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## The Strange Revival of Bicameralism

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## THE STRANGE REVIVAL OF BICAMERALISM

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### ABSTRACT

The turn of the twenty-first century witnessed a surprising reversal of the long-observed trend towards the disappearance of second chambers in unitary states, with 25 countries—all but one of them unitary—adopting the bicameral system. This article explores this development by first setting it in the context of the historical evolution of second chambers and the arguments that support this model, and then exploring the characteristics that distinguish today's second chambers from first chambers. A 'census' of second chambers in 2014 is used to provide data on second chambers in federal and unitary states, to facilitate comparison with earlier data, and to distinguish between 'new' and longer-established second chambers. The article concludes that newly established second chambers are concentrated predominantly in political systems where liberal democratic principles are not established, suggesting that the debate over their role in democratic states is set to continue.

Keywords: legislatures, parliament, bicameralism, second chamber, political reform

### INTRODUCTION

Much of the recent literature on democratisation embraces a striking teleology: the notion that historical progress has entailed a steady expansion of democratic institutions, amounting to 'a global surge towards democracy' (LeDuc, Niemi and Norris, 1996: 1) and 'a recent dramatic expansion of democracy ... opening the way to a more prosperous, peaceful and humane world' (Haerpfer et al., 2009: 3). This has, however, been accompanied by a growing recognition of the need to distinguish between the holding of elections and the consolidation of democracy: elections, far from undermining autocracies, may assist them in remaining in power (Gandhi and Lust-Okar, 2009). This scepticism about elective institutions poses a particular challenge in the study of second chambers of parliament, bodies that have in any case been criticised as 'undemocratic', 'not popularly accountable', 'unrepresentative' and 'elitist', and as likely 'to obstruct and frustrate the popular will more often than they contribute to constructive, salutary delay' (see Hislope and Mughan, 2012: 113-4).

What role does bicameralism play in the world's political systems today? Statistics on the decline of second chambers in the late twentieth century seemed to suggest that its opponents had the upper hand. Periodic surveys by the Inter-Parliamentary Union (IPU) and others recorded a steady decline of bicameralism, especially in unitary states. The proportion of bicameral parliaments reportedly dropped to 59% in 1961 (Inter-Parliamentary Union, 1962: 12-13), 46% in 1976 (Herman 1976), 34% in 1986 (Inter-Parliamentary Union, 1986) and 33% in 1996 (Coakley and Laver, 1997: 35-7; see also Ameller, 1966). This decline has been widely acknowledged. Massicotte (2001: 153-4), for instance, observed this trend not just at national level but also at subnational level, where second chambers were steadily disappearing (the USA and Australia are major exceptions, with overwhelmingly bicameral state assemblies). But Massicotte also detected a levelling off in this decline in the last two decades of the twentieth century. Shell (2001a: 1) also suggested that the trend towards the elimination of second chambers might have been arrested. Noting the global pattern, Norton (2007: 18) concluded that there was no longer a clear trend towards or away from bicameralism.

This global pattern raises interesting and important questions about the future of second chambers. Is it the case that the tide of decline has indeed turned and, if so, how can this be explained, and what are its consequences? This article aims to address this question by undertaking a 'census' of current second chambers and by exploring the implications of its findings for the comparative study of bicameralism. The data thus generated are insufficient to test rigorously any hypotheses that might help to explain changing patterns of bicameralism, since that would require compilation of comparable data on unicameral systems; but they are sufficient to facilitate a pen-picture of the contemporary state of bicameralism, and to permit a preliminary analysis of the link between bicameralism and democracy.

The article begins by setting bicameralism within its broader historical and theoretical context. It continues with an analysis of contemporary second chambers based on a new data collection extending over 77 second chambers, with a 'census date' of 21 March 2014, addressing two areas in turn: the broad profile of second chambers, and their principle of composition. The last substantive section addresses the political role of second chambers and explores their functions in democratic and non-democratic states.

## **THE ORIGINS OF BICAMERALISM**

The phenomenon of bicameralism is commonly interpreted as an expression of a philosophical commitment to the principle of 'balanced' government that may be traced back to the classical world (Preece, 2000: 68-9; Shell, 2001b: 6). But in examining the appearance of bicameral parliaments we need to look both at the role of historical accident in accounting for

the contemporary existence of second chambers, and at the ideological arguments that have been mobilised in their defence.<sup>1</sup>

### ***Historical evolution***

In explanations of the emergence of second chambers, the contribution of the British parliament is generally acknowledged, with its division into Lords and Commons acting as 'the main model for almost all the bicameral legislatures of today, either directly or indirectly' (Preece, 2000: 69). Whatever its merits as a theory, this interpretation has become a potent 'political myth' (as defined in Flood, 2002: 44): a widely accepted but not necessarily accurate narrative that purports to explain a particular historical development. It was the strength of the myth of mixed government, not the reality of British bicameralism, that was to have such a profound impact on other countries, whether by imposition, as in Britain's own former colonies, or by serving as a model, as in much of the rest of Europe and in the United States, or, indirectly, as a consequence of the export of the US variant to most of Latin America.

Notwithstanding Britain's undoubted contribution to the adoption of bicameralism elsewhere, though, this myth is potentially misleading. British bicameralism was never deliberately designed to match a particular philosophical model, but rather emerged as a consequence of historical accident (Shell, 2001b: 7-9). In important respects, indeed, widely accepted accounts of the British experience (describing a lower house being steadily democratised, and an upper house that retained its conservative composition while being shorn of power) obscures a much simpler key to the transition from medieval to modern parliaments. The process that took almost two centuries in Great Britain (from about 1832 to 1999<sup>2</sup>) occurred more precipitously in such countries as France (1789): there, the notion of parliament as a collection of social orders or 'estates' was replaced abruptly by the idea of parliament as comprising representatives of individual citizens.

Rather than seeing early parliaments as potentially including one chamber that would ultimately be democratised, it is more fruitful to see them as forums where the key social groups into which medieval society was legally divided came together: the clergy (internally differentiated between bishops, senior monastic officials and lower clergy), the nobility (also finely graded, from princes through intermediate ranks, to gentry, titled or untitled), and other social groups, such as the bourgeoisie and other urban classes, and, perhaps, certain categories of free peasants (Myers, 1975: 23-9).

Parliaments varied in the extent to which they were open to all of these groups, and in the formula by which these groups assembled. Originally, in many cases, some or all of the groups came together in a single assembly. The pre-Reformation parliament of Scotland was an example—it brought together the three estates (prelates, lairds and burgh representa-

tives), an arrangement that was redefined after the Reformation but survived up to the Union of 1707 (Goodare, 1996). This unicameral arrangement was the norm in England until the fourteenth century, when the Commons (representing the gentry and the bourgeoisie—the ‘knights of the shires, citizens and burgesses’) began to meet separately from the Peers (the upper nobility and the upper clergy—the ‘lords spiritual and temporal’), with the lower clergy lying outside the parliamentary structure (Patterson and Mughan, 1999b: 2-3; Luther, 2006: 8-9). A similar development took place in Hungary, where the Table of Magnates became a separate house in 1608 (Temperley, 1910: 86-9). But the bicameral formula was not the only alternative to unicameralism: the French Estates General constituted a well-known example of the very common tricameral formula of clergy, nobility, and ‘third estate’, the last corresponding to the English Commons (Marongiu, 1968: 226-8). Parliamentary organisation could even take quadricameral form, as in Sweden until 1866, with the clergy, nobility, bourgeoisie and peasants each meeting in a separate chamber.

For radicals and socialists in the nineteenth century, estate-based representation and restricted suffrage were anathema; they demanded introduction of the ‘four tails’ (direct, equal, universal, and secret voting). The most dramatic transition took place in Finland in 1906. The old Diet comprised four houses, on the Swedish model: the nobility (representing 0.1% of the population in 1890), clergy (0.3%), bourgeoisie (3.1%) and peasants (26.1%), with 70.4% of the population—including urban workers, rural labourers, landless cottiers and others—altogether excluded from representation (Finland, 1894: 39). At a stroke, the Parliament Act of 1906 ushered in Europe’s first fully democratic unicameral parliament, a 200-member body elected by the list system of proportional representation incorporating the ‘four tails’, a chamber which survives in virtually unaltered form to the present. This constitutional revolution was all the more remarkable because of the acquiescence of the head of state, the Grand Duke of Finland—who was also the autocratic Tsar Nicholas II of Russia, with which Finland had been linked since 1809 in a personal union.

Elsewhere, the installation of a parliamentary chamber representing all the people progressed rapidly in the early twentieth century (Nohlen, 1969). Where a second chamber still existed or was created, this was supplementary to the popularly elected one, rather than complementary to it, in respect of membership. Federal states represented something of an exception. The United States and its imitators in the western hemisphere used the second chamber to represent territories; in Europe, the main quasi-federal states, the Holy Roman Empire up to 1805, the German Confederation that succeeded it, and the Swiss confederation, all recognised a second chamber in which the various states were represented. The United Kingdom, uniquely, retained the formal remnants of estate-based representation well into the twentieth century, with one chamber representing the ‘Commons’ (the non-noble

population), and the second chamber continuing to represent those social groups which were excluded from the Commons, the Lords Spiritual and Temporal. This came to an end only in 1999, when membership of the House of Commons was extended to the nobility and upper clergy, whose own chamber was fundamentally restructured. By this time, too, the impact of the Life Peerages Act, 1958, was clearly visible; but a majority of peers in November 1999 were still hereditary ones (McGuinness, 2012: 2).

### ***Theoretical justification***

In the restructuring of the world's parliamentary institutions in the nineteenth and twentieth centuries, historical accident played a major role, but ideology was also significant. For radicals, the ideal of a fully democratised, unicameral parliament was the goal, at least in unitary states. A much-cited judgement attributed to the Abbé Sieyès during the early stages of the French revolution sums up the dilemma: 'if a second chamber dissents from the first, it is mischievous; if it agrees with it, it is superfluous' (cited in Marriott, 1910: 1).<sup>3</sup> This was echoed by later critics, with Jeremy Bentham, for instance, arguing that 'if a second chamber represents the general interest, it is useless; and if it represents only a particular interest, it is mischievous' (Rockow, 1928: 577-8). For critics of the notion of a powerful second chamber, this was simply an anti-democratic device; it was 'part of the defensive armory of the present property system' and 'a bulwark against the aims of the first chamber' (Rockow, 1928: 589-90).

While a large number of roles that second chambers potentially fill may be identified (for example, Baldwin, 2001, lists six), these may be grouped into two broad areas, representation and reflection (Norton, 2007: 6-8).<sup>4</sup> Each of these may be used to justify bicameralism. The concept of *representation*, as is well known, is complex, and may refer to several rather different approaches to the relationship between office holders and those who place them in office (Pitkin, 1972). As Wheare (1968: 140-6) pointed out, the second chamber may be one where 'special interests' can secure a voice. Such 'interests' may be precisely that—vested interests resisting social reform, yet using their traditional authority to legitimise their position, as in the case of the British House of Lords, especially in the past, and the pre-1918 Hungarian Table of Magnates (Bryce, 1921: 445-8). Nevertheless, distinctive groups with a potentially important national contribution (such as ethnic, linguistic or religious minorities, persons with special expertise, or underprivileged groups) may be given at least symbolic representation by this means (see discussion in Lijphart, 1984: 90-105). There is, however, little evidence that members of second chambers share a commitment to such principles of representation, as Bochel and Defty (2012) conclude in respect of the self-perception of British peers. The extent to which chambers vary in respect of representation is explored further below.

Of 'special' groups that might find representation in a second chamber, regional ones are particularly important. Given the central role played by regional interests in federal states, it is not surprising that a distinctive rationale for bicameralism exists in such cases: while the first chamber represents the people of the federation, the second chamber represents its component territories or member states. The *Federalist Papers* described the equal representation of states in the US Senate as 'at once a constitutional recognition of the portion of sovereignty remaining in the individual states, and an instrument for preserving that residuary sovereignty' (Hamilton, Madison and Jay, 1970 [1787-8]: 316). Much later, Wheare (1953: 92-6) argued that while equal representation of states in such circumstances might not be essential, it was certainly desirable, a view shared by Laundry (1989: 5). As Fiseha (2007: 139-46) put it, the second chamber in federal systems can represent the diversity of the state, while the first chamber represents its unity. But this formula is not universally applied in federations: Watts (2008: 1) excludes bicameralism as a defining characteristic of federation, and, although Swenden (2004: 25) argues that 'there is no significant federal democracy without a second chamber', there are recent exceptions to this generalisation, as will be seen below.

The second argument essentially has to do with *reflection*: the idea that bicameralism promotes a stable legislative programme with high-quality laws (Brosio, 2006). William Riker (1992) has defended the merits of bicameral solutions, rather than such alternative devices as supermajorities, to problems of collective decision making. Others have pointed to the capacity of a second chamber to take pressure from the first chamber. Walter Bagehot (1928 [1872]: 95-8), no apologist for second chambers, saw that there were circumstances where they could lighten the burden of work on the first chamber. James Bryce (1921: 450-5), similarly, pointed out that first chambers were highly partisan and encumbered by so heavy a load that their members had little time to consider legislation, leaving room for a second chamber consisting of members with special expertise. This was the view also of Kenneth Wheare (1968: 140-3), who noted the capacity of second chambers to bring a less partisan perspective to bear on legislation and to provide special skills. This line of reasoning is not entirely persuasive, however, since a range of means for bringing more expertise into the first chamber may be imagined.

## **THE GLOBAL PROFILE OF SECOND CHAMBERS**

We turn now to an overview of the world's second chambers. This section is based on a dataset that summarises certain crucial features of the world's 77 second chambers on 21 March 2014; its core is reproduced in the appendix, and updates an earlier dataset that reflected the position in 1996, which offers a baseline study for comparative purposes (Coakley and Laver, 1997: 95-8; Coakley, 1997). Here, we consider two aspects of second chambers: their overall profile, and their makeup.

### ***A statistical overview***

Since the distinction between unicameral and bicameral parliaments is not cut and dried, the first question that needs to be addressed is a definitional one. Some constitutions formally proclaim their parliaments as falling into one category or the other; but there are quite a few borderline cases (Norton, 2004; Luther, 2006: 3-5). Sometimes, the question is whether the 'chamber' is an intergovernmental institution or a parliamentary body. The European Union, like Germany, identifies a single body as its 'parliament': the European Parliament and the *Bundestag* (Patzelt, 1999). But in each case there is a second body with important legislative functions: the EU Council of Ministers and the German *Bundesrat*, each made up of delegations nominated by state governments, where each state has a single, collective vote, with some weighting according to population. However, whereas the *Bundesrat* is usually seen as a second chamber, the EU Council of Ministers is not. In other cases, it is clear that some kind of second deliberative body exists, but its legislative role may be open to question: the Council of Chiefs in Botswana, for instance, the Guardian Council in Iran, the Luxembourg State Council, and certain economic and social councils elsewhere (representing employers, employees and other groups) which have an important consultative role, but not necessarily a legislative one. Of such bodies, only the Slovene National Council is usually regarded as a second chamber. More rarely, it is the distinction between a plenary assembly and a dual deliberative structure that is unclear. The Norwegian *Storting*, for example, was elected until 2009 as a single chamber, but then bifurcated for operational reasons into a *Lagting* (made up of one fourth of the total) and an *Odelsting* (the remainder). Until 1991 the Icelandic *Althing* was organised along similar lines, with an 'upper chamber' made up of one third of its membership and a 'lower chamber' comprising the remainder (Arter, 2000). These systems are usually classed as unicameral.

For purposes of this article, the Inter-Parliamentary Union classification is used to define the set of second chambers. Of the 77 so categorised, the great majority (52) are designated 'senate' or a near equivalent in English; 16 are called 'councils' of one kind or another (such as Federal Council, National Council, or Council of States); eight are labelled 'house' or 'chamber' (as in House of Councillors, House of Nationalities, or, in the case of the Netherlands, First Chamber of the Estates General); and one is called 'assembly' (the National Assembly of Tajikistan). The last case is potentially confusing, since 'National Assembly' normally implies the popularly elected chamber, but in this case the lower house is designated even more broadly as 'Assembly of Representatives'. The term 'senate' itself is potentially misleading. Although in German *Senat* can refer to a second chamber (as in Bavaria until 1999), more generally it refers to the government, as in the case of the city-states of Berlin, Hamburg and Bremen; and during the interwar period, the constitution of the Free City of Danzig provided for a *Senat* (government) elected by the unicameral *Volkstag* (assembly).



[figure 1 about here]

In projecting the 'census' of second chambers back in time, we need to cast the net more widely than the membership of the IPU, within which the world's parliaments were for long under-represented.<sup>5</sup> From the 1990s onwards, the IPU database offers more comprehensive information, but for the earlier period data from other sources has been relied on in summarising the global position. When the timeline is extended back to the early twentieth century, a distinctive pattern emerges, as may be seen in figure 1. A long period of decline seems to have been arrested in the late twentieth century, with a significant increase in the number and even proportion of bicameral chambers in the early years of the twenty-first century, confirming the assessments of Massicotte, Shell and Norton discussed above.

The older pattern of decline had arisen in part from the appearance of new countries with unicameral parliaments, but was also affected by the abolition of second chambers in such cases as New Zealand in 1950, Denmark in 1953 and Sweden in 1969 (see Massicotte, 2001: 170, for a list of 31 countries that abandoned bicameralism). More recently, other political changes were associated with a big rise in the number of second chambers. With the collapse of most communist political systems after 1989 and the disintegration of authoritarian rule elsewhere, many of the successor regimes adopted or reverted to bicameral arrangements, as in the Philippines (1987), Poland (1989), Romania (1990) and Ethiopia (1995). But the turn of the century saw a more dramatic resurgence of bicameralism. Between 1996 and 2012 no fewer than 28 new second chambers appeared, 19 of them in Africa or the Middle East, four in Asia and five in Europe or the former USSR. Over the same period only nine countries moved in the opposite direction.

[table 1 about here]

This new popularity of bicameralism has little to do with any expansion of federal government. Of the 28 countries where second chambers have been created or restored since 1996, only one could be described as federal. Nevertheless, there is a strong association between federalism and bicameralism, as may be seen in table 1, which breaks bicameral systems down by state structure. It will be noted that 76% of federal states (19 out of 25) have second chambers, by comparison with 33% of unitary states (58 out of 164). This shows a significant change from 1996, when 82% of federal states and 26% of unitary states were bicameral. The diminishing gap between the two state types arises in part from the renewed popularity of the bicameral formula in unitary states but also, even more surprisingly, from a move away from bicameralism in federal states. In 1996, the only four federal states that had unicameral parliaments were small: three (Comoros, Saint Kitts and Nevis, and the Federated States of Micronesia) had populations of less than half a million, and the fourth, the United

Arab Emirates, was traditionally lightly populated, though its population has been expanding exponentially since the 1960s. But these four states were joined by two much larger federations that dropped their second chambers: Venezuela (1999) and Nepal (2008).

[figure 2 about here]

There is an established mathematical connection between population and size of the first chamber: Taagepera (1972) showed that assembly size is strongly associated with the cube root of the population, and Taagepera and Recchia (2002) extended this finding to the size of the second chamber in countries where this is based on territorial representation. Statistical analysis of three relationships (based on logarithmic transformations to reduce the impact of extreme variation in size) shows a significant correlation between all three in bicameral countries: between population size and size of lower house ( $r = 0.89$ ) and upper house ( $r = 0.75$ ), and between the two houses ( $r = 0.84$ ). The raw relationship between the size of the two houses is illustrated in figure 2, though here the correlation coefficient drops ( $r = 0.69$ ,  $r^2 = 0.48$ ), since no effort is made to take account of extremes of size. The British House of Lords, even after the 1999 reform, continues to hold the record as the only second chamber that is larger than the first chamber (though the two chambers in Bahrain are of equal size). On average, second chambers are 45% of the size of first chambers, giving an advantage to the latter when there is provision for joint voting to resolve disputes.

### ***The composition of the second chamber***

Unlike first chambers of parliament, where the selection system follows a fairly uniform model, second chambers tend to vary enormously in their composition. The Inter-Parliamentary Union's summary (1986: 16) of the bases of composition of second chambers distinguished six paths: direct election, election by local units, election by the first chamber, election by other bodies, appointment by the head of state, and ex-officio membership; it also identified a seventh (hybrid) formula. Coakley and Laver (1997), taking account of a larger number of cases, reformulated these, identifying seven principles of representation: direct election, indirect election, appointment, heredity, corporate representation, selection by the lower house, and ex-officio membership, with university representation and co-optation as partial approaches. This classification was followed by other authors (for example, Russell, 1999; Russell, 2000: 29-32; Borthwick, 2001). In fact, though, this approach may be seen as merging two quite distinct dimensions: the representation criterion narrowly speaking (the set of people or interests whose representation in the second chamber is intended) and the selection formula (the electoral or other arrangements designed to give effect to this principle).

The *representation criterion* may closely resemble that in the first chamber—the second chamber may also be designed to reflect the views of the population at large. More common-

ly, though, it is not the people of the state, but the territories which make it up, that are intended to be represented. This is particularly the case in federal systems, where the 'stock type of federal parliament' has been described as having a second chamber where the territorial units are equally represented, regardless of their size and population, and whose powers are equivalent to those of the first chamber (Inter-Parliamentary Union, 1962: 4-7). Often, though, there is a compromise between the population and territorial criteria, so that territories are indeed represented, not strictly on the basis of their population, but with a weighting that takes account of population. Sometimes, the representation criterion is more selective: it may be based on social or corporate groups, on elite groups, or on specific privileged components of the population.

The *selection formula* is similarly varied. The most obvious is direct election, whether on the same basis as the first chamber or using an alternative set of rules. Very commonly, though, election is indirect, with the electorate typically dominated by members of regional or local councils—a formula that, perhaps surprisingly, tends to promote even closer links with provincial interests than direct election (National Democratic Institute, 1996: 7; Russell, 2001: 116). Third, members of the second chamber may be nominated by the head of state, or they may be appointed by some other means, such as cooptation by the chamber itself, selection by the first chamber or membership by virtue of some kind of ex-officio or hereditary status.

A summary of the manner in which the world's second chambers are composed in respect of these two approaches is given in table 2. It should be noted that in some cases allocation of the chamber to one category rather than another is problematic, and that in 27 cases a mixture of approaches is in operation; the data here refer to the *predominant* approach. In one case (the Council of the Federation in Russia) two selection formulas, indirect election and appointment, are of equal importance.

[table 2 about here]

**Direct election.** In all, 28 of the 76 second chambers are directly elected. Of these, 10 match the classic criterion of popular representation: the second chamber, like the first, is intended to represent the entire population. Sometimes (as in Colombia, Italy, Paraguay and Uruguay) the most representative electoral system, the party list form of proportional representation, is used for both houses. Romania and Japan use a mixed system for both (with some members elected in single-member districts, a party-list top-up at national level, and, in Japan, some use of the limited vote in second chamber elections). The Czech Republic and Poland use different formulas for the two houses (the list system for the first chamber, and single-member districts using the majority or plurality system for the second chamber). In the two remaining cases, Palau and the Philippines, the unusual block vote system is applied in

second chamber elections, with the plurality system and the mixed plurality-list system used respectively in the first chamber.

In an even larger subgroup, however, 16 in all, direct election is used not to represent the population but to represent the territories of which the state is made up: each is equally represented in the second chamber, regardless of population. This is not particularly surprising in federal states. Thus, in Switzerland and the United States the component units of the federation return two members each to the second chamber regardless of population, in Argentina, Brazil and Nigeria they return three, while in Australia they elect 12 each.<sup>6</sup> This principle can apply also in unitary states, where the main upper tier of local government units may be represented equally in the second chamber: Bhutan's 20 districts and the Dominican Republic's 31 provinces (one member each), Liberia's 15 counties (two members each), Haiti's 10 provinces (three members each), Bolivia's nine departments (four members each) and Zimbabwe's 10 provinces (six members each).

These two patterns are reproduced in rather more complex form in other cases. To start with, the predominant approach described above may be challenged by approaches of another kind. In Thailand, for example, regional representatives have a bare majority, while 49% of the members of the second chamber are nominated by the Senate Selection Commission (a group of five senior officials) to represent other interests, notably the academic, public, private and professional sectors. In Myanmar, while regional representation predominates, 25% of the members of the second chamber are nominated by the army commander. In Spain, most senators are elected on the basis of equal representation of the country's 52 provinces, but 21% are elected indirectly to represent the 17 autonomous communities that make up the federal system—but on the basis of their populations, not on that of equality between them. Indeed, in two cases the directly elected component does not represent either populations or territories unambiguously; rather, while territories are represented, their share is weighted according to population. This is the case in Chile, where each region returns either two or four senators depending on population, and even in federal Belgium, where the directly elected component of the Senate is selected by two electoral rolls, one returning 25 Dutch-speaking and the other 15 French-speaking senators.

**Indirect election.** There are many countries—28, exactly the same as the number of those directly elected—in which the second chamber is said in common parlance to be indirectly elected: the people do not select its members directly, but their representatives do so on their behalf. In some cases (four in all) a system is used that is intended to produce a second chamber which is indirectly representative of the whole population. Thus, in the Netherlands, members of the 12 provincial councils function as an electoral college, their votes weighted by population, to select the second chamber.<sup>7</sup> This can happen even in federal states: in In-

dia, for example, members of the Council of the States are selected by the legislative assemblies of the states and territories, but are distributed between these substantially on the basis of population.

Much more commonly, however (indeed, in 17 cases), seats in the second chamber are distributed equally among the top-tier local government units, whose councillors typically elect them. In the Congo (Brazzaville), for example, councillors in each of the six regions select 12 senators, in Belarus in the seven regions they select eight members of the Council of the Republic, in Uzbekistan in the 14 districts they elect six senators each, and in Kazakhstan in the 16 regions they select two senators each. This can also apply in federal or quasi-federal states. The South African National Council of Provinces comprises nine members selected by each of the country's 10 provincial legislatures, while Pakistan's four provincial assemblies each return 22 members to the Senate.

As in the case of direct election, the picture may in reality be a good deal more complex than this. In Russia, for example, the Council of the Federation comprises one representative of each of the 83 republics and regions on which the federation is based, selected by its legislative assembly; but these are matched by the same number of nominees of the governments of the republics or regions. In Bosnia and Herzegovina, the two 'entities' (the Bosnian-Croat Federation and the Serb Republic) are not equally represented in the House of Peoples: the assembly of the former returns 10 members (five Bosnians and five Croats) while the assembly of the latter returns five, so that it is the three nationalities, not the two federated entities, that are equally represented. Of particular interest are five cases where the 'indirect' procedure is not designed to represent the territories on a basis of equality, but a population weighting is introduced. The French Senate, for example, is elected by local councillors to represent *départements* and comparable units, and the distribution by population is modified by the requirement that each *département* have at least one senator.

As indicated above, the US model illustrates the principle of territorial equality and direct election in federations. But some federations depart from both of these principles. In Ethiopia, members of the House of the Federation are selected by the nine state councils, but the representation of each state is weighted by population. The Austrian Federal Council is similar, with the assemblies of the nine provinces returning between three and 12 members each. The remaining case is perhaps the most misunderstood of all. The German Federal Council (*Bundesrat*) is often described as an indirectly elected second chamber. But its members are not elected at all. In one interpretation, they may be seen as a set of delegations appointed by Germany's 16 *Land* governments, numbering 69 in all, and ranging in size from three to six, depending on the *Land* population. An alternative interpretation might see the Federal Council as comprising 16 members, one from each *Land*, each with a single vote

of varying weight but with delegations of different sizes (members of *Land* delegations must vote *en bloc*, and the number of members present is irrelevant to the weight of any one delegation's vote).

There are times when indirect election is designed to represent neither the population nor the territories of the state. One of the most unusual principles is that of corporate or 'vocational' representation—essentially a modernised version of traditional estate representation. This developed most fully in certain Catholic societies in the interwar period, as in Portugal (the Corporative Chamber, 1933-74), Austria (the Economic and Cultural Councils, 1934-38) and Italy (the Chamber of Fasci and Corporations, 1939-43). During the closing years of authoritarian government in Estonia (1938-40), a National Council constituted mainly on vocational lines functioned as a second chamber (Uluots and Klesment, 1937). Until 1999, one German *Land*, Bavaria, had a bicameral system with a senate selected on vocational lines.

There are two contemporary expressions of this principle. The 60-member Irish senate was designed in 1937 to secure the representation of 'vocational' interests, defined as culture and education, agriculture, industry and commerce, labour, and public administration, but since the electoral college that elects these 43 senators is dominated by local councillors the senate in reality represents party interests, not 'vocational' ones. The National Council of Slovenia is a second example: it consists of 18 representatives of functional groups (social, economic, trade and professional interests), together with 22 representatives of local interests. The House of Councillors in Morocco makes a gesture in the same direction: 108 of its 270 members (40%) are elected by representatives of professional chambers in the areas of agriculture, commerce, industry and services, the craft industry, marine fisheries and trade unions.

**Appointment and other forms of selection.** The remaining second chambers, 20 in all, form a further category, with nomination or appointment as the dominant principle. In the past, heredity played a particularly important role in this group: members of the titled nobility sat in this chamber not necessarily by virtue of their own talents but often thanks to the achievements of their ancestors. This is still the case in Lesotho, where two thirds of the membership of the Senate is made up of the principal chiefs, and chiefs are also represented in the Zimbabwe Senate. The best-known prototype was, however, the UK House of Lords, most of whose members up to 1999 were hereditary peers. Following the 1999 reform, the number of hereditary peers was reduced to 92, with life peers now constituting the great majority and membership extending also to archbishops and bishops of the Church of England)

The kind of nominated second chamber that eventually evolved in the UK had already been installed in parts of the Commonwealth. In eight small states in the Caribbean area, the sen-

ates are appointed; the Governor-General (or, in one case, the President) acts on the advice of the prime minister for most appointments, and on that of the leader of the opposition for others. In these cases, provision is sometimes made for appointments based on advice from other bodies, or at the head of state's own discretion (as in Trinidad and Tobago), and similar arrangements are made in other countries, such as Bahrain and Yemen, though with fewer formal restrictions on the discretion of the head of state.

It is difficult to describe the representation criterion in these cases, since members of the second chamber are intended to represent elite groups within the population at large. In Canada senators are appointed until the age of 75 by the Governor General on the advice of the Prime Minister, but the notion of regional representation is retained: the two largest provinces are represented by 24 senators each, and the remainder by smaller numbers. In a second case, the vocational principle rules: in Oman, the Sultan appoints members of the State Council from defined groups (including science, the arts, business and administration). Elsewhere, it is the politically dominant groups which are represented, as in Jordan, where the King makes the appointments from senior politicians, military officers and other select groups, and in Madagascar, where the Transitional President nominates on the proposal of the political parties.

Aside from the bodies mentioned above, which are entirely appointed, the appointive principle may be the dominant but not exclusive one. Two clear examples are Malaysia, where the Supreme Head of the Federation appoints most of the senators (43; 26 are indirectly elected) and Swaziland, where the King appoints a majority (20; 10 are selected by the House of Assembly). In yet other cases, the head of state makes a small number of appointments to chambers that are selected predominantly on some other basis—in respect of five senators in Bhutan, Italy and Zimbabwe, eight in Belarus and Tajikistan, 11 in Lesotho, 12 in India and 16 in Uzbekistan. We may add to these the peculiar case of Ireland where, uniquely, the appointive function rests with the head of government rather than with the head of state: the Taoiseach appoints 11 senators.

Election (whether direct or indirect) and appointment do not exhaust the range of formulas used in the formation of second chambers. In Cambodia two senators and in Swaziland 10 of the 30 senators are selected by the first chamber.<sup>8</sup> Office holders elsewhere may also be ex-officio members: former Presidents in Burundi and Italy, the Vice President in Uruguay and regional governors in Zimbabwe are examples. As already mentioned, Ireland's two oldest universities are represented in the Senate there, and university staff elect three members of the Senate of Rwanda, survivals of an older, more widespread tradition of university representation (Meisel, 2011: 148-55). Finally, second chambers sometimes co-opt a portion of their membership: three senators in Mauritania, for example, and 10 in Belgium.

**Other conditions.** Whatever the representation criterion or the selection formula, there are at least two other respects in which structural differences between first and second chambers potentially emerge: age and term of office. Bicameral parliaments fall into three categories of more or less equal size as regards age requirements in the two houses. In 24, there is no difference; in 22 the second chamber has a higher age requirement, but this is less than 10 years; and in 25 cases the difference is 10 years or more. Thus, by comparison with the lower house, where 18 is the normal qualifying age for membership, the minimum age in the second chamber is 30 years or more in well over half of all cases (44 out of the 71 where an age limit is specified). Interestingly, this is explicitly recognised in such cases as Afghanistan, where the second chamber is called the 'House of Elders'.<sup>9</sup>

[table 3 about here]

A second feature that sometimes distinguishes second chambers from first chambers is term of office. In many cases the second chamber has the same term of office as the first chamber: four or five years are by far the most common terms, accounting for most second chambers. In some cases these are fixed terms; in others provision is made for premature dissolution. However, terms of six, eight and nine years also occur. Especially when the term is long, provision may be made for partial renewal, as may be seen in table 3. When senators have a term of six years, the chamber is normally renewed in stages: either one third retire every two years (as in the USA), or half retire every three years (as in Japan), though in such cases as Mexico all are elected simultaneously. When the term is eight years, there may be provision for renewal of half of the membership ever four years (as in Brazil), but Rwanda is an exception, with simultaneous election. In Morocco the term is nine years, with one third renewed every three years. The remaining cases are more diverse. In Liberia, senators serve for nine years, but renewal is staggered at six- and three-year intervals. In other cases, members of second chambers have an indefinite term of office: for life, normally, in the British House of Lords, and until the age of 75 in the Canadian senate. In certain federal states (including Austria, Germany, the Russian Federation and Switzerland) the term of office is laid down by the component units of the federation rather than by the constitution.

### **THE POLITICAL ROLE OF SECOND CHAMBERS**

We move now from the composition to the political role of second chambers. A first important question concerns their relative power within the constitutional system. The second question relates to their function in the modern state: the nature of their contribution to the political process, and the extent to which their apparent revival may be linked to the process of democratisation.



***The power of second chambers***

The power of a second chamber will obviously be in part a function of the power of parliament more generally. Measuring this presents formidable difficulties, though a major initiative designed to survey the strength of parliaments worldwide has yielded important data. Fish and Kroenig (2009) based their research on expert country specialists as well as on constitutional documents, and, using 32 closely defined areas where parliament potentially has a role, offered ratings of the strength of the world's parliaments. Their scores are reproduced in the first column of the appendix, where a high score means that parliament has a role to play in a large number of areas (in Argentina, for example, the score of 0.50 means that in 50%, or 16 out of the 32 areas, parliament possessed specific power).

Comparing the relative strength of the two chambers in bicameral parliaments might appear rather easier, since constitutions normally define the relative powers of the two houses rather clearly. If we focus on a central parliamentary function, the legislative process, for instance, we will typically find that the second chamber's role is circumscribed, in that its assent to legislation is not necessarily required, and its capacity to influence money bills is less than that of the first chamber. The two chambers may also have exclusive jurisdiction in specific areas that are difficult to compare: the US Senate, for instance, has a particular role in the area of foreign policy and in cabinet and other appointments, the Italian Senate has a powerful role in controlling the executive, and until the creation of the UK Supreme Court in 2009 the House of Lords had a clearly defined judicial function. Furthermore, regardless of constitutional provisions, there may be important differences in practice in the relative power of the two chambers, ones to some degree amenable to measurement (Money and Tsebelis, 1992; Tsebelis and Money, 1997).

The appendix incorporates an effort to assess the relative power of second chambers, placing them in three crude categories, labelled simply 'high', 'medium' and 'low' in respect of their powers relative to the first chamber. This categorisation is based on three main sources, as described in the appendix, but its very tentative character should be stressed. The 'high' category includes second chambers whose powers are broadly comparable with those of the first chamber; they may even overshadow it, as is arguably the case in Bosnia-Herzegovina and the United States. The characteristic feature is that their assent to legislation is required, and may not be overridden by the other chamber. This is not to say that the second chamber is itself powerful in any absolute sense: in Algeria, for instance, the low overall score for parliamentary power (0.31) suggests that neither chamber is fully involved in the process of government. The 'medium' category is more difficult to define, and to set apart from the categories on either side of it; it refers to second chambers whose legislative veto may be overridden, but only with difficulty (for example, by means of a joint sitting, as in Bolivia). The 'low'

category includes the remaining second chambers, whose veto may be overridden by the first chamber by simple majority, as in Ireland and France, or by absolute majority, as in Austria and Spain.

It has been rightly suggested that the power of the second chamber may be related to its selection formula and to state type, with popularly elected chambers and those in federal states likely to be relatively more powerful, though conservative senates in traditional regimes may also possess considerable power (Blondel, 1973: 33). A study of 12 bicameral parliaments in the Americas, however, has suggested that it is not so much federal status as presidential government that matters (Llanos and Nolte, 2003: 75), and this may well be the case more generally (Russell, 2012). The data in the appendix seem to offer some support in respect of associations of these kinds. Thus, 46% of directly elected second chambers are classified here as 'high' in respect of their relative powers, compared to 14% of those elected indirectly, and none at all of those selected by other means.

Directly elected second chambers may be more willing to challenge governments and the first chamber because of what they see as their democratic mandate. Thus, the Liberal-dominated Australian Senate put an end to Prime Minister Gough Whitlam's Labour government in Australia in 1975 in controversial circumstances, by blocking a money bill. But a nominated or hereditary second chamber, especially if its members have the security of lifetime appointments, need not be reticent in challenging even a democratically elected first chamber. The traditional Conservative dominance of the UK House of Lords before the 1999 reform was reflected in that chamber's much greater hostility to Labour than to Conservative governments. During the era of Conservative rule from 1979 to 1997 the Lords defeated the government on whipped divisions in 8% of cases; but during the following two years of Labour government, before the 1999 reforms, they defeated the government in 25% of cases (computed from Purvis, 2012: 7).<sup>10</sup> These examples highlight not just the importance of the selection formula, but also of its outcome: the political complexion of the two chambers. Their relationship may vary over time, depending on the extent to which they 'cohabit' under the control of different parties, or collaborate when the same party or coalition dominates both (Scully, 2001).

### ***The functions of second chambers***

It is clear that the political role of second chambers varies greatly as between federal and unitary states. In the former, the function of territorial representation is so important that it is the *absence* of second chambers in these cases that requires explanation. In the European Union, reticence about prematurely adopting any of the trappings of federalism and insisting on the union's 'unique' standing may have discouraged identifying the bicameral nature of

legislative arrangements. The abolition of Venezuela's senate in 1999 formed part of the radical reform programme of President Hugo Chávez, and the disappearance of Nepal's National Council in 2002 took place during the turbulent struggle for power between Maoist and traditionalist forces; in each case, exceptional circumstances help to explain unicameral arrangements in a federal state.

On the other hand, when we consider the role of second chambers in unitary states, we revert to the dilemma of Sieyès. If second chambers meet classical criteria of descriptive political representation and possess real political power, they duplicate the role of the first chamber, with which they should, other things being equal, always agree, and thus render themselves redundant. But if they meet the same representative criteria and lack real power, their role is purely ornamental. On the other hand, if the second chamber does not meet conventional standards of popular representation—and, as we have seen, most do not—then finding a role for it in a liberal democratic constitution offers a considerable challenge. If such a chamber lacks real power, then it moves into the 'ornamental' category. But this category is not to be dismissed. There are circumstances where second chambers may be used to isolate and neutralise political groups that would otherwise be menacing—as 'an elegant way to grant immunities to retiring warlords and a return to former constitutional traditions' (Luther, 2006: 8).

Such homes for hostile but retired or sidelined elites need not, however, be entirely lacking in power; and it is the unrepresentative but powerful second chamber that poses the biggest challenge of all for democratic theorists. Such bodies commonly operate in the guise of institutions designed to correct the potential 'excesses' of the first chamber. As the *Federalist Papers* put it in the 1780s, a second chamber can be an important component in a system of checks and balances, especially given the propensity of lower houses 'to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions' (Hamilton, Madison and Jay, 1970 [1787-8]: 316-7). This argument found lukewarm support from John Stuart Mill in the nineteenth century, when he argued that a second chamber would counterbalance the popularly elected house and prevent it from becoming 'despotic and overweening' (Mill, 1912 [1861]: 336). But in the era of modern political parties it is likely that decisions of the lower chamber will be more calculating than hasty, and the case for having another body which could block them in a contemporary democratic state is hard to make. Indeed, the 'checks and balances' argument may simply disguise sectional self-interest. Finer (1946: 677) argued that 'all second chambers have been instituted, and are maintained, not from disinterested love of mature deliberation, but because there is something their makers wished to defend against the rest of the community'. In any event, there are means other than a second chamber for moderating the potential excesses of a

unicameral legislature, with the courts system and a powerful head of state as obvious examples.

These considerations have important implications for the question set out in the introduction to this article: in an age of expanding democracy, how are we to account for the recent apparent upsurge in second chambers? Part of the answer will emerge if we compare the features of the 25 new second chambers with those of the 51 chambers that have been in existence since at least 1996. Only one of the new second chambers (that of Nigeria) is associated with a federal state structure; the remaining 24 are in unitary states. The new second chambers, too, are disproportionately indirectly elected (13 out of 25, compared to 15 out of the 51 longer-established second chambers).

In probing further, it is important to address a matter that has so far been ignored in this article. In looking at the characteristics of second chambers, formal constitutional and legal provisions have been taken at face value—the only practical approach if extensive subjective judgement is to be avoided, but one that obviously does not reflect reality. It is, however, possible to go some way towards assessing also the likelihood that institutions of this kind will function as constitutionally prescribed. Imperfect though they are, two well-known indices assist in offering a general impression of the extent to which the institutions discussed in this article actually conform to liberal democratic principles. The Economist Intelligence Unit's 'Democracy Index' for 2011 uses a number of indicators to arrive at a measure of democracy ranging from 10 to 0—in practice, from 9.80 for Norway to 1.08 for North Korea (Economist Intelligence Unit, 2011). The well-known Freedom House Index uses a similar set of indicators to produce a seven point index of political rights and a similar one of civil liberties (Freedom House, 2012). Notwithstanding their different bases, these indices are strongly inter-correlated, and offer useful measures of regime type.<sup>11</sup>

Indicators of this kind reveal dramatic differences between the new second chambers and the longer-established ones. The countries that host the latter (with bicameralism predating 1996) have a median score of 7.03 on the Democracy Index (for comparison, the score for Hungary is 7.04), while for the newer bicameral regimes the corresponding median score is 3.35 (the value for Angola is 3.32). Looked at from the perspective of Freedom House, long-established bicameral systems are associated with countries of which 33 are classified as 'free', 11 as 'partly free', and seven as 'not free'; of the 25 recent converts to bicameralism, only two (the Czech Republic and Slovenia) are classified as 'free', with seven 'partly free' and fully 16 'not free'. This large group, making up 64% of the new bicameral states, thus corresponds to a category where 'basic political rights are absent, and basic civil liberties are widely and systematically denied' (Freedom House, 2012: 4)—hardly reassuring evidence about the democratic qualities of most newly bicameral states. While the downward trend in

the fortunes of second chambers has been arrested and, at least in the short term, reversed, then, there is little evidence that this represents any kind of expansion of the frontiers of liberal democracy.

## CONCLUSION

Recent developments in the evolution of bicameralism offer a challenge to the long-established body of literature in the area. First, for those wedded to the view that a second chamber is a key institutional component of federal government, it is important to explore why certain federal states have discarded bicameralism—though this development may well reflect a weakening of federal provisions rather than an erosion of the link between bicameralism and federalism. Second, the recent upsurge in the popularity of bicameralism, as measured by the considerable number of unitary states which have adopted it since the mid-1990s, poses an uncomfortable question for defenders of second chambers. It may well be the case that these new bodies contribute to an enhancement of the quality of public policy; but it seems clear that in most cases they have been installed in regimes whose liberal democratic credentials are less than perfect.

In reality, second chambers continue to be essentially 'contested institutions' whose political function is disputed, except in the USA (Mughan and Patterson, 1999: 338-40). While they may indeed serve an important representative function, they can also be accused of being either decorative (if they are representative and powerless), dangerous (if they are representative and powerful), redundant (if they are unrepresentative and powerless), or reactionary (if they are unrepresentative and powerful). We may be sure, then, that debate about the contribution of second chambers to the modern democratic state is set to continue, at least in respect of unitary states; their value as representative chambers, their effectiveness as legislative institutions and their very existence as constitutional bodies will continue to divide academic analysts and political practitioners alike for the foreseeable future.

## NOTES

<sup>1</sup> The three sections that follow are a revised and updated version of material that appeared in Coakley, 2013, which was based on a 'census' date of 15 January 2012.

<sup>2</sup> This is a reference to the little-known section 3 of the House of Lords Act, 1999 (which for the first time granted most peers the right to vote in elections to the House of Commons and to sit there if elected), not to the better-known section 1 (which abolished the general right of hereditary peers to sit in the Lords), as discussed later.

<sup>3</sup> In fact, Sieyès was not an unrelenting opponent of second chambers. He originally favoured the idea of a single body that would divide in two for operational purposes, but by the mid-1790s supported the idea of conventional bicameralism (Forsyth, 1987: 171, 181). His earlier proposal resembles that put in effect in the Norwegian Storting in 1814 and still in operation there.

<sup>4</sup> This terminology seems clearly preferable to that used in Patterson and Mughan (1999a: 12-16) and in Hislope and Mughan (2012: 111-4), who strangely label the second category 'redundancy'.

<sup>5</sup> By 1975, of 140 countries represented in international bodies such as the UN, only 75 were IPU members (Douglas, 1975: 87).

<sup>6</sup> Even otherwise symmetrical federal systems commonly give lower representation to certain types of subordinate territory, and the Swiss picture is complicated by 'half-cantons' that return a single member.

<sup>7</sup> Confusingly, the second chamber in the Netherlands is officially named the "First Chamber" (*Eerste Kamer*), a usage that reflects the conventional 'superiority' of such traditional bodies (or 'upper' houses) to the more popular chambers (the 'lower' houses).

<sup>8</sup> Members of the first chamber also often form part of the electoral college that selects the second chamber, as in Ireland and France, where, however, they are swamped by local councillors.

<sup>9</sup> Given common reliance on second chambers to redress traditional imbalances, and generous quota systems in certain countries, one might expect higher proportions of women in second than in first chambers. But in reality the opposite is the case. In bicameral countries, the proportion of women in second chambers is slightly less than in first chambers (the median value for the former is 15%, for the latter 17%); the percentage of women in the first chamber exceeds that in the second chamber in a majority of cases (41 out of 76).

<sup>10</sup> By 1999, the Conservative share of the membership of the old House of Lords had dropped to 40%, with Labour at 16%, Liberals at 6% and Crossbench and other peers making up the remainder (Purvis, 2012: 5).

<sup>11</sup> For the 166 countries covered by both datasets the correlation is extremely high ( $r = 0.91$ ).

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Table 1: Second chambers in unitary and federal states, 2014

Type of state	Unicameral legislature	Bicameral legislature	Total
Unitary	106	58	164
Federal	6	19	25
Total	112	77	189

Source: Appendix; Forum of Federations, 2014; Inter-Parliamentary Union, 2014.

Table 2: Predominant principles of representation and selection in second chambers, 2014

Representation criterion	Selection formula			Total
	<i>Direct election</i>	<i>Indirect election</i>	<i>Nomination, other</i>	
People	11 (0)	4 (1)	.	15 (1)
Territories-weighted	2 (1)	5 (4)	.	7 (5)
Territories-equal	17 (8)	18 (3)	1 (1)	36 (12)
Social groups, other	.	2	17 (1)	19 (1)
Total	30 (9)	29 (8)	18 (2)	77 (19)

Note: Figures in brackets refer to federal second chambers.

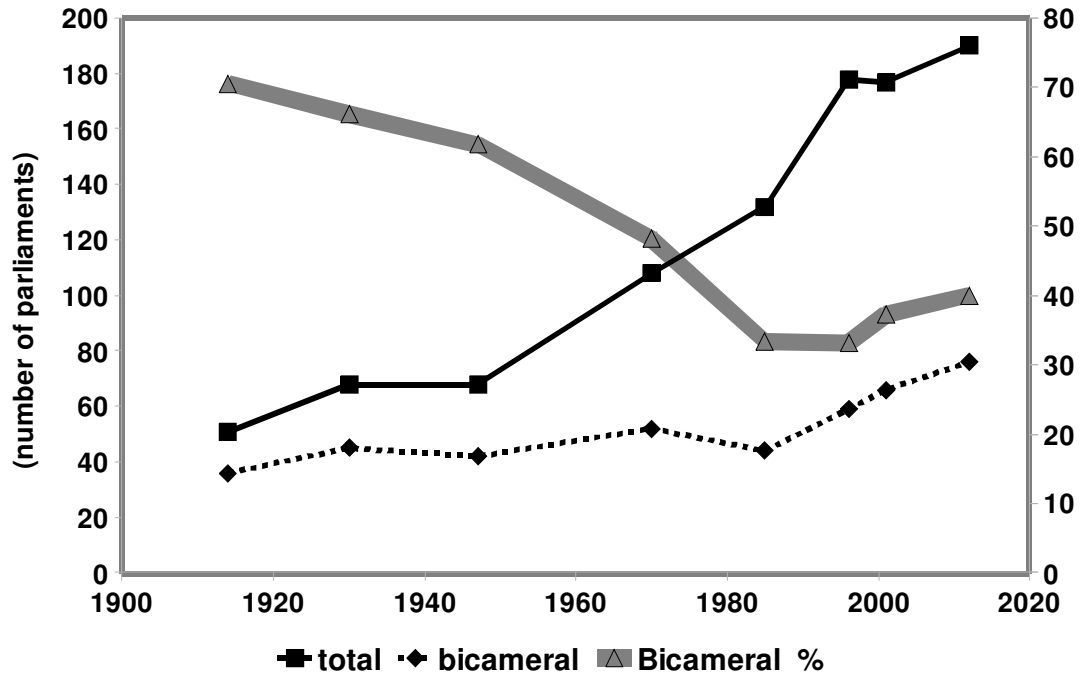
Source: Appendix.

Table 3: Terms of office of members of second chambers, 2014

Term	Unitary states	Federal states	Total	Examples
4 years	11	5	16	Poland
5 years	28	2	30	Italy
6 years	3	1	4	Mexico
6 years (1/2 renewed every 3 years)	6	2	8	Australia
6 years (1/3 renewed every 2 years)	3	3	6	USA
8 years	1	0	1	Rwanda
8 years (1/2 renewed every 4 years)	1	1	2	Brazil
9 years (1/3 renewed every 3 years)	1	0	1	Morocco
variable, continuous, other	4	5	9	United Kingdom
Total	58	19	77	

Note: In the case of those chambers which make provision for full renewal, the terms above may be either fixed or (if there is provision for premature dissolution) maximum.

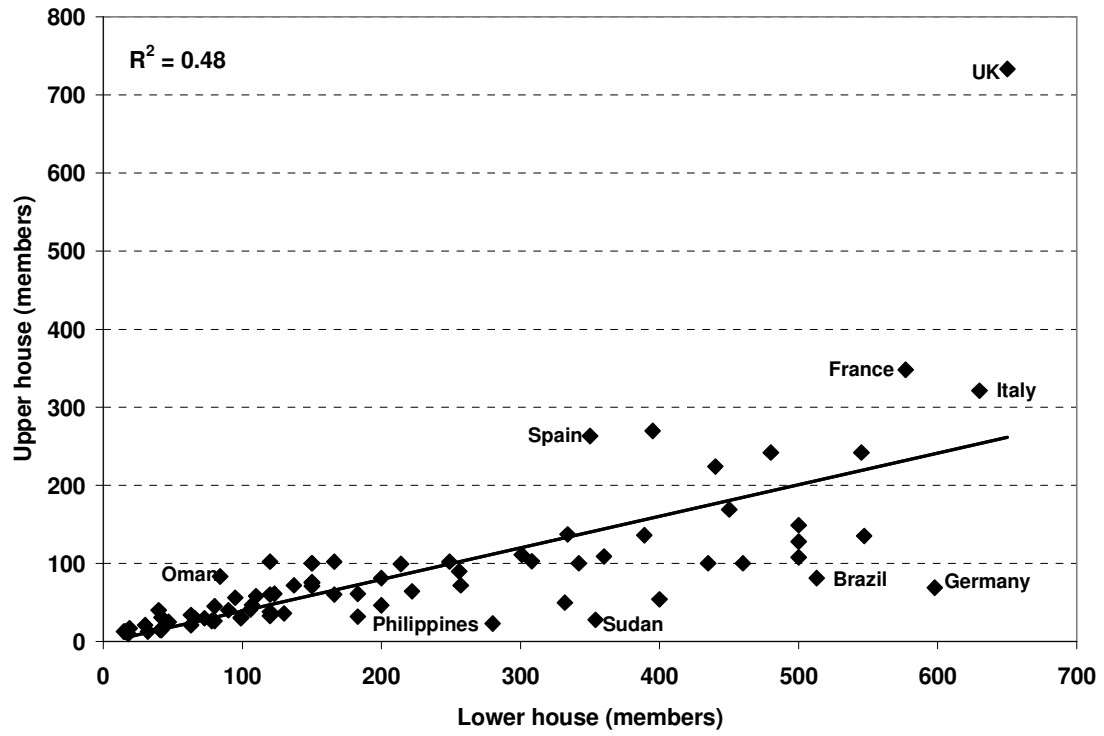
Source: Appendix.



**Figure 1: Bicameral parliaments in relation to all parliaments, 1914-2012**

*Note:* The two thin lines refer to number of parliaments (left axis), the thick grey line to percentage bi-cameral (right axis). Data points are 1914, 1930, 1947, 1969, 1985, 1996, 2001, 2012.

*Source:* Derived from *Statesman's yearbook*, 1914, 1931, 1948, 1985-6; *Political handbook of the world*, 1930, 1947; Blondel, 1973; Coakley and Laver, 1997; Patterson and Mughan, 2001; Inter-Parliamentary Union, 2012.



**Figure 2: Relationship between size of lower and upper houses, 2012**

*Note:* Points indicate parliaments. Selected countries only are identified.

*Source:* Derived from Inter-Parliamentary Union, 2012.

## Appendix: Features of 77 Second Chambers, 2014

Country, Chamber	Parl. Power Index	Second chamber				First chamber		Population 2010			
		power	size	rep. principle	sel. formula	term	min. age	size	ratio	total (000s)	ratio
Afghanistan House of Elders**	0.38	low	102	territory I (equal)	68 A 34	na	35	249	41	24,486	240
Algeria Council of the Nation**	0.25	high	144	territory I (equal)	96 A 48	6-3	40	462	31	35,978	250
Antigua and Barbuda Senate	.	low	17	unspecific	A	5	21	19	89	86	5
Argentina* Senate	0.50	high	72	territory I (equal)	D	6-2	30	257	28	40,519	563
Australia* Senate	0.63	medium	76	territory I (equal)	D	6-3	18	150	51	22,342	294
Austria* Federal Council	0.72	low	62	territory I (weight)		na	21	183	34	8,390	135
Bahamas Senate	.	low	16	unspecific	A	5	30	38	42	347	22
Bahrain Shura Council**	0.19	medium	40	unspecific	A	4	35	40	100	1,178	29
Barbados Senate	.	low	21	unspecific	A	5	21	30	70	276	13
Belarus Council of the Republic**	0.25	medium	64	territory I (equal)	56 A 8	4	30	110	58	9,491	148
Belgium* Senate	0.75	medium	71	territory I (weight)	D 40 I 21 C 10	4	21	150	47	10,879	153
Belize Senate	.	low	13	unspecific	A	5	18	32	41	333	26
Bhutan National Council**	0.22	medium	25	territory I (equal)	D 20 A 5	5	25	47	53	696	28
Bolivia Senate	0.44	medium	36	territory I (equal)	D	5	35	130	28	10,426	290
Bosnia and Herzegovina* House of Peoples	0.63	high	15	territory I (weight)		4	18	42	36	3,844	256
Brazil* Federal Senate	0.56	medium	81	territory I (equal)	D	8-4	35	513	16	193,253	2,386
Burundi Senate**	0.41	medium	41	territory I (equal)	34 E 7	5	35	106	39	7,384	180
Cambodia Senate**	0.59	low	61	people I P 2 A 2	57	6	40	123	50	14,303	234
Cameroon Senate**		low	100	territory I (equal)	70 A 30	5	40	180	56	19,406	194
Canada* Senate	0.72	low	105	territory I (weight)	A	na	30	308	34	34,109	325
Chile Senate	0.56	medium	38	territory I (weight)	D	8-4	35	120	32	17,094	450
Colombia Senate	0.56	medium	102	people I	D	4	30	166	61	45,508	446

Country, Chamber	Parl. Power Index	Second chamber				term	min. age	First chamber		Population 2010	
		power	size	rep. principle	sel. formula			size	ratio	total (000s)	ratio
Congo, Democratic Republic Senate**	0.25	low	108	territory I (equal)		5	30	500	22	65,966	611
Congo Senate	0.38	medium	72	territory I (equal)		6-3	45	139	52	3,752	52
Czech Republic Senate**	0.81	low	81	people D		6-2	40	200	41	10,520	130
Dominican Republic Senate	0.41	high	32	territory D (equal)		4	25	183	17	9,884	309
Equatorial Guinea Senate**		medium	76	people D 56 A 15 E 5		5	?	100	76	700	9
Ethiopia* House of the Federation	0.50	low	135	territory I (weight)		5	21	547	25	79,221	587
France Senate	0.56	low	348	territory I (weight)		6-3	30	577	60	62,968	181
Gabon Senate**	0.44	low	102	people I		6	40	120	85	1,313	13
Germany* Federal Council	0.84	medium	69	territory I* (weight)		na	18	631	11	81,776	1,185
Grenada Senate		low	13	unspecific	A	5	18	15	87	109	8
Haiti Senate	0.44	high	30	territory D (equal)		6-2	30	99	39	10,085	336
India* Council of States	0.63	medium	245	people I 233 A 12		6-2	30	545	45	1,182,105	4,825
Ireland Senate	0.66	low	60	other I 43 A 11 O 6		5	21	166	36	4,474	75
Italy Senate	0.84	high	323	people D 315 A 7 E 1		5	40	630	51	60,483	187
Jamaica Senate	0.63	low	21	unspecific	A	5	21	63	33	2,702	129
Japan House of Councilors	0.66	low	242	people D		6-3	30	480	50	127,450	527
Jordan Senate	0.22	low	75	other A		4	40	150	50	6,113	82
Kazakhstan Senate	0.38	high	47	territory I 32 (equal) A 15		6-3	30	115	41	15,900	338
Kenya Senate**		low	68	territory D 47 (equal) O 20 E 1		5	18	350	19	40,400	594
Lesotho Senate	0.53	low	33	other H 22 A 11		5	21	120	28	1,892	57
Liberia Senate**	0.44	high	30	territory D (equal)		9*	30	73	41	3,477	116
Malaysia* Senate	0.34	medium	70	other A 44 I 26		na	30	222	32	28,250	404

Country, Chamber	Parl. Power Index	Second chamber					First chamber		Population 2010		
		power	size	rep. principle	sel. formula	term	min. age	size	ratio	total (000s)	ratio
Mauritania Senate	0.31	low	56	territory I (equal)	53 C 3	6-2	35	147	38	3,162	56
Mexico* Senate	0.44	high	128	territory D (equal)		6	25	500	26	107,551	840
Morocco House of Councilors**	0.31	low	270	territory I (equal)		9-3	30	395	68	31,851	118
Myanmar House of Nationalities**	0.00	medium	224	territory D (equal)	168 A 56	5	30	440	51	58,377	261
Namibia National Council	0.50	medium	26	territory I (equal)		5	21	78	33	2,143	82
Netherlands Senate	0.78	medium	75	people I		4	18	150	50	16,615	222
Nigeria* Senate**	0.47	high	109	territory D (equal)		4	35	360	30	140,004	1,284
Oman State Council**	0.16	low	83	other A		4	40	84	99	3,174	38
Pakistan* Senate	0.44	medium	104	territory I (equal)	92 P 12	6-3	30	342	30	165,150	1,588
Palau Senate	.	high	13	people D		4	25	16	81	21	2
Paraguay Senate	0.56	high	45	people D		5	40	80	56	6,451	143
Philippines Senate	0.56	high	24	people D		6-3	35	291	8	94,013	3,917
Poland Senate	0.75	low	100	people D		4	30	460	22	38,184	382
Romania Senate	0.72	high	176	people D		4	33	412	43	21,438	122
Russian Federation* Council of the Federation	0.44	low	166	territory I (equal)	83 A 83	na		450	37	142,938	861
Rwanda Senate**	0.47	high	26	territory I (equal)	14 A 12	8	40	80	33	10,413	400
Saint Lucia Senate	.	low	11	unspecific A		5	21	18	61	168	15
Slovenia National Council**	0.75	low	40	other I*		5	18	90	44	2,049	51
South Africa* National Council of Provinces	0.63	medium	90	territory I (equal)	81 E 9	5	18	400	23	49,991	555
South Sudan Council of States**	.	medium	50	other A E	30 20	4		332	15	8,260	165
Spain* Senate	0.72	low	266	territory D (equal)	208 I 58	4	18	350	76	46,071	173
Sudan Council of States**	0.22	medium	32	territory I (equal)		5	21	354	9	30,890	965
Swaziland Senate	0.25	medium	30	other A P	20 10	5	18	65	46	1,146	38



Country, Chamber	Parl. Power Index	Second chamber				term	min. age	First chamber		Population 2010	
		power	size	rep. principle	sel. formula			size	ratio	total (000s)	ratio
Switzerland* Council of States	0.72	high	46	territory (equal)	D	4	na	200	23	7,826	170
Tajikistan National Assembly**	0.31	medium	34	territory (equal)	I 25 A 8 E 1	5	35	63	54	7,295	215
Thailand Senate	0.59	low	150	territory (equal)	D 77 A 73	6	40	500	30	67,312	449
Trinidad and Tobago Senate	0.53	low	31	unspecific	A	5	25	42	74	1,318	43
United Kingdom House of Lords	0.78	low	779	other	A 667 H 88 E 24	na	21	650	120	62,222	80
United States of America* Senate	0.63	high	100	territory (equal)	D	6-2	30	435	23	309,051	3,091
Uruguay Senate	0.66	medium	31	people	D 30 E 1	5	30	99	31	3,357	108
Uzbekistan Senate**	0.28	medium	100	territory (equal)	I 84 A 16	5	?	150	67	25,568	256
Yemen Consultative Council**	0.44	low	111	other	A	na	40	301	37	23,154	209
Zimbabwe Senate**	0.31	medium	80	territory (equal)	D 60 E 18 O 2	5	40	270	30	12,260	153

*Sources.* IPU, 2014; Sénat, 2014; Mastias and Grangé, 1987; Coakley and Laver, 1997; Gélard, 2006; the constitutions of certain countries; and other sources (including those mentioned below).

*Notes.* Size of lower house is defined as formal size (disregarding current vacancies), except where special circumstances arise, such as 'overhang mandates' in Germany. **Asterisk** following country name: federal system (Forum of Federations, 2012). **Chamber name:** English version used by the Inter-Parliamentary Union (2012), **Double asterisk:** created since the 1996 survey (Coakley and Laver, 1997). **'Parl. power':** Fish-Kroenig (2009) index of parliamentary power. **'Power':** crude estimate of the power of the second chamber in relation to the first, compiled as follows: in 30 cases, based on Patterson and Mughan, 2001, who use five categories of overall power, here grouped: co-equal (high); co-equal with restrictions; limited exclusive powers, veto (medium); delay and advisory; subordinate (low); in a further 26 cases, based on Russell, 2012, who offers a more complex and sophisticated categorisation according to role in the legislative process, with six major categories and some subdivisions within these, here grouped: absolute veto (high); absolute veto with qualifications, joint sittings or supermajority in lower house can override (medium); upper house can be overridden by normal or absolute majority in lower house (low); in nine cases not covered by either of these, based on Sénat, 2014, following the same principles as in respect of Russell, 2012; eight Commonwealth senates in the Caribbean with British-style constitutions were coded 'low'; and in the three remaining cases classification was based on an examination of specific documents: the amended constitution of Cameroon (1996); the *Ley Fundamental* of Equatorial Guinea (2012); the Constitution of Kenya (2010); the Transitional Constitution of South Sudan (2011), the Interim Constitution of Sudan (2005) and the Constitution of Swaziland (2005). **'Rep. principle':** representation criterion at which the chamber seems to aim. **'Sel. formula':** selection formula (A: appointment; C: co-optation; D: direct election; E: ex-officio; I: indirect election by local councillors or equivalent; O: other; P: selection by first chamber; when more than one formula is used, the digits indicate the number of members selected in accordance with each; an asterisk indicates that the description over-simplifies). **'Term':** term of office, where, when hyphenated, the first digit refers to the term of office of senators, the second to the number of years between partial renewals. **'Min. age':** minimum age for membership. **'First chamber: ratio':** number of members of the second chamber for every 100 members of the first chamber. **'Population: ratio':** mean population (thousands) for each member of the second chamber (derived from *UN Demographic Yearbook, 2011*).