Bill. If either Chamber passed a Bill this was to be referred to the other Chamber, and if the two Chambers could not agree on amendments made to the Bill by the second Chamber both Chambers were to be combined into a single assembly and the Althing would then settle the matter in one reading, a two-thirds majority then being necessary for approval.[8]

Certain other amendments to the constitutional Bill of 1867 suggested by the Althing, for example regarding ministerial responsibility, were not approved by the King in Council, who submitted a new Bill to the Althing in 1869. This Bill was regarded as even less liberal in some respects than that of 1867, and the Althing and the Danish Government once again failed to agree. But the Bill of 1869 did, in the main, incorporate without amendment the Althing's proposals of 1867 regarding a division of the Althing into Chambers.[9] This was all the more remarkable as the King's representative had opposed these proposals in the 1867 session.[10] In 1869[11] and again in 1871[12] the Althing approved the clause proposing the division into Chambers, though in both years the matter as a whole ended in deadlock.

In 1873 the Danish Government did not submit any Bill for a Constitution to the Althing, but the Althing approved its own Bill. According to this all members were to be elected by popular vote. Appointments made by the King were abolished. Otherwise, the division into Chambers was kept un-

[8] *Tíðindi frá Alþingi Íslendinga* 1867 II pp. 458, 462-4 I pp. 1029-30 II 618-31, 580.
[9] *Tíðindi frá Alþingi Íslendinga* 1869 II. pp. 21-42.
[10] *Tíðindi frá Alþingi Íslendinga* 1867 I. p. 972.
[11] *Tíðindi frá Alþingi Íslendinga* 1869 II. pp. 385-400.
[12] *Tíðindi frá Alþingi Íslendinga* 1871 II. pp. 8-24, 544-8.

changed from the previous Bills, except that now 12 members of the Upper Chamber were to be elected from among the 36 popularly elected members, but nobody under the age of 40 was to be elected to the Upper Chamber, as the minimum age for general eligibility for election was 30 years.[13]

## III

The struggle for the granting of a Constitution for Iceland ended on 5th January, 1874, when the King issued a Constitution providing for self-government in domestic affairs. This constitution was based on the Danish laws of 2nd January, 1871 regarding Iceland's constitutional position within the (Danish) State, in which the Danish view that Iceland was an inseparable part of the Danish kingdom was categorically stated – a view, however, which the Althing would never acknowledge.

1. According to § 14 of the Constitution of 1874 the Althing was to consist of 30 popularly elected members and 6 members nominated by the King. All members were to be elected for a period of 6 years, but this period could in the case of a dissolution of the Althing be curtailed for the popularly elected members, though not for those appointed by the King. § 15 stated that the Althing was to be divided into two Chambers, an upper one consisting of 12 members and a lower one consisting of 24 members. According to § 16, all the members appointed by the King were to sit in the Upper Chamber. The other members of the Upper Chamber were to be directly elected by the full Althing for the whole of the electoral period from among the members popularly elected, as soon as the Althing assembled after the holding of new elections. Should any seat held by a popularly elected member in the Upper Chamber become vacant during the electoral period, both Chambers – after the election of a new member – were to combine in order to select a man for the vacant seat for the remainder of the electoral period from among the popularly elected members.

This procedure continued in the Althing until modifications were made by the constitutional laws of 3rd October, 1903, when the number of popularly elected members was increased to 34, of whom 8 were to be elected to the Upper Chamber, thus forming a majority in that Chamber.

[13] *Tíðindi frá Alþingi Íslendinga* 1873 II. pp. 190-203, 231-2.





According to § 7 of the constitutional laws of 19th June, 1915, the number of members remained at 40, it being stipulated that they should all be elected by popular vote. However, a different method of electing members continued, as – according to §§ 8 and 9 of the constitutional laws of 1915 – 34 members were to be elected by majority vote in certain constituencies for 6 years and 6 on the basis of proportional representation throughout the whole country for 12 years. The minimum age for eligibility for election as well as for the right to vote was 35 years in the case of nation-wide elections and 25 years in the case of constituency elections, though there were at first special rules regarding women. Half of the nationally elected members were to retire each sixth year and they were not to be affected by a dissolution of the Althing. Reserve members were to be elected for them, but not for the constituency members. All the 6 nationally elected members were to sit in the Upper Chamber, together with the 8 members elected to it by the United Althing in the same way as before.

The same Althing composition and division into Chambers was confirmed by §§ 26-28 of the Constitution of 18th May 1920 after Denmark had recognized Iceland as a sovereign State in the Act of Union of 1918. There was, however, a modification, inasmuch as the electoral period of the constituency-elected members was reduced to 4 years and that of the nationally elected members to 8 years.

Furthermore, another law of 18th May, 1920, stipulated in conformity with the Constitution an increase in the number of members for Reykjavík to 4, who were to be elected by proportional representation. The total number of members therefore now became 42 and the number of members in the Lower Chamber 28.

The next alteration to Althing composition was made by the constitutional laws of 24th March, 1934. Election on a national basis in its earlier form was abolished, and it was stipulated that the number of members should be between 38 and 49. The number was to be determined by the result of the constituency elections, for in addition to those elected (outside Reykjavík by a majority vote and in Reykjavík by proportional representation) 11 seats were to be allocated to ensure as equal a distribution of the seats as possible between the parties according to the proportion they received of the votes cast at general elections. Since now no members had *eo ipso* seats in the Upper Chamber, § 2 of the constitutional laws of 1934 stated that one-third of the

members should sit in the Upper Chamber and two-thirds in the Lower Chamber. Should the total number of members prove not divisible by three then the odd one or two should take their seats in the Lower Chamber.

By the constitutional laws of 1st September, 1942 the number of members was increased to 52, and the organization of the constituencies was made even more complicated than before by the introduction of proportional representation in two-member constituencies. The regulations regarding a division into Chambers remained unchanged, and these regulations were retained in the Constitution of the Republic of Iceland of 17th June 1944. § 32 deals with the division into Chambers and § 31 with the number of members and the constituency organization. The latter paragraph was again modified by the constitutional laws of 14th August 1959, which stipulated that the number of members was to be 60, of whom 49 were to be elected by proportional representation in 8 constituencies and 11 to be allocated between the parliamentary parties. This modification did not in any way affect § 32 of the republican Constitution regarding the division into Chambers, so that at present 40 members sit in the Lower Chamber and 20 in the Upper Chamber.

2. According to the Constitution of 1874 the proceedings of the Althing were to be conducted first and foremost in the Chambers.

a. § 21 stated that each Chamber had the individual right to introduce legislative proposals and to approve them, and the provision of § 9 to the effect that the King might have a legislative Bill submitted to the Althing must be interpreted in this light. However, according to § 25, Finance and Supplementary Finance Bills were always to be submitted first to the Lower Chamber. No legislative Bill could be approved completely until it had been debated three times in each Chamber separately. When a legislative Bill was passed in either of the Chambers it was to be submitted to the other Chamber in the form in which it had been approved. Should any amendments be made there it was to be referred back to the Chamber in which it was first debated. Should any further amendments be made there the Bill was to be referred once again to the other Chamber. Should agreement still not be reached, both Chambers were to combine and the United Althing was then to settle the matter in one reading. Should the Althing be combined in this way, it was necessary for two-thirds of the members of each





individual Chamber to be present and to vote in order for a final decision to be taken. A simple majority would be sufficient to decide the individual items, but in order that a legislative Bill – with the exception of Finance or Supplementary Finance Bills – might be approved as a whole at least two-thirds of the votes cast were to be in favour of the Bill.

§ 9 of the constitutional laws of 3rd October, 1903 modified these provisions to the effect that it was sufficient for more than half of the members of each Chamber to be present in the combined Althing and to participate in voting on a Bill. This amendment was in conformity with a similar amendment regarding the procedure in the Chambers themselves.

More important was the amendment made in §§ 6 and 7 of the constitutional laws of 24th March, 1934 to the effect that a Finance or Supplementary Finance Bill was to be submitted only to the United Althing, where it was to be dealt with in 3 readings.

With these amendments the provisions regarding procedure for legislative Bills remain for all practical purposes still in force as determined in the 1874 Constitution (cf. § 38 of the 1944 republican Constitution regarding the right of initiative of the Chambers, § 25 regarding the right of the President of the Republic to submit Bills, § 42 regarding procedure for Finance Bills and Supplementary Finance Bills in the United Althing, § 44 regarding three readings for ordinary legislative Bills in each Chamber and § 45 regarding disputes between the Chambers.)

b. Regarding addresses to the King, § 21 of the 1874 Constitution stated that these might be submitted by either Chamber individually. Nevertheless, the first assembly held after 1875 dealt with three such addresses in the United Althing, but the Danish government refused to lay them before the King, justifying its action by reference to § 21 of the Constitution. It was not until the issue of § 34 of the constitutional laws of 1920 that the United Althing was – on an equal footing with the Chambers – authorized to submit such addresses to the King, but by that time they were out of fashion. However, the provision of 1920 is retained in § 38 of the republican Constitution of 1944, except that now it is a question of addresses to the President of the Republic.

c. In the 1874 Constitution provision was made in various places for Althing resolutions on different matters without any mention of the form in

which such resolutions should be passed. § 3 referred to the limited right of impeachment the Althing had against a minister, § 7 to the need for agreement of the Althing for adjourning its sessions, and § 9 to the right of the King to submit proposals on Althing resolutions. Further, § 26 provided that comments from the chief Auditors of the national finances should be submitted to the Althing, § 38 that neither Chamber might deal with any matter unless a Chamber member had first moved it, and § 39 that should either Chamber not consider there was any reason to pass a resolution on any matter it could then refer it to the Governor or the Minister.

It was not until the issue of the 1920 Constitution that it was – in § 34 – clearly stated that each Chamber had the right to introduce and approve individually other Bills as well as legislative Bills; the provisions referred to in the preceding paragraph also being retained for all practical purposes. An addition was made in § 17 to the effect that the Althing would sometimes need to approve agreements made with other States.

In the 1944 republican Constitution the same provisions are retained. Attention is drawn to § 14, which allows the Althing to impeach ministers in connection with their conduct of office, to § 21 regarding the approval of the Althing of agreements with other States, to § 23 regarding approval of the Althing for adjournments of the Althing, to § 38 regarding the introduction of and approval by the Chambers of Bills other than legislative Bills, to § 43 regarding comments by chief Auditors, to § 55 whereby neither Chamber may deal with any matter unless a member has first moved it, and to § 56 to the effect that should either Chamber not consider there to be any reason for passing a resolution on any matter it may refer it to ministers. The provision of § 11, stating that the President of the Republic may not be prosecuted for a penal offence without the sanction of the Althing, is a new one. Furthermore, it is laid down that the President can be relieved of his office before his electoral period is over, if such be agreed by a majority of votes in a national referendum held at the instigation of the Althing, provided that the latter has obtained the support of three-quarters of the members in the United Althing.

Although it would be natural to interpret the wording of § 34 of the 1920 Constitution and § 38 of the 1944 republican Constitution in such a way that approval by the Althing of all Bills other than legislative Bills should only be sought in the Chambers and not in the United Althing – except where





unequivocal constitutional provisions, such as § 11 of the republican Constitution or acknowledged rules of interpretation demand otherwise – it has been considered, at any rate since 1905, permissible to pass resolutions on most matters in the United Althing.[14] Up to that date regulations on Althing procedure in this matter were extremely vague and their interpretation highly dubious. It often happened that each Chamber passed resolutions individually and that one Chamber passed a 'resolution of the Althing' that was subsequently submitted to the other Chamber without there being any hard and fast rules for dealing with it should the two Chambers not agree. In a few exceptional cases the United Althing passed resolutions on its own initiative without a Bill ever having been submitted to the Chambers.[15]

According to Standing Order § 29 of 10th November, 1905, motions could be introduced both in the individual Chambers and in the United Althing. Such motions could be referred from one Chamber to the other and if they were amended in the second Chamber they were to be referred to the United Althing, where they were to be dealt with in one reading. Motions calling for expenditure from the National Treasury had always to be submitted to both Chambers.

In the Standing Orders of 19th November, 1936 – now in force – it is reiterated that motions may be introduced either in one of the Chambers or in the United Althing (cf. § 29). In conformity with the modified procedure concerning Finance Laws, however, it is stated that motions dealing with expenditure shall always be introduced in the United Althing. It is also laid down that, if a motion is introduced in one of the Chambers and there is disagreement between the Chambers about amendments, the motion shall be debated twice in each Chamber before it is sent to the United Althing.

In the years immediately after 1905 it was much more common for motions to be dealt with in the Chambers. This has gradually changed, [16] and for the last twenty or thirty years it has become almost unknown, since the United Althing now deals every year with a large number of such motions on a variety of subjects.

As regards questions, § 37 of the 1874 Constitution stated that every member was entitled to raise in the Chamber where he had his seat any

[14] Bjarni Benediktsson: *Deildir Alþingis* pp. 335–401.
[15] Bjarni Benediktsson: *Deildir Alþingis* pp. 306–35.
[16] Bjarni Benediktsson: *Deildir Alþingis* pp. 432, 444–5.

public matter allowed by that Chamber, and to request information. This provision has remained materially unaltered, though § 50 of the 1920 Constitution stated explicitly that a question should be addressed to a Minister (cf. § 54 of the republican Constitution of 1944). Right up to 1947 the provision was interpreted as meaning that questions might not be raised in the United Althing, but Standing Orders were then changed on 28th March to the effect that questions should, in fact, be raised there, and this procedure has been followed ever since.

3. It has been the ruling since 1874 that procedure for the United Althing and for both Chambers shall be laid down by law (cf. § 41 of the 1874 Constitution and § 58 of the 1944 republican Constitution).

Despite the fact that a certain number of members had *eo ipso* their seats in the Upper Chamber right up to 1934, § 29 of the 1874 Constitution stated, 'The Althing itself shall decide whether its members have been legally elected or not'. In the constitutional laws of 1915 there was the following addition: 'and whether a member has lost his eligibility for election'. These provisions are still in force, as is apparent from § 46 of the 1944 republican Constitution, and they have always been understood to mean that the matter was under the jurisdiction of the United Althing.

On the other hand § 32 of the 1874 Constitution stated that whilst the Althing was in session no member might be arrested for debt without the sanction of the Chamber in which he sat, nor might he be taken into custody or proceedings opened against him unless he were found *in flagrante delicto*. No member might be called to account outside the Althing for what he had said there except with the permission of the Chamber in question. These provisions remained unchanged in § 49 of the 1944 republican Constitution.

A substantial part of the business of the Althing is conducted in committee. There is some disagreement as to whether the authorization for such committees is contained in the Constitution itself[17] or whether the provisions of the latter refer solely to committees of inquiry.[18] These provisions have in this respect remained materially unaltered ever since 1874: § 22 of the 1874 Constitution stipulated that each Chamber could appoint committees of members to investigate important public matters. Each Chamber might

[17] Bjarni Benediktsson: *Deildir Alþingis* pp. 139 ff.
[18] Ólafur Jóhannesson: *Stjórnskipun Íslands*, Reykjavík 1960, p. 263.





grant such committees the right to demand reports, both oral and written, both from officials and from private individuals (cf. § 39 of the 1944 republican Constitution).

Notwithstanding the afore-mentioned provision it has been the practice ever since the issue of the first provisional Standing Orders of 1875 (cf. §§ 1 and 3) for committees to be appointed in the United Althing, and their number has increased in proportion to the increase of matters to be dealt with there. According to the Standing Orders of 19th November 1936, now in force, together with amendments of 27th December, 1951 and 13th February, 1943, there are three permanent committees in the United Althing and 8 permanent committees in each Chamber for dealing with specific matters, as well as two other committees in the United Althing. It has not been quite clear, however, whether actual committees of inquiry might be appointed in the United Althing, and no firm practice can be said to have been created in such matters, though some opposition to the idea has been voiced.[19]

Finally it should be mentioned that, according to § 26 of the 1874 Constitution, each Chamber was to elect a chief Auditor of the national finances. This was amended by § 15 of the Constitution laws of 1915 to the effect that the chief Auditors should be three in number and elected by the United Althing. This procedure has been retained in § 43 of the 1944 republican Constitution.

## IV

It is clear from the above that the 1867 Althing proposals for a division of the Althing into Chambers were in the main legalized by the Constitution of 1874, and are still in force in their essentials, despite a few important amendments that have been made. There can be no doubt that the Norwegian Constitution of 1814 was taken as a model in this connection. Nevertheless, there have been in Iceland some significant deviations from the Norwegian pattern, although it is probable that Althing members did not originally realize their full implications.

The Upper Chamber of the Althing is elected by the United Althing in a way similar to that in which the Norwegian *Lagting* is elected by the *Storting* (cf. § 73 of the Norwegian Constitution of 1814). However, there was a

[19] Bjarni Benediktsson: *Deildir Alþingis* pp. 155-6.

difference in that up to 1915 all the six members appointed by the King and from 1915 until 1934 all the six nationally elected members (elected in quite a different way from the other, constituency-elected members) had their seats in the Upper Chamber of the Althing. This difference had particularly far-reaching consequences in that the members appointed by the King comprised – from 1874 until 1903 – half the Upper Chamber.

What was of decisive importance in this different organization of the Chambers was the fact that each Chamber not only had the right of initiative but also of its own accord could completely reject all proposals. In Norway ordinary legislative Bills must first be submitted to the *Odelsting* and only those Bills approved by the *Odelsting* are referred to the *Lagting*. Furthermore, the *Lagting* itself cannot completely reject any Bill but merely refer it with comments back to the *Odelsting*. Should the *Odelsting* not be satisfied with the comments of the *Lagting*, the Bill is referred back to the latter and, if there is still no agreement, the Bill returns once again to the *Odelsting*. If agreement cannot be reached then, the Bill goes to the *Storting*, which can pass the Bill by a two-thirds majority vote, (cf. § 76 of the Norwegian Constitution of 1814).

Instead of following the Norwegian model as regards the extent of the Chambers' power, guidance was sought in §§ 44, 52 and 53 of the Danish Constitution of 1866 concerning the procedure for dealing with Bills in the *Folketing* and the *Landsting*. In accordance with §§ 29–40, elections to these two bodies were different, and § 34 laid down that 12 members appointed by the King should have seats in the *Landsting*. There is no doubt that the seating in the Upper Chamber of the Icelandic members appointed by the King had its origin in this Danish stipulation, although the members appointed by the King to the Danish *Landsting* were only 12 out of 66. The extent of the power of the Chambers of the Althing and the provisions regarding the settlement of disputes between them were modelled after the rules of those differently organized Danish Chambers, but with the difference that, according to § 53 of the Danish Constitution of 1866, a committee composed of representatives of both Chambers should submit proposals for a solution to both Chambers if the latter did not agree on amendments made by either one of them, and then each Chamber should individually come to its final decision. On this point it was decided in Iceland to follow the Norwegian example and to refer the matter to the United Althing. But this





could only take place if either Chamber had not completely rejected a Bill and considered the disagreement so slight that it could acquiesce in its acceptance even if the amendments did not meet with its approval.

Under this system the members appointed by the King, who comprised half the Upper Chamber until 1903, had the power to decide which Bills were passed. It was really the intention of the Althing in 1867 that those members should in fact be nominated by a Minister actually responsible to the Althing. However, the Icelandic national leader, Jón Sigurðsson, quickly realized the danger in the real power of nomination being in the hands of the Danish Government. As early as 1870 he wrote that by curtailing the freedom of the Althing in § 33 of the Bill of 1867 the Government had been responsible for the proposals to divide the assembly into two Chambers, which would enable the members appointed by the King to quash any matter in the assembly if they so desired. The Government, he wrote, had also realized that this was just as strong a control of freedom of action as the other measure, and had therefore approved the proposal even though it pretended to oppose it. Very few people would have a divided assembly if they could have an undivided one on fair terms.[20] In conformity with this view of Jón Sigurðsson, the Althing in 1873 tried to rid itself of the system of royal appointments, but the Government ignored its proposals and the system was retained, together with the division into Chambers, in the Constitution of 1874. According to this, the Minister for Iceland was at the same time one of the Danish Ministers, in practice the Danish Minister of Justice, without any real political responsibility to the Althing. Through the system of royal appointments and the division into Chambers, the Danish Government thus obtained an abnormal influence on the work of the Althing.

In actual practice it often happened that, while the men appointed by the King comprised half the Upper Chamber, the Chambers mutually rejected or nullified each other's Bills,[21] in addition to which the King's power to veto legislative Bills approved by the Althing was wielded relentlessly.[22]

When therefore Home Rule was established by the constitutional laws of 1903, providing an Icelandic Minister resident in the country, with parliamentary responsibility to the Althing, the number of popularly elected

[20] *Ny Félagsrit*, 27. Kaupmannahöfn 1870 p. 25.
[21] Bjarni Benediktsson: *Deildir Alþingis* pp. 431, 434-5.
[22] Björn Þórðarson: *Alþingi og konungs valdið*, Reykjavík 1949.

members was increased, so that they constituted a majority in the Upper Chamber – 8 out of 14. This change was made despite the fact that the selection of the members appointed by the King was no longer dependent on the decision of the Danish Government. On the other hand, the Minister in power when these members were to be appointed was, of course, able to strengthen considerably his own position and that of his party.[23] In 1911, for instance, there was disagreement within the Government party then in power as to whether the date of convening the regular assembly that year should be postponed until the electoral term of the members appointed by the King – all of whom had been chosen by a Minister of the opposition party – had expired. The date was not changed, but there was a change of Ministers during the session and it fell to the lot of the new Minister, who was chiefly supported by the former opposition, to select the royally appointed members.[24]

There was also disagreement as to whether account should be taken of the royally appointed members in calculating the Minister's parliamentary support. Whatever the pros and cons might be, the fact had to be faced that the royally appointed members had the same right as other members to vote on all matters and could therefore make the Minister's position untenable by defeating necessary Bills.[25] However, disagreements between the Chambers during this period were much less frequent than before.[26]

By the constitutional laws of 1915 the national election of 6 members instead of appointments by the King was legalized. Because of differences in the method of election this could result in different party affiliations between the nationally elected and the constituency-elected members, indeed to such an extent that it decided the majority in the Upper Chamber. This was the case in 1932. At that time there was much disagreement about the organization of the constituencies, which far from guaranteed the most populous constituencies a number of members commensurate with their size. Opponents of a constituency reform gained a great victory in the 1931 elections, despite the fact that they only obtained about one-third of the votes. The supporters of electoral reform, however, won half of the seats in the Upper

[23] *Alþingistíðindi* 1909 A p. 206, *Alþingistíðindi* 1911 B. pp. 11, 806, 815-816.

[24] Bjarni Benediktsson: *Deildir Alþingis* pp. 62-64. See also Hannes Þorsteinsson: *Endurminningar*. Reykjavík 1962 pp. 305 and 353.

[25] Bjarni Benediktsson: *Deildir Alþingis* pp. 342 ff.

[26] Bjarni Benediktsson: *Deildir Alþingis* pp. 431-2.





Chamber because of their strength among the nationally elected members. The next year they declared that they would vote against the Finance Bill, Tax Bills, etc., if agreement with them could not be reached. The Government was compelled to resign and a new one was formed to settle the constituency dispute.[27] In 1934 this Government was able to have constitutional reform legally confirmed.

Since these reforms stipulate that Finance Bills and Supplementary Finance Bills should henceforth be dealt with exlusively by the United Althing and at the same time that the *eo ipso* members of the Upper Chamber should be abolished, there is much less likelihood of serious disputes between the Chambers than before. However, it can happen that the majority of a party or of several parties in the United Althing is not big enough for it to suffice for a majority in both Chambers. In that case it may be impossible to pass necessary legislation. Tax legislation Bills, for example, still need the approval of both Chambers, and various other legislation is often necessary for the maintenance of settled government. After the formation of a new Government in December 1958 a situation arose in which the Government had a majority in the United Althing and the Lower Chamber but was in a minority in the Upper Chamber. However, because its opponents were divided it was able to settle the most urgent matters by the alternate support or neutrality of one or other of the opposition parties, a dissolution of the Althing being imminent.

All the same, it is evident that this system can sooner or later lead to serious difficulties. On the other hand, it ensures that a narrow majority cannot decide matters over which there is acute disagreement. At any rate, there has not so far been any particular desire to alter this procedure, either by abolishing the division into Chambers (though proposals to this effect have been made from time to time) or by following the Norwegian example for dealing with disputes between the Chambers.

However, there has undoubtedly been a trend towards a decline in the importance of the division into Chambers. In the course of time more and more matters have been submitted for decision to the United Althing alone. Varying methods of election of members no longer have any influence on where they sit, and owing to firmer party organization, there is less likelihood than before that the attitude of the Chambers in important matters

[27] *Alþingistíðindi* 1932 B. pp. 2412-15, 2420-2.

will differ. The chief advantage of the division into Chambers now is therefore that formal shortcomings in legislature are less probable, while at the same time various improvements can be made or amendments effected, especially if the parties have not committed themselves to specific solutions. Whether this advantage outweighs the delays, the inconvenience and the expense involved in the division into Chambers is another matter. The real justification for it lies in the protection it affords minorities. Nevertheless, it is not unlikely that if serious difficulties were to arise and persist, demands would soon be made for a complete reorganization.