15 The rise and fall of bicameralism in Sweden, 1866–1970

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Introduction

The Swedish parliament of four estates followed from the constitution of 1809. In fact, however, it had older roots, dating as far back as the fifteenth century, when it consisted of nobility, clergy, bourgeoisie and peasants. In 1866, it was replaced by a bicameral system that was to last until 1970. The constitution of 1809 quite quickly became obsolete, and more gradually in other respects, which is hardly surprising given that it proclaimed, among other things, absolute monarchy. Thus, it quite simply seemed to be old-fashioned and failed to correspond to society's needs in the late nineteenth century. After 1920, when democracy prevailed, and until the current constitution (*Regeringsformen*, the Instrument of Government, IG) was enacted in 1974, it could have even be said that Sweden was a state without a wholly functioning constitution (Sterzel 1998).

The Swedish Parliament was thus bicameral from 1866 to 1970. This followed from the Parliament or *Riksdagsordningen* (Riksdag Act), which held a constitutional status and was seen as one of Sweden's four constitutional acts, although it regulated only the internal workings of Parliament. In 1970, that act was replaced by a new Riksdag Act, which was based on the fact that the Parliament is unicameral and no longer has constitutional status (though it formally has a higher status than ordinary laws in the Swedish hierarchy of legislature). The new constitution of 1974, which still exists today, clearly states that Sweden has a unicameral Parliament – with 349 members elected every fourth year (*Instrument of government* s.d., ch.3, art.1–3).

General historical background

Against this introductory background, we shall now see how the bicameral system in Sweden developed and then disappeared without following a detailed, linear or chronological path. It may be noted that, given the fact that the 104 years from 1866 until 1970 marked a period of great economical, political and social success for Sweden, it is somewhat surprising that the bicameral model was quite suddenly abolished (and that there is very little debate about its possible reappearance today). The reasons for this are, I think, twofold.

The first reason has to do with the perspective of popular sovereignty in the Swedish constitutional doctrine, heavily dominated by political scientists, from 1920 until circa 1995, when Sweden joined the EU. Secondly, the fact that the model for bicameralism chosen in 1866 gradually became increasingly old-fashioned, leading to, among other things, several unfair electoral results (notably in 1948, as explained later). The first of these reasons should be seen in light of the fact that the old constitution of 1809 was formally – but not in reality – based on the principle of separation of powers, a theory and a constitutional model that were then, towards the end of the nineteenth century, considered undemocratic in Sweden and thought to contribute to preventing true democratic reforms. It also meant that other constitutional perspectives were difficult to introduce into the debate.

The second reason became a real political issue sometime around 1950. It resulted from the fact that the direct elections of the lower and upper chamber, composed according to the local and municipal election results, were not held simultaneously. This helped the Social Democratic Party to remain in power from 1932 to 1976, to the great frustration of right-wing parties. The apparent weaknesses in the bicameral system eventually led to intensified demands for constitutional reform(s). It may also be noted that it explains why Sweden, quite uniquely, has, since 1970, had only one single election day – in September, when all local, municipal and national elections take place.

However, it must be noted that, in most other aspects, Swedish experiences of the bicameral system were actually positive. The two chambers were relatively equal in terms of legislative and other powers. From 1894, the upper chamber had 150 members; the lower chamber, 230 members. The explanation for the different sizes and electoral models of the two houses is that it allowed for equal representation for the cities and rural areas. One of the values that seem to have been lost after the reform in 1970 is, indeed, a kind of parliamentary protection of local and municipal self-governance.

Other traditional arguments in favor of bicameral systems advocated in other parts of the world, such as the need to protect a federal system or to secure representation for an – allegedly – ‘enlightened’ aristocracy, have not been discussed as often in Sweden, despite the fact that the ‘upper classes’ lost parliamentary representation of their own in 1866. Instead, other constitutional issues have been more visible in the debate. Ever since 1995, the development towards increased judicial review, a clearer constitutional role for the courts and some other aspects of separation of powers have been highly visible in Sweden, where the EU membership has had a more profound constitutional impact than in most other member states. Still, the idea to reintroduce bicameralism is very rarely heard in the political or constitutional debate. That is due to the fact that other constitutional issues have been considered more urgent and, probably, also that Sweden has avoided falling into any deep economic or societal crises. For instance, during the last severe economic downturn in Sweden, in the early 1990s, attention was given instead to reforms in the budgetary process (that made it easier for parliamentary minorities to get their budgets approved) (cf. *Instrument of government* s.d., ch.9). The issue

of bicameralism may, however, get more attention some other time in the future, should similar problems arise once more. It is a neglected issue in today's current constitutional debate that merits more attention both from scholars and from politicians (cf. Nergelius 2001).

Some crucial moments from 1866 to 1966

But why did different crises occur, then, and what sort of crises were they? One of the beliefs presented in this book is 'that the history of senates is related to political crises'. To some extent, this is true also for Sweden, though in relation to the bicameral system that existed from 1866 to 1970 (since the upper chamber in Sweden was never called or seen as a proper senate). Both the birth and the eventual abolition of this bicameral system are, in a way, related to different kinds of crises, though none of them may be described as fatal or extremely dramatic. However, in order to understand this, we have to go back to the period before the bicameral system was introduced, i.e. to the years 1809–1866 (cf. Nilsson, this volume).

Bicameral legislature replaced the old Swedish Parliament of Four Estates (*Ständsriksdagen*) that, according to the constitution of 1809, consisted of nobility, clergy, bourgeoisie and peasants. It seems to have been the case that the introduction of bicameral legislature was discussed in Parliament as early as 1809–1810, when the new constitution was enacted, and the constitutional committee (*Konstitutionsutskottet*) was actually in favour of it (Stjernquist 1996). A proposal along those lines was put before the Parliament in 1815, but it was voted down without much discussion (Stjernquist 1996; cf. Brusewitz 1917). Obviously, the political and economic interests that upheld the Parliament of Four Estates were significant at the time, before gradually diminishing during the nineteenth century, when new groups in society, such as craftsmen and businessmen who did not formally meet the economic requirements for being seen as 'bourgeoisie', started to push for more influence. Within the aristocracy itself, more modern philosophical and political ideas from the European continent also gradually undermined the idea of a parliamentary system built on these old, old-fashioned estates (cf. Stjernquist 1996). It is worth noting that the main architect of the bicameral model, former Prime Minister Louis de Geer, was himself a member of the nobility.

The two chambers in the Swedish bicameral system were relatively equal in terms of legislative and other powers. From 1894 the upper chamber had 150 members and the lower chamber had 230 members, of whom eighty were elected by the cities and 150 came from the rural areas. The two chambers had different sizes and electoral models in order to allow equal representation for the cities and the rural areas, but the two chambers did have more or less equal powers in legislative matters, which gradually came to cause problems. This equality between the chambers was even written into a new article, §49 of the constitution of 1809. It also included a similar legal and political responsibility for the government before both chambers (*Constitution of 1809*, §107), as well as common committees and common voting in budgetary and tax matters. All these factors led to an

equalisation of the position and importance of the two chambers that seems to have had few equivalents within bicameral systems anywhere else in the world (Stjernquist 1996).

It was not until the bicameral system was introduced that the Swedish Parliament began to convene annually. Thus, parliamentary elections were organised, and both chambers were elected for a certain period of time. At the same time, the state budget was also made annual and the king was given the power to dissolve Parliament, provided that he called new elections either for both of the chambers or for just one of them (Stjernquist 1996).

What were the arguments, then, for this new parliamentary model? Arguments brought forward in the governmental bill introducing the new system included the wish for a balance of power between Parliament and government (but not for separation of power in the classical, American sense) and the idea that the upper chamber should guarantee a kind of *continuity*, preventing one-sided and hasty decisions by also taking the enlightened perspectives of wealthy and educated classes within society into account (*Proceedings from the Swedish Parliament* s.d.). Such arguments are well known from other states, where they may have led to the establishment of senates.

The members of what was, in some way, the Senate, were originally elected for nine years, while the MPs of the lower chamber served three-year terms, before the latter was changed to four years in 1919. However, in 1909 the mandate of the members of the upper chamber was reduced to six years and in 1921, finally and until its abolishment in 1970, extended to eight years. At the same, a proportional electoral system was introduced, and the number of constituencies was reduced from thirty to nineteen for the upper chamber and from fifty-six to twenty-eight for the lower. All these rules and figures remained in force until 1970. It should also be noted that the ‘continuity’ mentioned earlier, which the upper chamber was supposed to ensure, was maintained by dividing the nineteen constituencies into eight different groups, which meant that when elections to the upper chamber (that were partly indirect and depended on the outcome of the local and regional elections) took place every fourth year, this happened only in some of these constituencies. Here, the system had an obvious resemblance to the American bicameral system, which is still in place today (though the regular re-election element there is much clearer). And though it was possible to dissolve the Swedish Parliament, as mentioned earlier and as opposed to the American system, this happened only once (in 1958, because of an intense debate concerning the future pension system).

These and other changes within the two chambers escalated and became particularly frequent circa 1920, a development resulting from accelerating democratisation and increased voting rights for men and women. The process towards full and equal voting rights for all men and all women (i.e. one person, one vote) took place through many gradual steps from circa 1880, first reducing differences in the voting rights scale for men and then finally, in 1921, also giving women the full right to vote. Real and full democracy was thus not achieved until the early 1920s (cf. Andrén 1937; Vallinder 1962; Stjernquist 1996).

During this whole time, from the early twentieth century or even from 1866 until the 1960s, the bicameral system was very rarely questioned within public debates (Stjernquist 1996). It is very easy to identify the turning point(s) when critical voices were first heard and later taken seriously. As is often the case in Sweden, when the time was ripe, important changes could be brought about quickly.

First, after the general election for the lower chamber in 1948, dramatic events unfolded when the right-wing parties did actually win the election, but the Social Democrats managed to stay in power because of their remaining majority (together with the Communist Party) in the upper chamber. This outcome showed that there were weaknesses in the bicameral system and led to intensified demands for constitutional reform(s).

After the 1966 upper chamber election, the Social Democrats lost a significant portion of the vote, receiving some 42 per cent of the total popular vote. This was seen as a failure, though it did not lead to a loss of power and today it would have been hailed as a great success. The permanently governing Social Democratic party came to the conclusion that the criticism against the allegedly old-fashioned and unfair bicameral system was the main reason for this defeat. This criticism had been raised repeatedly by the right-wing opposition and primarily by the People's Party and its well-known leader, Prof. Bertil Ohlin. In other words, many voters now shared the People's Party's critique that the Social Democrats wanted to preserve an unfair electoral system because it was in their own best interest to do so. Suddenly, then, the governing party agreed with the opposition and decided to abolish the century-old bicameral model, obviously because of a sudden political obstacle and apparently without any real, profound constitutional analysis. It cannot, therefore, be said that this bicameral system failed, as such (cf. Nergelius 2001). We may also note that though the constitutional and political importance of the issue was evident, it did not lead to any heated general political debate. The majority of the voters had a mild interest in the issue, caring, as they often did, more about social and economic matters than constitutional issues.

Analysis of specific political matters affected by the bicameral system

The monarchy

Sweden has been a monarchy for a very long time, even before 1523, when the first real 'national' king, Gustaf Vasa, came to power (after successfully organising an uprising against Danish invaders). It may, of course, be questioned whether this hereditary regime, with all its privileges, is really adapted to a modern, secular and highly egalitarian society such as Sweden has today, but regular opinion polls show that support for the monarchy as an institution continues to be strong among the citizens (with some 70 per cent being in favour of it). Today the majority of MPs seem to be in favor of a republic, at least in their statements, but no party is actively pursuing this issue.

The rules regulating the monarchy are to be found in Chapter 5 of the *Instrument of Government* (s.d.) and in the Act of Succession from 1810. Those rules and in particular the laws established in 1974 may be seen as giving the monarch as little power as possible, while at the same time preserving the representative and dignified nature, character and tasks of the institution. This is in contrast to the old 1809 constitution, which originally stated that ‘the King governs the country by himself’ (though, it was added, ‘in accordance with the constitution’) (*Constitution of 1809*, §4). In other words, according to the letter of the constitution, Sweden was an absolute monarchy as of 1809, though it was never one in reality. According to the old constitution, the king was assisted in his exercise of the governing power by the so-called Council of State (*Statsråd*), which gradually developed into a modern government. The legislative power was shared between the Parliament and the king but gradually, during the nineteenth century, became the responsibility of Parliament. Here, it is clear that the constitution contained and was based on certain ideas of balance or even separation of powers, though, as stated earlier, this constitutional model did not include any role for the courts. Thus, Montesquieu or the American Revolution was not among the inspiring elements for the group of persons who elaborated the constitution of 1809. After the introduction of the bicameral system, the king simply stopped using his veto in legislative matters. Parliamentarianism as a constitutional model, with a government based on support from a universally elected parliament, was finally wholly accepted by the king in 1917, after a dispute concerning the defence budget and rearmament during the First World War.

In relation to the bicameral system, it may be noted that the king and the government did not always agree on the issue of when and under which circumstances one of the two chambers ought to be dissolved (cf. Stjernquist 1996). The king may have occasionally tried to put pressure on individual MPs in order to have his views supported, but there are also examples of him trying to help the government when it met resistance from Parliament (Stjernquist 1996). From 1866 to 1922, the king also appointed the speaker and vice speaker of both chambers (*Constitution of 1809*, §52). However, after the introduction of parliamentarianism and universal suffrage, it was never doubted that the formal power to dissolve one or both chambers rested with the government. By and large, then, the relationship between the king, the government and Parliament was not a significant problem during the bicameral era and, in particular, not after 1920.

Political minorities within the parliamentary system

It is thus clear that the Swedish bicameral system managed to secure representation for both urban and rural areas in a way that was appropriate for Swedish society at least in the first half of the twentieth century but maybe less so in the 1960s, when urbanisation started to be a real factor in societal development. Thus, this could have been a further argument for abolishing the bicameral system, but oddly enough, it was very rarely heard in the public debate, which focused almost entirely on the system’s alleged electoral unfairness. Here, we may also find one

of the reasons why local or regional self-governance and municipal autonomy do now enjoy rather weak constitutional protection, despite constitutional reform in 2010 that aimed at strengthening them (*Instrument of government* s.d., ch.14). Though they are both generally seen as very important parts of the Swedish democracy, as clearly indicated by the constitution, they are not given very many specific powers, and the current national electoral system is not in any way related to their existence (*Instrument of government* s.d., ch.1:1,7).

The high degree of *representativity* within the electoral system was probably a positive factor, at least for a long time, but at the same time, the aftermath of the dramatic election for the lower chamber in 1948 showed that the system did not meet modern demands for electoral justice, equality between political parties and a parliamentarianism based on a proportional electoral system. Thus, we may say that, after 1966, the system was brought down by the contradiction/tension between the formally proportional electoral system of the 1920s and the 'unfair' elements of the bicameral system that enabled parliamentary minorities to remain in power after general elections.

But what about the effects of the system for different groups of political minorities while it lasted? Here, it is obvious that there were some differences if we compare the periods 1866–1920, on the one hand, and 1921–1970, on the other. Detailed studies conducted by different scholars show that although the two chambers actually managed to agree on most issues in the end, this happened after amended proposals and/or common votes in no less than 2,806 cases between 1867 and 1921, while it happened only 728 times from 1922 to 1970 (cf. Stjernquist 1996). During this period, proposals supported by the lower chamber won the final support of the majority of parliamentarians much more often than the opinion or position supported by the members of the upper chamber. Although the members of the upper chamber were often older and more experienced, political power gradually seems to have turned more and more to the lower chamber, where the more crucial and vital political debates were often held.

The main gender-related issue during the bicameral era concerned equal voting rights for women, which were finally introduced in 1921. After that, the gender issue did not become a major political matter in Sweden until the 1970s, when the unicameral system was already in force. Gradually, the representation of women within political assemblies started to grow, including in Parliament and the government. In 1994, the number of men and women within the government was equal for the first time, but it may be noted that Sweden is now the only Nordic country that has never had a female prime minister.

Conclusions – experiences of a bicameral system and its abolition

Thus, Sweden had a bicameral parliamentary system for just over a hundred years, from 1866 to 1970. During that time, the country developed from one of the poorest in Europe to one of the richest, with a well-functioning democracy.

Though the bicameral system was by no means one of the main reasons for this spectacular economic and societal development, it is clear that the model enabled it or at the very least did not prohibit it. This period in Swedish history was quite simply remarkably successful. With that in mind, it is somewhat strange that the model was so quickly abolished and that its absence is not discussed more frequently – in particular since the almost fifty years since its abolition have not been quite as peaceful and filled with harmony.

There are, of course, various reasons for this. Some of them have been identified earlier, such as the consequences for the Social Democrats of (the wide-spread criticism of) the alleged electoral injustice in 1948 and its aftermath, which made it impossible for the government to defend the system against the opposition and thus led to quick constitutional reforms, starting in 1970 but continuing throughout the 1970s. Other, quite different aspects come into play here. For instance, the period from 1920 to 1970 was beneficial for Sweden in many ways, reflecting uninterrupted peace, economic growth and a peaceful labour market. Politicians involved in introducing the new constitution in the 1970s, which was built around the unicameral Parliament as a cornerstone, may have incorrectly believed that such fortunate circumstances were going to last more or less forever, which means that a proper analysis of what the abolition of the bicameral system would mean for Sweden was neglected. In retrospect, it is, in any case, obvious that the change from one parliamentary system to a quite different system happened very quickly – perhaps, in hindsight, too quickly, since some of the advantages of the former system seem to have vanished without being replaced by anything better.

A further argument in favour of introducing a bicameral system once again – though it has so far not been on the agenda – could be the potential advantages of introducing a kind of senate or ‘real’ upper chamber, with a role that is clearly different from that of the lower chamber and with other competencies. Such an institution, though small, could stand freer from different interest groups than Parliament and focus instead on long-term planning, perhaps related to globalisation. Though it is perhaps an unrealistic idea, it is definitely new and interesting and deserves to be taken seriously, given the many ‘pros’ or virtues that the old bicameral system seems to have had.

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