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## Models of bicameral parliaments. A comparative approach

Regardless of any structural properties and internal differences (unicameralism vs. bicameralism), the parliament defines the formal framework within which other organisations and institutions in society are to operate. The aim of the article is not so much to analyse but to classify bicameralism. Each classification has its strengths and weaknesses. First, as in the case of most tools used in comparative methods, it carries with it a risk of simplifications, without which, however, formal modelling is impossible. Second, making comparisons is associated with easy manipulation of some variables. This often stems from political scientists' own prejudice, when they try to examine political phenomena in accordance with their own preferences. In analyses of bicameralism, this is manifested in a tendency to attribute rationality only in the case of federal or large states. Third, all comparative methods only define partial identity of the studied phenomena, which makes it difficult to establish boundaries. The decision largely depends on the observer. This type of analysis of the bicameral parliament model, separated from the entirety of specific political systems, is by no means an erroneous approach, though it is certainly incomplete.

At the beginning of the estate monarchy, there emerged a custom whereby upper houses were *sui generis* "second instances of the better born", "chambers of resistance" or

"chambers of reflection" that were to ensure full optimisation and high standard of the legislative process. This is a reference to the tradition of the Republican Rome, whose *Senatus* (literally council of elders) has become a nearly universally recognised role model<sup>1</sup>. The reference to tradition is important, but it does not explain all contemporary political phenomena, which are the domain of political science. Studies conducted in the mid-1990s confirmed that 126 legislatures in various geographical regions of the world were unicameral, while 56 were bicameral<sup>2</sup>. In the initially bicameral system, unicameralism has clearly become dominant.

The discussion about the sense of the bicameral system keeps coming back from time to time, also in Poland<sup>3</sup>. Critics of bicameralism are trying to demonstrate that the bicameral structure of the parliament is a product of history and not of reason. They ignore Montesquieu's tripartite separation of powers<sup>4</sup>, in which bicameralism guarantees a balance between the representation of the people and that of the wealthy or the high born. The contemporary Polish political science has not devoted much attention to the structural properties of bicameralism, only indicating the most general features of this system<sup>5</sup>. Apart from works by Andrzej Antoszewski, Jacek K. Sokołowski and Jarosław Szymanek, there are no comprehensive empirical studies.

## Typology of bicameralism

After the period of “behavioural revolution”, contemporary political science has become susceptible to various forms of critical theory, i.e. a school of thought according to which the proper purpose of science is critique and social change, and not only understanding and explaining a thesis. Assuming that in social sciences scholars should think only in terms of trying to invalidate or falsify theories and not to prove them, political scientists are forced to think critically. This makes it possible to avoid a situation, when “simply analyzing a polity as it is amounts to a tacit endorsement of its institutions and the distribution of power”<sup>6</sup>. Critical thinking has several characteristics, but is primarily dependent on empirical verification, which means that pronounced opinions are based on observation or experience<sup>7</sup>. Empirical verification means that observation determines our acceptance or rejection of a statement concerning what we “know”. If we say, for example, that “a single-winner voting system is conducive to [...] electoral corruption, facilitates political autonomisation of interest groups and growth of anarchy in relations within parliamentary parties”<sup>8</sup>, then we should corroborate such statements with tangible evidence. We can make this sort of generalisations, but we accept the fact that they are constantly revised. Normative conclusions should stem from an empirical assessment of relations. In each classification or typology the adopted criteria are of key significance<sup>9</sup>. They help us evaluate individual cases (system-specific) and capture the universal nature of the studied phenomena within the entire political space (space-bound).

The first typology of parliaments presented in political science was Maurice Duverger’s system. Generally speaking, it is about whether a parliamentary group as an electoral committee played a key role in the birth of a party, or whether its foundation

was primarily influenced by external bodies. In the first case we are dealing with parties of parliamentary origin, in the second – with parties of extra-parliamentary origin<sup>10</sup>. Referring to the relations between the party organisation and the parliamentary group, the French political scientist considered three variants characterising types of parliaments: a) preponderance of representatives over the party; b) relative balance between the parliamentary group and the party leadership; c) domination of the party leadership over the parliamentary group<sup>11</sup>. This is the basis for a typology of legislature models according to the following features: 1) representatives enjoy considerable autonomy with regard to the party leadership and the external party structure; 2) cooperation between the parliamentary group and the party organisation is characterised by a state of equilibrium and the effectiveness of both structures is by no means only theoretical; 3) interactions are replaced by a penetration of the parliamentary structure by the party organisation, with the party leader becoming the head of the parliamentary group and, in favourable circumstances, the prime minister or leader of the opposition in the parliament<sup>12</sup>. Among the most frequently studied parliaments, the United States Congress is considered to be in the first group, while the British parliament – in the third group.

Duverger’s typology is the source of many operational concepts. Legislatures, as representative bodies, are elected and are made up of people belonging to various political parties. Parties analysed on the electoral level and the parliamentary-cabinet level organise the election of representatives, but also express conflicts. The nature of these conflicts translates into the quality of work in the parliament. Winning seats in the parliament often means that the programme of political parties is substantially modified in comparison with their election manifestos. It becomes more “sophisticat-

ed” in the sense and for the reason that it should not hinder any possibility of coalition bargaining. The basic modifying factor is the distribution of power in the parliament after an election.

Two successive typologies of parliaments – by Nelson W. Polsby and Michael L. Mezey – are similar. Polsby notes that parliaments differ in terms of their policy making powers expressed in their capability of limiting the power of the government. The policy making power of legislatures can be presented as a continuum, with strong parliaments on one extreme, and weak parliaments on the other. The former are described as “transformative” legislatures, the latter – as “arenas”<sup>13</sup>. Government proposals are modified in the course of procedures defining the division of labour in the parliament. The final outcome is determined by political preferences of parliamentary groups, quality of their work and professional preparation of the members. Transformative legislatures are structurally capable of policy making and autonomous decision making. Arenas, on the other hand, are places of dispute between political parties, which during their confrontation think mainly about their future electoral success. The quality of the legislative process, the effectiveness and efficiency of governance become less important in this case<sup>14</sup>. The parliament becomes, first of all a forum for a public debate about the initiatives put forward by the executive. Each of these types – transformative legislatures and arenas – has two variants, which makes it possible to distinguish four types of legislatures<sup>15</sup>:

1) highly transformative (the only example, in Polsby’s view, being the US Congress, which is determined by its capability of making autonomous financial decisions which are binding on the president);

2) modified transformative legislatures, which have a range of capabilities of modifying the executive’s proposals;

3) modified arenas: the classic example was the Parliament of the Fourth Republic in France, but the group also includes the parliaments in Germany and Italy<sup>16</sup>;

4) full arenas, e.g. parliaments completely dominated by the ruling majority, in which the main forum for confrontation is the relation between the ruling majority and the opposition, with the opposition having little influence on the legislative process. This variant is best exemplified by the United Kingdom and the Fifth Republic in France (in the former owing to the strong position of the cabinet and the prime minister, in the latter – owing to the position of the president in the system)<sup>17</sup>.

Mezey’s typology is based on the policy making power of the legislature and its support in society<sup>18</sup>. The first case is about the effectiveness of the legislatures in implementing their own legislative initiatives and their impact on the content of the government’s proposals. This makes it possible to distinguish “strong” and “weak” parliaments. A strong parliament is effective on three levels: a) modification of the executive’s bills; b) rejection of the executive’s bills (this carries the risk of dissolution before the end of term); c) launching its own legislative instruments. A weak parliament can modify but not reject the government’s draft legislation. The criterion of decision making power is somewhat flawed<sup>19</sup>, but it can be applied by using quantitative measures (number of approved or vetoed bills). The second indicator, support in society, is based on a measurement of the level of popular legitimacy, which is just as difficult to evaluate. This support when presented in the form of a continuum, from the extreme of recognition to lack of thereof, divides parliaments into “moderate” (moderate popular support) and “significant” (significant popular support), as well as two extreme models: parliaments enjoying popular recognition and parliaments lacking such recognition. A combination of the two in-

dicators: policy making power and popular legitimacy, gives us four types of legislatures: (1) vulnerable, (2) active, (3) marginal, (4) reactive (Table 1).

In Mezey's view, active legislatures are capable of modifying governmental proposals and launching their own legislative initiatives. They enjoy considerable popular approval and are not at risk of being dissolved before the end of their term (again the US Congress is an example here). Vulnerable legislatures (the Reichstag in the Weimar Republic) are capable of modifying the government's bills, but they do not enjoy broad popular support and are at risk of early elections. Active legislatures also include French parliaments from the Third and the Fourth Republic and the parliament of the Italian Republic. On the other hand, among reactive legislatures we have the House of Commons, the Bundestag and the National Assembly of the French Fifth Republic, i.e. legislatures functioning in political systems differing considerably in terms of their constitutional model and procedural instruments. Reactive legislatures have three features in common: modest capabilities of limiting the government's power, considerable popular recognition and risk of early elections. Among "marginal" legislatures we have assemblies with two basic features in common: limited capability of modifying the government's

draft legislation and moderate popular support. The bottom left-hand field in Table 1 is left without any examples. It seems that we can place there "manipulated" legislatures controlled by the executive<sup>20</sup>. In Europe examples would include Belarus and — to a lesser extent — Russia and Ukraine.

Andrzej Antoszewski notes<sup>21</sup> that legislatures in most consolidated democracies are "modified transformative" legislatures, enjoy considerable popular support and have various possibilities of influencing policy making. This depends on many factors, but the decisive role is played by four variables: a) nature of the political regime; b) party system; c) number of factions (fragmentation of the legislature); d) constitutional powers of the legislature. According to Cristina Leston-Bandeira and Philip Norton, the power of the parliament is determined by three kinds of factors: constitutional, political and procedural<sup>22</sup>. The constitutional factors, in addition to a referendum, include instruments stemming from the constitution, e.g. the possibility of combining the offices of MP and minister in the government, which may restrict the significance of the legislature.

The second (political) factor is the variable related to the number of political parties, their strength and ability to gain control over state institutions. Of great importance are also discipline and party loyalty. Apart

Table 1. Power of legislatures and popular support

	Power	Moderate support	Significant support
POLICY MAKING POWER	strong	vulnerable (Italy, France (3rd and 4th), Weimar Republic)	active (United States)
	weak	marginal	reactive (United Kingdom, Germany, France (5th))

Source: M. Mezey, *Comparative Legislatures*, N.C. 1979, p. 36.

from an exceptional situation – a coalition government<sup>23</sup> – the disciplined UK parliament, dominated by one party, is less transformative than the “multi-party” parliament in Italy. The situation is different in the United States, where party loyalty is often questioned. The third factor (procedural) concerns the scope and structure of powers and activity of parliamentary committees. In Leston-Bandeira’s and Norton’s view, this allows us to distinguish “stronger” legislatures (transformative to a greater degree) and “weaker” legislatures (less effective in their relations with the executive).

### Strong bicameralism and weak bicameralism

Using algebraic terms, Arend Lijphart developed a typology of parliaments, taking into account two variables: distribution of powers between the chambers; b) level of representation<sup>24</sup>. The type of the distribution of power defines a symmetrical (strong) bicameralism and asymmetrical (weak) bicameralism. In a symmetrical bicameralism we are dealing with an equal distribution of power between the chambers and very similar legislative competencies of both chambers. This type of bicameralism is characterised by a lack of constitutional differentiation of the two parts of the legislature<sup>25</sup>. This means that the powers of both chambers in the decision making process are distributed evenly between them, with neither being subordinated to the other. This applies both to the supervisory and creative function of the parliament, also when it comes to controlling the government. Consequently, the government must seek to gain appropriately strong political support in both chambers, which in a proportional voting system may be difficult to accomplish.

On the other hand, each bicameralism that does not meet the assumptions of bal-

anced bicameralism, i.e. one that accords a dominant position to one of the legislative chambers, is regarded as an asymmetrical bicameralism. In its most extreme manifestation, one chamber has exclusive powers in the important areas of parliamentary activity, including, first of all, control of the government and its political accountability to the chamber<sup>26</sup>. This means that the position of the upper house is significantly limited, and the burden of the legislative process is on the lower house, which has greater legislative powers. The instruments that limit the room for manoeuvre of the upper house can be used in a variety of forms and proportions. In most cases this means a restriction of the right of legislative initiative. Another way of limiting legislative activity is to deprive the chamber of a possibility of debating draft legislation first. In Poland, the main problem in the relations between the Sejm [lower house] and the Senate with regard to legislative activity is the question of the boundaries, under substantive law, of amendments adopted by the Senate<sup>27</sup>. A solution has been adopted whereby the scope of amendments to draft legislation is very limited. The Senate does not debate draft legislation.

Another determinant limiting the scope of the upper chambers’ activity may be the deadline for the upper house to debate a bill, which is very strictly defined by law. Finally, an element that determines the asymmetrical nature of a bicameral system is a possibility of a position of one chamber being revised by the other chamber and the fact that the other chamber has the right to make the final decision should any differences of opinion arise.

Equality of chambers is a factor that has a crucial impact on the measure of strength of a bicameral system. This requires an operationalisation of the abstract notions of disproportionality and congruence<sup>28</sup>. Both depend primarily on the uniformity of the voting system in elections to both chambers

of the legislature. If we use the Gini Index to measure disproportionality, “0” will denote complete equality, while “1” complete inequality (Table 2). Placing disproportionality on the congruence axis makes it possible to establish the level of congruence of representation in both chambers.

Incongruent bicameralism is characterised by an imbalanced representation. For example, members of the Bundesrat, who are not elected in general elections, are only representatives of the governments of the various states or *Länder* (usually ministers); the British House of Lords is not an elected body either. Different levels of representation place fully congruent bicameralism on one extreme and incongruent bicameralism on the other. Out of the nine selected bicameral parliaments (Table 2), the one closest to full congruence of representation is Belgium (0.01). In the United States (0.49) each state is represented in the Senate by two elected senators – regardless of the size of its population. As a result, small states are overrepresented, which, however, guarantees them equal weight of votes. In Table 3 six bicam-

eral parliaments, classified on the basis of Lijphart’s criteria, are placed on different levels of symmetry and congruence.

According to Gianfranco Pasquino and Riccardo Pelizzo, the symmetrical (strong) bicameralism in Italy is characterised by strong congruence of representation in both chambers. The specificity of this model lies not only in the political congruence of representation in both chambers, but also in the “identical” powers of the Chamber of Deputies and the Senate. The Chamber of Deputies is, generally, a copy of the Senate and this functional “calque” of legislative powers from one chamber to the other is referred to as concordance (*concordante*), which means that within the legislative process there are two analogous legislative procedures running in both chambers according to exactly the same principles<sup>29</sup>. In asymmetrical bicameralism we are dealing with a departure from the principle of separation and balance of power in the parliament<sup>30</sup>. An extreme example of such a system is the United Kingdom, where the entire legislative power is in the hands of the lower chamber, while the

Table 2. Disproportionality of representation

Gini Index of Inequality	Percentage of voters to seats won			
	10%	20%	30%	50%
United States 0.49	39.7	55.0	67.7	83.7
Switzerland 0.46	38.4	53.2	64.7	80.6
Venezuela 0.40	31.6	47.2	60.0	77.5
Australia 0.36	28.7	47.8	58.7	74.0
Canada 0.34	33.4	46.3	55.6	71.3
Germany 0.32	24.0	41.7	54.3	72.6
India 0.10	15.4	26.9	37.4	56.8
Austria 0.05	11.9	22.5	32.8	52.9
Belgium 0.01	10.8	20.9	31.0	50.9

Source: A. Lijphart, op. cit., p. 227.

upper chamber can only block or delay the legislative process<sup>31</sup>.

As a result, the model of incongruent bicameralism (Westminster model) reflects a situation in which the other chamber does not become a factor enabling the penetration of additional preferences, especially those put forward by the opposition. The bicameral parliament in the United Kingdom works similarly to a unicameral parliament. The same group includes – though on a higher level of congruence – the weak bicameralism of the 5th French Republic. This means that although both chambers take part in the legislative process on equal terms, decisions made by the National Assembly are key.

In the symmetrical bicameralism group, low-level congruence applies to parliaments in the United States and Germany. Each bill in the United States must win support both in the Senate and in the House of Representatives. Both chambers play virtually an identical part in the legislative process, and the lower chamber cannot reject the upper chamber’s position. In the case of a divergence of opinion, a compromise version must be worked out and this single version is to be accepted by both chambers. The

situation is different in the German parliament, where the participation of the Federal Council in the legislative process is limited<sup>32</sup>. The Bundesrat has the right of legislative initiative together with the *Land* government. Laws adopted by the Bundestag require approval of the Bundesrat, if they concern the sovereignty of a constituent state or if institutions of constituent states participate in their implementation, i.e. if the laws concern the *Länder*<sup>33</sup>. Only in this case is the Bundesrat’s status as a legislative body equal to that of the Bundestag.

Poland’s asymmetrical and congruent bicameralism is determined by the specific nature of its political transformation after 1989. The restitution of the Senate in the country’s constitutional system was not a result of reflection on the functioning of the parliamentary system. It was not about creating a fully rational structure of the entire parliamentary system, but about a temporary solution.

Although the Senate was equipped with a system of checks, it can positively influence the state’s policy making only to a limited degree<sup>34</sup>. The relations between the Senate and the government come down to a confronta-

Table 3. Classification of bicameralism

		DISTRIBUTION OF POWER	
		Symmetrical	Asymmetrical
TYPE OF REPRESENTATION	Congruent	Italy	Poland
	Incongruent	United statesgermany	United kingdomfrance

Source: after: G. Pasquino, R. Pelizzo, *Parlamenti democratici*, Bologna 2006, p. 36.

tion of positions in the course of work on the Senate's amendments to proposed bills. In parliamentary practice, this consists in persuading senators to support the government's initiatives, which is not a difficult task for the executive, given the political congruence of both chambers. The parliamentary election in Poland on 9 October 2011 took place for the first time on the basis of the provisions of a new code, replacing the previous electoral laws for national representative bodies and the European Parliament, the office of the President of Poland as well as legislative and executive bodies of local governments<sup>35</sup>. The electoral code introduced a single-winner voting system in elections to the Senate with the principle of relative majority. Advocates of such a procedure claimed that it would free the upper house from party politics. In fact, nothing of the sort happened. It turned out that out of the 100 seats in the Senate 96 were taken by representatives of three political parties, with the majority of the Senate being congruent with the majority in the Sejm. The bicameral model in Poland is markedly different from the "ideal model".

It should be noted that in Pasquino's and Pelizzo's classification (Table 3) not all Lijphart's categories (moderately strong and moderately weak bicameralism) were used. The top right-hand part of Table 3, where Poland is placed, is empty in the original version. Pasquino and Pelizzo assume that when we take into account the distribution of power, internal organisation, composition and representation of both chambers (disproportionality and congruence indicators), all cases of asymmetrical bicameralism will have very similar features<sup>36</sup>. In their view, a balanced configuration of representation in both chambers, political sameness, the same or similar scope of legislative powers of both chambers as well as symmetry of the policy making process characterise various forms of symmetrical bicameralism and not the model of asymmetrical bicameralism.

## Legislatures in policy making

The parliament's capability of policy making requires a reference to "decision making power". We have already noted that this category is difficult to define. Our inquiries are to focus on: the quality of the adopted laws, ability to influence public opinion, winning approval for the political system. Should we take into account another causative link? There is no doubt that parliaments serve many functions and take part in the making of authoritative decisions, which are binding on all citizens<sup>37</sup>. Political theory uses the term of the so-called veto points, i.e. elements of the system that hinder or change the policy making process between the first plans and final implementation. In the case of a bicameral system, we have three important points: the upper chamber, the lower chamber and the executive. It is not about veto in the legal-constitutional sense, but about political obstacles and checks. Two chambers and the executive are "veto points" of a highly formalised nature, not replacing more flexible, informal political ways of modifying draft legislation, the budget or important political decisions in intermediary stages, between the first idea and the final decision. When weighing the political decision process (policy making), we assume that in a stable democracy around 90% of matters dealt with by the legislature are initiated by the government and just as many are accepted<sup>38</sup>. The opposition rejects, on average, between 20 and 40% of proposals and the results are rarely positive<sup>39</sup>. It is not the only parliamentary player either that influences the work of the government.

Assuming that parliamentary rivalry is a game of actors influencing the policy making process and seeking material and symbolic rewards<sup>40</sup>, of key significance in an assessment of influence on decisions are the veto players. In the 1960s it was demonstrated that a skilful preparation of the "game",



which from the mathematical point of view each vote in the parliament is, almost always determined its result. Voting involves majority sequences. This means that the best decision is not made by comparing all proposals at the same time, but by first comparing two of them, with the better being compared with the third one, then better of those with the fourth one, etc<sup>41</sup>. George Tsebelis notes that the parliamentary game is about a change in the *status quo*<sup>42</sup>. Of crucial significance in this game is possession of a veto “player”. Any important player must be able to prevent the change in the *status quo*, except for a situation when all players have unanimously agreed that such changes should not take place. The game is won by the strongest “teams”, with their strength being measured by the size and efficiency of their organisation, access to knowledge, wealth, i.e. features thanks to which some will be able to achieve a better result in any issue than others (weaker teams). The result of the game is determined by the players’ strengths and weaknesses. The participants (actors) may benefit from the organisation of the playing field: the structure of the parliament, the government, power of the political parties, interest groups. Ordinary citizens, although they too can take part in this political game, in fact rarely do so, unless they are members of powerful organisations. Simplifying to some extent the nature of the distribution of power between the chambers, and the relation between the legislature and the executive, we can divide all democratic legislatures into two most general categories. The first comprises parliaments that shape policy making. They do not limit themselves only to consideration, modification and approval of or opposition to the government’s proposals, but, using the legal instruments at their disposal, they initiate actions of their own. The second category is made up of the biggest number of parliaments, which limit themselves to exerting influence. These are

legislatures which also have at their disposal instruments that enable them to modify and reject the government’s draft legislation, but which do not have capabilities of formulating their own original political initiatives<sup>43</sup>. The differences between the two categories are defined by political culture, nature of the constitution, the electoral system and the party system. This generally applies to the political system and approved patterns of behaviour, whereby all entities indeed operate as structurally separate entities: various organisations and the state as a certain whole. Legislatures may change the scope of their participation in policy making, but, generally, the passage from limited influence to full subjectivity is a result of external factors, sometimes a result of pressure exerted by the electorate. Public dissatisfaction may be supported by the academia and fuelled by the media<sup>44</sup>. Of considerable significance here is the structure of the conflict of interest. We can talk of a permanent link between the quality of democracy and the scale of differences and conflicts, which often forces democratic governments to introduce changes, even when politicians are not personally in favour of them. There is no doubt that parliaments as representative institutions reflect diversity and institutionalise conflicts, though by definition they are a picture of society as a whole; in addition, in a modern democratic state some conflicts, especially conflicts of interests, should be avoided<sup>45</sup>. Legislatures often work out compromises, though even more frequently they reflect deeply rooted differences. Showing differences is one of the tasks of “representation” and parliaments, more than any other institutions of power, are obliged to express them, assuming that the quality of democracy also depends on how they are revealed<sup>46</sup>. An important source of expressing differences are tried and tested ways of maintaining relations between the legislature and the executive. In a bicameral system, the second chamber tempers

passions, gives additional time for reflection and for another discussion about draft legislation as well as a possibility of modification, which is associated with a proposal of a different policy and a different regulatory concept<sup>47</sup>. When there is a consensus in society, this may bring about an amendment to a piece of legislation which is in accordance with genuine “popular will”. This is to be achieved thanks to a system of two chambers, in which the second chamber becomes a structural guardian of good law and can also serve as an “independent controller”.

The participation of legislatures in policy making and their influence (strong or weak) on decisions is presented, in accordance with the logic of Lijphart’s division, in the box below. There are four types of bicameralism: strong, moderately strong, moderately weak and weak bicameralism. The impact of the parliament on the final political decisions is assessed on a scale of 4 to 1. Six types of legislative systems have been distinguished: strong bicameralism with considerable policy-making power (4); medium-strength bicameralism, symmetrical congruent (3); medium-strength bicameralism, asymmetrical incongruent (3); bicameralism between medium-strength and weak bicameralism, asymmetrical incongruent (2.5); weak bicameralism, asymmetrical congruent (2); in-between bicameralism (1.5). Nine unicameral parliaments are included for the purpose of comparison.

The highest-ranked variant, in terms of the structural “policy making” capability, is incongruent symmetrical bicameralism, because a longer procedure creates more opportunities for interest groups to act, opportunities to conduct information campaigns and to influence undecided MPs<sup>48</sup>. Lower down the scale, but with an identical value, “3”, come congruent symmetrical bicameralism and incongruent asymmetrical bicameralism. This means the political uniformity and homogeneous composition

of representation in the chambers weakens their influence on policy making, as measured by a capability to correct governmental proposals, which is confirmed by the case of incongruent asymmetrical bicameralism. The comparison shows that bicameralism has a structural advantage over unicameralism with regard to policy making and limiting the power of the government. The exception here is unicameralism in Sweden, where the Riksdag has the exclusive right to amend the constitution and to interpret it.

In the case of six selected parliaments from Table 3, the decision making process and influence on policy making are determined by a number of specific factors. In the United States the six-year term enables the senators to play the role of statesmen, at least for part of the term, until the advent of the next election. The relatively homogeneous constituencies in the elections to the House of Representatives mean that the representatives represent clear and unequivocal positions in a narrower range of issues in comparison to issues considered by the senators, who have to deal with claims of many rival interest groups<sup>49</sup>. The parliamentary model in the United Kingdom determines to a large extent the election of MPs, which comes down to selection of such candidates to the House of Commons who after the election will support their party’s policy in the parliament, especially if theirs is the ruling party<sup>50</sup>. We are dealing with a different effect in Italy, where after an election there is a coalition-based parliamentary majority comprising many party factions (*correnti*), which do not submit to discipline expected by the government.

Sometimes these are “ideological” groups, usually representing regional interests, or groups of supporters of a political leader, who does not necessarily become the prime minister<sup>51</sup>. In France, the senate has very limited decision-making powers

Legislatures and the decision-making process

<p><b>Bicameralism with considerable decision-making power (symmetrical, incongruent) [4]</b></p> <ul style="list-style-type: none"> <li>• Australia</li> <li>• Germany</li> <li>• Switzerland</li> <li>• United States</li> </ul> <p><b>Medium-strength bicameralism (symmetrical, congruent) [3]</b></p> <ul style="list-style-type: none"> <li>• Belgium</li> <li>• Japan</li> <li>• Italy</li> <li>• The Netherlands</li> </ul> <p><b>Medium-strength bicameralism (asymmetrical, incongruent) [3]</b></p> <ul style="list-style-type: none"> <li>• Canada</li> <li>• France</li> <li>• Spain</li> </ul> <p><b>Bicameralism between medium-strength and weak (asymmetrical, incongruent) [2.5]</b></p> <ul style="list-style-type: none"> <li>• United Kingdom</li> </ul>	<p><b>Weak bicameralism (asymmetrical, congruent) [2]</b></p> <ul style="list-style-type: none"> <li>• Austria</li> <li>• Ireland</li> <li>• Poland</li> </ul> <p><b>In-between bicameralism [1.5]</b></p> <ul style="list-style-type: none"> <li>• Norway</li> <li>• Iceland before 1991 [1.4]</li> </ul> <p><b>Unicameralism</b></p> <ul style="list-style-type: none"> <li>• Sweden [2]</li> <li>• Denmark [1.3]</li> <li>• New Zealand [1.1]</li> <li>• Finland [1]</li> <li>• Greece [1]</li> <li>• Israel [1]</li> <li>• Luxembourg [1]</li> <li>• Malta [1]</li> <li>• Portugal [1]</li> </ul>
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and is an advisory body. Legislative initiative is almost entirely within the domain of the council of ministers and the president. They have to conform to a complex legislative procedure, which requires draft legislation to be approved by the Council of State, which is formally subordinated to the prime minister<sup>52</sup>. In Germany, *Länder* laws, in the adoption of which the Bundesrat takes part, are an expression of the federal state's will. A bill adopted by the Bundestag is sent to the Bundesrat, which may give its consent (*Zustimmung*) or suspensive veto (*Einspruch*). The Bundesrat's veto may be overridden in the Bundestag by the same majority that voted for the veto in the Bundesrat. In the case of more serious disputes, when the Federal Council invokes the right of absolute veto, the Mediation Committee (*Vermittlungsausschuss*) comes into play and usually works out a compromise that is then presented to the Bundestag. If the

mediation procedure fails, the bill is not adopted<sup>53</sup>.

When we describe the relations between the parliamentary chambers in Poland, we have to bear in mind that the inequality of their roles concerns both their sphere of activity and influence on policy making. The establishing of the Senate in 1989 was first of all a reference to an important symbol in national consciousness – a return to the tradition of independent Poland. More importantly, the Senate in Poland emerged quite unexpectedly and from the very beginning was treated as a temporary institution<sup>54</sup>. Thus, each of the analysed cases has its own specific determinants.

### Parliamentary committees

It is usually assumed that a parliament is “stronger” when the structure of its

committees corresponds to the structure of ministries in the cabinet<sup>55</sup>. This reduces the likelihood of jurisdictional conflicts between the committees and is conducive to the representatives' involvement as well as efficiency and effectiveness of legislative work. Close communication between governmental departments and parliamentary committees facilitates cooperation between the government officials and members of the committees. It is no coincidence that the UK parliament – with its complex system of committees but also a specific type of meetings, when, in order to consider a given issue in great detail, the entire House of Commons can be turned into one committee – turns out to be less “strong” in policy making than the parliaments in Italy, France or the Netherlands<sup>56</sup>. Jean Blondel has rightly pointed out that the committees are at their most effective when there are more of them and when they are less numerous<sup>57</sup>. There might be a reverse link between the number of parliamentary committees and the strength of the executive and it is not difficult to note why it should be so. Many small parliamentary committees are less susceptible to scrutiny on the part of the government than one big committee. Specialisation in smaller committees is conducive to the development of expertise. Members of small committees know each other better, which has a positive effect on the exchange of thoughts, and facilitates reaching a compromise. We can also assume, that parliamentary committees will be stronger, when their composition does not reflect the current majority in the parliament itself. There is one more consideration that should be taken into account. One of the reasons behind a lack of any significant role of committees is a high level of party discipline. On the other hand, committees grow stronger, when the deputies sit on them for a long time under the leadership of an independent chair, and, finally, when committees have the right to get independent access to

the bureaucracy as well as other experts, and have at their disposal a well-developed investigative apparatus.

Committees are an important instrument of parliamentary scrutiny. Formally, their scrutiny is focused on the government, but in fact their interest also includes the entire public administration. Rules of procedure of some legislatures provide for a possibility of transforming permanent committees into investigative committees. This is the case of the defence committee of the Bundestag and the Investigating Committees of the US Congress<sup>58</sup>. In December 2009, the Bundestag's defence committee was transformed into an investigative committee in order to investigate the circumstances of a rocket attack, ordered by the commander of the Bundeswehr, on two tanks hijacked by the Taliban in early September near Kunduz in Afghanistan. The committee was to ascertain what the former minister of defence, Franz Josef Jung, and other members of Angela Merkel's government had known about the effects of the Bundeswehr's attack and numerous civilian casualties. Creating appropriate mechanisms for reaching a compromise is a requirement for a strong bicameralism. What is needed are appropriate decision-making procedures and mechanisms. This is to be accomplished during joint sessions of both chambers, mediation or conciliation committees, based on the principle of parity or equal representation and reflecting in their composition the political composition of both chambers. This does not mean that there is a single uniform model. Only in Spain and Italy do joint committees have the right of legislative initiative<sup>59</sup>. In the United States a joint committee almost becomes a third chamber. This happens when variants of the same bill differ so much that the committee must negotiate a “third” compromise version. Joint parliamentary committees may function permanently or on an *ad hoc*

basis, as necessary. Their overriding goal is to work out an agreement acceptable to both houses, which is then “ratified” during a plenary session<sup>60</sup>. Such activity undoubtedly prolongs and delays the legislative process, which, as many opponents of bicameralism believe, is a sufficient argument in favour of a unicameral parliament. For advocates of bicameralism, a joint committee is a good counterargument indicating that legislative work should be characterised by concern for the quality of legislation and the compromise being sought. This makes it possible to reject extreme positions, without a risk of parliamentary paralysis and obstruction.

One of the most wide-spread methods of mediation, which is to facilitate dialogue between the chambers, is the *navette* procedure sometimes referred to as the “shuttle procedure”. This French name denotes a parliamentary procedure of free transfer of a debated bill from one chamber to the other until both chambers agree on one version. Under the *navette* procedure, a bill may pass between chambers several times until all discrepancies are eliminated. This shuttle system is regarded as the most spectacular division of the legislative function, increasing competition between the chambers and, at the same time, protecting their absolute equality. In the Italian parliament it is the basic instrument for finding balance and often, if the House of Deputies and the Senate cannot decide on forming a joint committee, it ends in the bill being rejected because of a lack of unanimity<sup>61</sup>. A good example of the *navette* procedure is the Swiss mechanism, because it is inextricably connected with the work of the joint committee. On the other hand, under the French procedures, decisions arrived at in the *navette* mode or in the parity committee may be rejected by the government, with the making of the final decision being entrusted to the first chamber.

## Final remarks

Taking into account the principle of checks and balances, the relations between the executive and the legislature as well as the relations within the legislature, bicameralism becomes a key rule in liberal constitutionalism. It is a bicameral system which is characterised by institutional balance, mutual scrutiny and appropriate division of powers between the chambers. Such a system allows for bills to be better prepared, provided that this takes place through negotiation, cooperation and search for a compromise. A bicameral system better reflects various interests, social and economic demands, as well as political preferences. The second chamber is an additional place for their co-ordination and working out a common position. This is conducive to a confrontation of various points of view and stability of the political system. The system makes it possible to settle procedural disputes with regard to the different positions represented by the two chambers. Bicameralism increases the influence of various party majorities and interest groups on the legislative process. A strong argument in favour of bicameralism is a possibility of taking into account regional causes, especially problems of ethnic, linguistic and cultural groups in socially varied countries. Members of the upper chambers, particularly when they perform their functions for periods longer than the term of the lower houses, have more time for developing expertise in selected fields. The scope of work in upper chamber committees is usually broader than the scope of work carried out in unicameral legislature committees.

The advocates of unicameralism disagree. They claim that the legislative process in unitary systems does not require two chambers in the parliament. For them, the terms of a proportional electoral system are sufficient for representation to be more varied. In urgent legislative matters in par-

particular, the existence of a second chamber means that the deputies pay less attention to the correctness of draft legislation, hoping that “the second chamber will improve it if necessary”. They point to the controversial role of the upper chamber as a guardian of law, arguing that the same or better results could be achieved by strengthening the governmental and parliamentary legislative services, when law is also protected by other institutions. According to the *coeteris paribus* principle<sup>62</sup> it could be demonstrated in any case that the argument of better legislation being passed under a bicameral procedure is wrong. There is no evidence to support it or, in any case, it cannot be demonstrated scientifically. The opposite may even be true. Seeking the upper chamber’s support, the government makes concessions which, even when they do not damage the legislation, undoubtedly considerably prolong the legislative process. The advocates of unicameralism also argue that a unicameral system is conducive to greater responsibility and accountability of the authorities. The advocates of bicameralism agree that laws are more quickly passed in a unicameral system, but sometimes this happens too quickly and there is no time for making voters aware of the complexity of all problems. There is not enough time for effective lobbying that counteracts ill-judged solutions. This results in defective regulations that diminish the quality of governance, which has a negative impact on the perception of the value of the parliament’s work.

Each state must choose on its own what conforms to its own interests and priorities. For a strong bicameralism of key importance is the decision to choose the scale of symmetry and congruence. Each bicameralism brings with it a possibility of conflict, not linked to “political will” or just differences of opinion. More importantly, however, in a democratic system the activity of the upper chamber is not limited only to participation in conflict. It covers a much broader scope of issues within the chosen model of representation and scope of powers. Bicameralism increases the number of points that change the policy making process. It is commonly believed that the existence of such “veto points” is healthier for democracy. Measures used in a bicameral system must be more sophisticated in comparison to those used in a unicameral system. They should provide for cooperation and arriving at common positions concerning binding decisions in the legislative process, without which efficient functioning of a bicameral system is impossible. There are various mechanisms that are to facilitate dialogue, which sometimes create a semblance of unicameralism. Any dispute between the chambers is eventually settled by the voters, who, during elections, determine the fate of controversial bills, if it could not be determined in a consultation procedure. An effective bicameralism is a bicameralism that is potentially balanced, guaranteeing the symmetry of both chambers, but also a degree of controversy which it maintains and can overcome.

<sup>1</sup> During the times of the republic the senate was the legislative and the executive body, while during the times of the Roman Empire – the highest legislative body. Jan Baszkiewicz believes that it was regarded as a “collective king” and a guardian of a conservative *mos maiorum*. J. Baszkiewicz, *Powszechna historia ustrojów państwowych*, Gdańsk 2002, p. 29; T. Maciejewski, *Historia powszechna ustroju i prawa*, 2nd edition, Warsaw 2004, pp. 34-35.

<sup>2</sup> G. Tsebelis, J. Money, *Bicameralism*, Cambridge 1997, p. 45.

<sup>3</sup> See Z. Jarosz, “Problem dwuizbowości parlamentu w przyszłej Konstytucji RP”, *Przegląd Sejmowy* 1995, no. 1 (9), pp. 10, 17. Jerzy Ciemniowski, a constitutional law expert and in 1992–1993 deputy chair

of the Constitutional Committee of the National Assembly, then a member of the Constitutional Committee, consistently claims that “a bicameral system in states with a unitary structure finds no justification in the fundamental principles on which the organisation of modern democratic states is based” (idem, “Dwuizbowość w systemie konstytucyjnym III Rzeczypospolitej”, *Przegląd Sejmowy* 2010, no. 5 (100), p. 54). However, there is no hard evidence substantiating such a strong thesis. See J.K. Sokołowski, “Metody ilościowe we współczesnych badaniach nad parlamentaryzmem”, *Annales UMCS Sectio K: Politologia* 16, 2009, no. 2.

<sup>4</sup> Scholars have formulated the term “Montesquieu’s tripartite separation of powers”. However, the French thinker of the Enlightenment era was not the author of the concept of a tripartite separation of powers in a state. Philosophers have studied the problem of the separation of powers at least since the times of Aristotle. It is also worth mentioning Marsilius of Padua, who wanted to subordinate papal power to the general council in the Church. Marsilius created concepts of a mixed system (mixed government) and sovereignty of the people, concepts that had a great influence on Montesquieu’s views. D. Held, *Modelli di democrazia*, Bologna 2007, p. 71 and further.

<sup>5</sup> There are many studies by constitutional law specialists, but these are analyses of the state system. In political science studies into parliamentarism are conducted as part of studies into political systems. See *Parlamentaryzm w świecie współczesnym. Między ideą a rzeczywistością*, ed. T. Mołdawa, J. Zalesny, Warsaw 2011; J. Jaskiernia, “Kluczowe pojęcia i kategorie poznawcze w prawie konstytucyjnym porównawczym i w nauce o systemach politycznych”, *Athenaeum. Political Science* 20, 2008.

<sup>6</sup> J. Buttolph Johnson et al., *Political Science Research Methods*, Polish translation by A. Kłosowska-Dudzińska, Warsaw 2010, p. 67.

<sup>7</sup> A.C. Isaak, *Scope and Methods of Political Science*, Homewood 1985, p. 106.

<sup>8</sup> J. Cierniewski, op. cit., p. 56.

<sup>9</sup> I agree with Giovanni Sartori that classification consists in organising a set of features on the basis of one principle and one variable. On the other hand, typology involves applying a criterion that encompasses more than two attribute compounds. It is a more complex organising description. G. Sartori, *Parties and Party Systems. A Framework for Analysis*, Cambridge 1976, p. 125; idem, *Elementi di teoria politica*, Bologna 1995, p. 229.

<sup>10</sup> Duverger writes about “interior” parties and “exterior” parties, which emerged when politics became a “mass” phenomenon. A change in the style of political rivalry subsequently led to the adaptation of mass parties to the catch-all model. A special model of parties are those described by Richard S. Katz and Peter Mair as cartel parties. R.S. Katz, P. Mair, “Cambiamenti nei modelli organizzativi e democrazia di partito. La nascita del cartel party”, [in:] *Partiti e sistemi di partito. Il cartel party e oltre*, ed. L. Bardi, Bologna 2006, p. 56.

<sup>11</sup> M. Duverger, *I partiti politici*, Comunità, Milano 1961, p. 227.

<sup>12</sup> Duverger’s criteria were used by Klaus von Beyme in his typology (idem, “Government, Parliaments, and the Structure of Power in Political Parties”, [in:] *Western European Party Systems. Continuity and Change*, ed. H. Daalder, P. Mair, Beverly Hills-London 1983, p. 341 and further). However, the German scholar did not use all possibilities offered by the French scholar’s methodology. He did not enrich Duverger’s typology with empirical observation and statistical reasoning.

<sup>13</sup> N.W. Polsby, “Legislatures”, [in:] *Handbook of Political Science*, ed. F.I. Greenstein, N.W. Polsby, vol. 5, Mass. 1975, p. 277.

<sup>14</sup> It is worth mentioning the classification formulated by Max Weber, who divided parliaments into “talking” (redende Parliament) and “working” (arbeitende Parliament). The former pursue a negative policy with regard to administration. The latter create conditions conducive to legislative work and development of authentic leadership qualities. In addition, they reflect the political class’ will to cooperate. Thus, Polsby discovers nothing new, but in his article “Legislatures...” he makes no reference to Weber’s *Parlament und Regierung im neugeordneten Deutschland. Zur politischen Kritik des Beamtentums und Parteiwesens*, München-Leipzig 1918.

<sup>15</sup> A. Antoszewski, R. Herbut, *Systemy polityczne współczesnego świata*, Gdańsk 2001, p. 259.

<sup>16</sup> In Angelo Panebianco's view, Polsby's typology is of little use in the classification of the parliamentary system of the Italian Republic during the so-called First Republic (A. Panebianco, "Parlamento-arena e partiti", *Rivista Italiana di Scienza Politica* 17, 1987, August, p. 204). A different approach was adopted by Giuseppe Di Palma, who in his assessment of the parliament of the Italian Republic accepted the results of Polsby's method. G. Di Palma, "Parlamentoarena o parlamento di trasformazione?", *Rivista Italiana di Scienza Politica* 17, 1987, August, p. 186.

<sup>17</sup> The French variant requires taking into account cohabitation, a situation in which there coexist within the executive the government and the president from opposing political camps. This situation occurs when during a president's term in office a parliament is elected with a majority of seats won by the opposition (a party or coalition of parties) to the president. The president is then forced to appoint a prime minister and government supported by the parliamentary majority and then to cooperate and share with him/her the powers of the executive. It seems that the "full arenas" group also includes the 6th term parliament in Poland (Donald Tusk's cabinet), because the main opposition party (Law and Justice) was deprived of any real influence on policy making.

<sup>18</sup> M. Mezey, *Comparative Legislatures*, Durham, N.C. 1979, pp. 21-44.

<sup>19</sup> It is about the likelihood – difficult to assess – of any disturbing impact of external factors such as the party system or other political events occurring outside the parliamentary system (J. Buttolph Johnson et al., op. cit., p. 80 and further; 138 and further). The advocates of bicameralism claim that legislation passed in a bicameral procedure is better prepared. The quality of legislation passed in a bicameral system can be studied by means of a statistical analysis of the government's bills amended by the parliament. Two chambers are an independent variable, while the result of the legislative process is a dependent variable. However, this type of research experiment is to some extent defective, as has been mentioned above.

<sup>20</sup> A. Antoszewski, R. Herbut, *Systemy polityczne współczesnej Europy*, Warsaw 2006, p. 239.

<sup>21</sup> Ibidem, p. 240.

<sup>22</sup> C. Leston-Bandeira, P. Norton, "Conclusion: The Impact of Democratic Practice on the Parliaments of Southern Europe", [in:] *Southern European Parliaments in Democracy*, ed. C. Leston-Bandeira, London-New York 2005, p. 177.

<sup>23</sup> The first coalition government in the United Kingdom was formed in May 1915, though the liberals had a majority in the House of Commons. In December 1916 David Lloyd George replaced Herbert H. Asquith as the prime minister, heading a coalition government comprising his supporters from the Liberal Party and the Conservatives. 1931–1945 was a period of a coalition of "national unity" (I write about it in: *Opozycja w systemie demokracji parlamentarnej. Wielka Brytania, Niemcy, Włochy*, Wydawnictwo Sejmowe, Warsaw 2001, pp. 95-96). After the 2010 elections the Conservatives and the Liberal Democrats formed a coalition. The British bipartite system is not "ideal". We can observe there a party system with a predominant party and an exception in the form of cabinet coalitions. It seems to Ryszard Herbut that the UK has a "muffled" bipartite system. A. Antoszewski, R. Herbut, *Systemy polityczne współczesnej Europy...*, p. 184.

<sup>24</sup> A. Lijphart, *Democracies. Patterns of Majoritarian and Consensus Government in Twenty One Countries*, New Haven 1984. In his later works the Dutch scholar uses the terms of strong and weak bicameralism. Idem, *Le democrazie contemporanee*, Bologna 2001, pp. 219–234.

<sup>25</sup> J. Szymanek, *Izby drugie parlamentu w procesie ustawodawczym*, Warsaw 1999, p. 79.

<sup>26</sup> A. Lijphart, *Le democrazie...*, p. 225.

<sup>27</sup> J. Ciemniowski, op. cit., p. 61.

<sup>28</sup> The level of congruence is distorted by the electoral law (G. Bingham Powell, Jr., *Elections as Instruments of Democracy. Majoritarian and Proportional Visions*, Polish translation by M. Czekajski, Warsaw 2006, p. 80). Congruence is also interpreted as a feature of the consensus democracy model. In this approach, the "incongruent" model refers to a wider field of political rivalry, i.e. not only to the parliamentary plane. In the case of party rivalry this may mean that a party "is not compatible" with the terms of the political system.

<sup>29</sup> The Italian bicameralism is usually described as "full" or "perfect" (F. Cazzola, *Governo e opposizione nel Parlamento italiano*, Milano 1974; Z. Witkowski, *Ustrój konstytucyjny współczesnych Włoch w aktualnej*



fazie jego przemian 1989–2004, Toruń 2004, p. 133), which, however, has little in common with “excellence” and in Pasquino’s view, the opposite is, in fact, true. G. Pasquino, “Il bicameralismo imperfetto”, *Il Mulino* 39, July-August 1990, p. 597.

<sup>30</sup> A. Antoszewski, “Modele demokracji przedstawicielskiej”, [in:] *Demokracje zachodnioeuropejskie. Analiza porównawcza*, ed. A. Antoszewski, R. Herbut, Wrocław 1997, p. 28.

<sup>31</sup> P. Silk, *How Parliament Works*, Polish translation by J. M. Zaremba, Wydawnictwo Sejmowe, Warsaw 1994, p. 138 and further; 223 and further.

<sup>32</sup> Pasquino and Pelizzo agree with Lijphart, who placed the US and German parliaments among symmetrical bicameralisms. In Lijphart’s view, what determines the strength of bicameralism in Germany is the strong position of the Bundesrat in the political system and similar scope of powers of both chambers (A. Lijphart, *Le democrazie contemporanee...*, p. 226). However, according to many other political scientists, German bicameralism is asymmetrical. See *Representative Government in Modern Europe*, ed. M. Gallagher et al., McGraw-Hill, New York 1995; D.P. Conradt, *The German Polity*, New York 1996.

<sup>33</sup> R. Sturm, “Divided Government in Germania: The Case of the Bundesrat”, [in:] *Divided Government in Comparative Perspective*, ed. R. Elgie, Oxford 2001, pp. 167–181.

<sup>34</sup> J. Ciemniński, op. cit., p. 58.

<sup>35</sup> Act of 5 January 2011 changing the Electoral law in elections to municipal and district council and to regional assemblies, Electoral law in elections to the Sejm of the Republic of Poland and the Senate of the Republic of Poland, and the Electoral law in elections to the European Parliament, Journal of Laws of 2011, no. 34. See M. Jarentowski, “Zmiana systemu wyborczego do Senatu RP z 2011 r.”, *Przegląd Sejmowy* 2011, no. 4 (105).

<sup>36</sup> G. Pasquino, R. Pelizzo, op. cit., p. 35.

<sup>37</sup> M. Mezey, op. cit., p. 7.

<sup>38</sup> G. Loewenberg, S. Patterson, *Comparing Legislatures*, Boston 1979, p. 267.

<sup>39</sup> G. Pasquino, *Lopposizione*, Roma-Bari 1995, p. 22.

<sup>40</sup> G. Esping-Andersen, W. Korpi, “Social Policy as Class Politics in Postwar Capitalism: Scandinavia, Austria, and Germany”, [in:] *Order and Conflict in Contemporary Capitalism: Studies in the Political Economy of Western European Nations*, ed. J. Goldthorpe, Oxford 1984, pp. 179–208.

<sup>41</sup> Applying the game theory, the Italian professor Alessandro Pluchino has demonstrated that bringing randomly selected MPs to the parliament would improve the quality of work of this institution. A. Pluchino, Introduzione alla programmazione di simulazioni ad agenti, <http://www.pluchino.it> (access: 1 May 2011).

<sup>42</sup> G. Tsebelis, “Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism, and Multipartyism”, *British Journal of Political Science* 25, 1995, p. 302.

<sup>43</sup> G. Tsebelis, *Veto Players. How Political Institutions Work*, New York 2002, p. 28.

<sup>44</sup> Journalists’ characteristic vision of subjectivity and possibility of influencing the world points to the fact that the most influential media co-shape the framework of the functioning of other organisations and institutions, activating some formal and informal rules, and not mentioning others. They also define the public “visibility” of social problems. P. Bourdieu, *Sur la télévision (suivi de L’Emprise du journalisme)*, Polish translation by K. Sztandar-Sztanderska and A. Ziółkowska, Warsaw 2009, pp. 44 and further.

<sup>45</sup> Under this principle, public officials should avoid situations in which their private interests could be in conflict or even only be perceived as being in conflict with an impartial discharge of their public duties and public interest (A. Zybertowicz, “Strukturalny konflikt interesów jako fundament III RP”, [in:] *Racja stanu*, Poznań 2011, pp. 349–350). In Poland of particular importance to any analysis of the policy making process is a recognition of the structural conflict of interest, which defined the specific nature of the country’s bloodless, top-down negotiated revolution and political transition. The peaceful change of the political system was associated with leaving most staff formed in the old system in the most important state bodies. However, researchers rarely tackle this structural dimension of the conflict of interests. Ibidem, p. 363; see *Zapobieganie konfliktowi interesów w III RP*, ed. M. Zubik, Warsaw 2003.

<sup>46</sup> D.M. Olson, *Democratic Legislative Institutions: A Comparative View*, Polish translation by J.S. Kugler, Warsaw 1998, p. 16.

<sup>47</sup> Arriving at one version of a bill in a bicameral parliament, when there was no agreement at the beginning, depends on the model of democracy. A majoritarian model, e.g. the Westminster model, is associated with a domination of the executive. This usually allows the government to control the parliament through a coherent and significant majority in the House of Commons. In the continental Europe the predominant model is that of consensus democracy, which works through the separation of powers and close links between several political parties (A. Lijphart, *Le democrazie...*, p. 27 and further). According to many analysts, this makes it possible to assume that it is possible to have, in addition to rivalry-competition democracy, a variant dominated by a cartel of elites and conciliatory-deliberative procedures. B. Fedyszak-Radziejowska, "Ile PRL w III RP? Toksyczne elity i ułomna demokracja", [in:] *Racja stanu...*, p. 87.

<sup>48</sup> U. Liebert, "Parliamentary Lobby Regimes", [in:] *Parliaments and Majority Rule in Western Europe*, ed. H. Döring, Frankfurt-New York 1995, pp. 406-447.

<sup>49</sup> R.H. Davidson, W.J. *Congress and Its Members*, translation by C. O'Neill, Warsaw 1994, pp. 445.

<sup>50</sup> P. Silk, op. cit., p. 249.

<sup>51</sup> M. Clark, *Modern Italy 1871-2006*, Polish translation by T. Wituch, Warsaw 2009, p. 513.

<sup>52</sup> W. Skrzydło, *Ustrój polityczny Francji*, Warsaw 1992, pp. 190-221.

<sup>53</sup> R. Herzog, "Stellung des Bundesrates im demokratischen Bundesstaat", [in:] *Die Staatsorgane des Bundes*, Polish translation by B. Banaszak, Warsaw 1995, p. 185.

<sup>54</sup> J. Szymanek, "Sejm i Senat w porządku konstytucyjnym", [in:] *Parlamentaryzm w świecie...*, p. 182.

<sup>55</sup> C. Leston-Bandeira, P. Norton, op. cit., pp. 177-185.

<sup>56</sup> A. Mastropaolo, L. Verzichelli, *Il parlamento. Le assemblee legislative nelle democrazie contemporanee*, Roma-Bari 2006, p. 99.

<sup>57</sup> J. Blondel, *Comparative Legislatures*, Englewood Cliffs 1973.

<sup>58</sup> A. Barbera, *I parlamenti. Un'analisi comparativa*, Roma-Bari 2007, p. 58.

<sup>59</sup> Ibidem.

<sup>60</sup> J. Szymanek, "Postępowanie mediacyjne w parlamencie dwuizbowym", *Przegląd Sejmowy* 2004, no. 5 (64), p. 51.

<sup>61</sup> The passing of constantly modified bills between the chambers is referred to in Italian as *far la spola*, or running back and forth in order to settle a matter. This results in either both parliamentary chambers agreeing on a consolidated text of a bill or in the bill being definitely rejected. Z. Witkowski, op. cit., p. 185.

The *coeteris paribus* principle reflects a certain state of affairs, when a scholar in an experiment can maintain many variables unchanged, except for one variable, selected for the experiment. This is the basis for the statement about the inertia of rules governing reality: if something has been true for a long time, it is highly unlikely that it will soon cease to apply. Thus, comparing a bicameral system with a unicameral system becomes useless in science, if it does not take into account a series of many different circumstances.