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## The Icelandic Federalist Papers

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No. 4: On Republics and the Strength of the Union

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## No. 4: On Republics and the Strength of the Union

### To the People of Iceland:

It is a question “reserved to the people” whether “societies of men are really capable or not of establishing good government from reflection and choice” (Federalist Paper No. 1). The people of Iceland remain at a revolutionary moment. Having framed and supported a bill for constitutional reform, you are now confronted with the question of how to best advance those aims in the face of resistance and delay on the part of the current governing officials.

It is to be expected that the reform of any existing governmental arrangement will naturally excite resistance among those who have a vested interest in its current constitution, not the least of whom are the elected leaders and officials who stand to see their institutional authorities altered. The political classes are sometimes motivated to use the power with which they are entrusted for their own private interest rather than for the common good. The liberty of the people is thus dependent upon the vigorous and eternally-vigilant evaluation of government. The collective voice of the people in demanding constitutional reform must be heard and the current body of governing officials held accountable to advance rather than impede such important civic debate.

Constitutional revision should, of course, be approached advisedly, with due caution and reason. It is not wise to entertain every complaint or trivial defect, but rather it is recommended to give full and careful consideration to the most salient of questions: What is the need for reform? What additional securities can be achieved through the proposed reform? What are the advantages of the proposals relative to the current constitutional design? In this spirit, we consider herein the question of whether the proposed changes are more wisely framed for a Republic of Iceland’s geographical size and population and determine that the changes proposed provide an even more robust and workable union for the inhabitants of Iceland.

From the opening words of its preamble—“We the people who inhabit Iceland”—there is a new and important recognition of the modern realities of the growing diversity of Iceland’s people and interests in a global context. As diversity is a strength of extended republics, so too is it a strength in compact ones. The clarification and enumeration of civil, political, and environmental rights creates a constitutional document that is more in line with the evolving social values of the polity as a whole. These proposed changes infuse within the nation’s political institutions a political culture more suited to securing the interests of the modern society of Icelandic people. Such adaptations reinforce rather than weaken the existing bonds within the Republic.

Iceland does not suffer the challenges confronting extended republics. It may be said that the nation enjoys the happy existence of a natural community, with shared interests and common goals. There is felicity in your nation’s geographically insular situation and environmental riches. Your citizenry is well-educated, relatively homogenous, and your people are connected - by an enviable degree of communication. Whereas extended republics are strained by distance and divisions, there is great strength in a small republic that retains the ability to mobilize, innovate, and adapt.

Yet serious threats to internal liberty remain where there is disunity and dysfunction within, or where a central government has grown alienated from the legitimate concerns of the

citizenry. Faction may fester and flourish in a small republic, no less than an extended one. The limited geographical territory and small population of your island nation, moreover, do not reflect an isolation or insulation from the global affairs. To the contrary, while as a nation-state Iceland may be counted as a small republic, it must also be counted as a full and robust participant in the international economy and world politics. The inclusion of an article on foreign affairs in Articles 109-111 is a welcome development. National sovereignty is secured where the bounds of sovereign authority are clearly established. The new constitution ensures that any transfer of power to international organizations requires an act of parliamentary approval with the additional safeguard of approval by public referendum for “significant transfers of power.” Far from being abrogated by these provisions, national sovereignty is secured through the constitutional requirement of democratic consent.

Iceland enjoys a long and pervasive history of local autonomy that is transparent and participatory. The proposed constitutional revisions more securely extend at the national level the elements of direct democracy cherished and reaffirmed at the municipal level. The recent crises and the non-responsiveness of the national institutions under the current constitutional arrangement have taken a toll on democratic faith, which has manifested in declining turnout in local elections and the disaffection the youth vote. The enhancement of institutional arrangements at the national level only reinforces the commitment to civic participation and democracy that is historically well-grounded at the local level. The inclusion of devices of direct democracy provides the people with a voice and enhanced influence over governmental decision making on matters of importance. With its attendant protection of human and environmental rights, adoption of constitutional changes would restore eroding trust. Strengthening of voice of the people at the national level will serve to have a unifying effect, diluting any factious impulses that may arise from internal diversity. In this way, the draft constitution wisely seeks to correct the imbalance between the rural and urban areas in terms of proportionate voting strength. The fundamental principle that the “votes of electors everywhere in the country shall have equal weight” is critical to forestalling the inequities of political power, friction, and resentment that accompanies the malapportionment of votes.

Enactment of the new constitution can be accomplished without any fear whatsoever of diminishing the power and autonomy of local authorities. Relative to the current constitution, the draft constitution offers much more extensive protection of Iceland’s municipal governments. Article 105 affirms the independence of municipalities and ensures sufficient capacity and income necessary to meet their expanding responsibilities, while preserving autonomy over local decisions. This is a particularly important provision given the transfer of services. Article 106 entrusts to municipalities those services which are best discharged at the local level. Article 107 protects the integrity of local electoral processes and guarantees that the rights of the citizens to decide issues through referendum be determined by law. Perhaps most importantly to the protection of municipalities, the proposed constitution includes an obligation of consultation with municipalities in the preparation of any legislation concerning municipal affairs.

Such substantial protections for local government are absent in the current constitution, which states only that “local authorities shall govern their own affairs,” and grants local authorities discretion in the expenditure of revenue. The proposed revisions are far more robust in protecting municipal governments from the burdens of unfunded mandates and the transfer of services without adequate resourcing and consultation. There is no usurpation or diminishment of municipal powers contained therein, nor any danger of inciting rivalry among municipalities which remain of equal status regardless of population size. Neither regional identity nor inter-

municipal cooperation is threatened through the proposed revisions. Indeed, the draft formally constitutionalizes municipal autonomy and ensures that local governments enjoy greater capacity to supply an increasingly diverse array of services. The power of local majorities over issues of local concern is thus secured and enhanced.

On the whole, the draft constitution responds to the lessons of recent experience, preserving and strengthening the union while correcting revealed deficiencies in the existing political, institutional arrangements at the national level. Preserving the unique historical, cultural, and legal history of the nation through its familiar elements, the new constitution serves to achieve a more perfected union, one initiated and adapted by the democratic will of its citizens. Whenever a citizenry seeks to lessen the grip of dysfunction, resistance is to be expected and the seeds of doubt actively sown. Inertia is the faithful friend of those who would seek to block reform. The public's expressed approval for substantial constitutional revision has already forced recalcitrant politicians to offer promises of more modest, incremental reform selectively directed. Beware of half-hearted or empty promises. Among the lessons of constitutional reform is the surrender of a comprehensive vision to the easier (but less effective) path of piecemeal amendment.

An enduring lesson of constitutional reform is that crisis creates moments of opportunity. Those moments, if not seized, too often and too quickly pass without remedy or meaningful redress. Explaining the long and failed history of electoral college reform in the United States, a senator once likened the pattern of inaction to ignoring a hole one's roof: when the sun is shining, it is easy to forget the hole needs fixing; by the time it rains again, it is too late. The citizens of Iceland have mobilized in a common call for change, calling for the revitalization of their parliamentary democracy. The process that produced the draft constitution was an open and publicly-accessible convention as has ever existed. Born of a democratic mandate and conceived in transparent collaboration, it has rightly been hailed as a model for other polities to follow. Duty imposes upon your representatives a sacred obligation to engage in a good-faith effort to heed the concerns and accede to the call of the people for the democratic consideration of change.

—CIVIS