



Exploring the Synergetic Relationship between Bicameralism and Federalism

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Abstract

Bicameralism, a widely adopted parliamentary model, plays a crucial role in maintaining unity and integrity in diverse countries with varied castes, creeds, faiths, languages, and ethnicities. Its significance extends beyond preventing ill-considered legislation in unitary states, as it takes on an additional role in federal systems. In federations, the lower chamber represents the people, and the upper chamber represents the constituent entities. This arrangement ensures a democratic balance by combining popular representation with regional representation. The upper chamber's role in federations becomes vital in maintaining an equilibrium between the Union government and the states, acting as custodian of state interests. This paper aims to provide an in-depth analysis of the evolution and dynamics of bicameralism and federalism, exploring the intricate connection between the two.

Keywords: Bicameralism, Federalism, Parliament, Regional Representation, Second Chambers

Introduction

In today's democratic governments, the parliamentary framework is deemed essential, with the parliament serving as the embodiment of the will of the people. Bicameralism, characterised by two separate chambers in the parliament, is fundamental for achieving a balance of power and meticulous legislative deliberation before enacting laws. This system acts as a safeguard against the potential tyranny of the majority and ensures that diverse viewpoints and interests are considered during the law-making process, particularly when one chamber is elected through different procedures or represents specific geographic regions. While the merits of bicameralism continue to be debated, its pivotal role in federal systems is undisputed. Federalism and bicameralism are intricately intertwined, ensuring representation for both the entire nation and the constituent geographical entities. In federations with diverse populations, bicameralism offers practical solutions to accommodate aspirations for self-rule and shared rule, effectively managing legislative diversity.

The historical roots of bicameralism can be traced back to ancient civilizations such as Rome, where a second chamber was occupied by elderly and wise members of society. Their role was to provide guidance in politics and decision-making based on their knowledge and wisdom. Similar examples of bicameralism can also be found in Britain, where the House of Lords served as the second chamber. Besides representing the monarchs and their constituents, the House of Lords also included older members who offered their expertise and experience. Over time, bicameralism has been adopted in various political systems, regardless of whether the government is unitary

or federal and whether it operates under a presidential or parliamentary form of governance. The essence of bicameralism lies in its capacity to balance power, prevent hasty decision-making, and provide thorough scrutiny of legislation, irrespective of the governmental setup. Bicameralism's historical evolution and its adaptability across various political systems highlight its enduring significance in contemporary governance. Its role in promoting balanced representation, facilitating thoughtful deliberations, and safeguarding regional interests makes it an integral aspect of effective and democratic governance, particularly in federal systems.

Bicameral systems serve as a check against impulsive decision-making, ensuring that legislative processes undergo thorough scrutiny, thereby enhancing accountability and transparency. Bicameral structures also encourage specialisation among legislators, leading to informed debates and well-crafted legislation. The following 81 countries have a bicameral legislature: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Burundi, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Côte d'Ivoire, Czech Republic, Democratic Republic of the Congo, Dominican Republic, Egypt, Equatorial Guinea, Eswatini, Ethiopia, France, Gabon, Germany, Grenada, Haiti, India, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Lesotho, Liberia, Madagascar, Malaysia, Mexico, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nigeria, Oman, Pakistan, Palau, Paraguay, Philippines, Poland, Romania, Russian Federation, Rwanda, Saint Lucia, Slovenia, Somalia, South Africa, South Sudan, Spain, Switzerland, Tajikistan, Thailand, Trinidad and Tobago, Turkmenistan, United Kingdom, United States of America, Uruguay, Uzbekistan, Yemen, and Zimbabwe.² These Countries adopted Bicameralism for various reasons. However, the advantages of bicameral legislatures increase manifold in Federal Countries. They enable the representation of diverse interests and regional balances, fostering comprehensive deliberations for crafting better policies.

Bicameralism and Federalism

Bicameralism's historical evolution and its adaptability across various political systems highlight its enduring significance in contemporary governance. Its role in promoting balanced representation, facilitating thoughtful deliberations, and safeguarding regional interests makes it an integral aspect of effective and democratic governance. Bicameralism is particularly associated with federal forms of government. Bicameralism offers several benefits in federal countries, where power is divided between a central government and constituent units (states or provinces). The presence of two chambers in the legislative system provides a range of advantages that contribute to effective governance and representation. Seven of the world's Eight largest countries by area—Russia, Canada, the United States, Brazil, Australia, India, and Argentina, are federal state with bicameral legislatures. Some of the key benefits of bicameralism in federal countries include:

Representation of Diverse Interests: Bicameral legislatures allow for multiple perspectives and interests to be heard. The lower chamber represents the people at the national level, while the upper chamber represents the interests of constituent units. This ensures that various regional concerns and viewpoints are adequately represented in the legislative process.

Balancing Regional Interests: The upper chamber in bicameral systems acts as a balancing force between the central government and the constituent units. It provides a platform for the states or provinces to safeguard their interests and ensure that national legislation considers the specific needs and priorities of different regions.

Preventing Tyranny of the Majority: Bicameralism serves as a check against the potential tyranny of the majority.

In-Depth Deliberation and Better Policy Outcomes: The presence of two chambers allows for more in-depth deliberations on proposed legislation. Bills are subject to thorough examination, debate, and amendment in both chambers, leading to well-crafted and comprehensive policy outcomes.

² Inter-Parliamentary Union Database, accessed on 21 July 2022, <https://www.ipu.org/>

Enhancing Accountability and Transparency: Bicameral systems enhance accountability by increasing the scrutiny of legislative decisions. The presence of two chambers provides additional opportunities for public participation, oversight, and transparency in the law-making process.

Specialization and Expertise: Each chamber in a bicameral system can focus on specific policy areas, leading to specialization and expertise among legislators. This ensures that laws are crafted by individuals with a deep understanding of the issues they address.

Protecting State Sovereignty: In federal systems, constituent units often seek to protect their sovereignty or maintain a significant share of power in governance. The upper chamber, representing the states or provinces, serves as a mechanism to uphold their interests and ensure that their rights are respected.

Preventing Impulsive Legislation: The requirement for both chambers to pass a bill helps prevent rushed and impulsive decision-making. It encourages a more thoughtful and comprehensive approach to law-making, which is especially important in complex federal systems.

The story of the “great compromise” becomes also very relevant here. The “great compromise” refers to a significant agreement reached during the Constitutional Convention of 1787 in the United States. This compromise addressed the contentious issue of representation in the newly proposed federal government. The agreement, also known as the Connecticut Compromise, sought to balance the interests of both large and small states. The primary concern was regarding the composition of the legislative branch, which would consist of two chambers: the House of Representatives and the Senate. In the House of Representatives, representation would be based on each state's population. This meant that states with larger populations would have more representatives, reflecting their greater influence and significance within the federal government. On the other hand, the Senate would provide equal representation for each state, regardless of its population size. Each state, regardless of whether it was large or small, would have an equal say in the Senate. The purpose of this compromise was to protect the interests of smaller states from being overshadowed or dominated by larger states. By granting equal representation in the Senate, smaller states could rest assured that they would have an influential role in the federal government, despite their comparatively smaller populations. This arrangement struck a balance between the interests of both large and small states, leading to the successful formation and ratification of the United States Constitution. The “great compromise” was a critical moment in American history, as it set the foundation for the bicameral structure of the U.S. Congress, ensuring a delicate equilibrium between proportional representation and equal representation.³ There is no significant federation without bicameral legislature today. Bicameralism enhances the democratic process by accompanying popular representation with the representation of the constituent geographical entities. According to Roskin “two chambers are necessary in federal systems to represent the component parts, but they are often extra baggage in unitary systems.”⁴ Trivelli also believes that, “the idea of protecting different interests in unitary systems has tended to decline. In federal systems, on the other hand, the legitimacy of second houses remains strong No one contests that, in federal legislatures, there are two distinct forces, each of which should be represented; on the one hand, the population of the entire country, and on the other, more or less autonomous political units which together form the federation”⁵ Arendt Lijphart observed that bicameralism is common to the federal systems. In a completely federal country, the model is like “federalism equals a strong Senate, which equals subnational veto power, which leads to the preservation of the status quo.”⁶ At the same time, it is also an accepted phenomena that bicameral legislature often appears to be a “better predictor” of the stability in the constitutional sense. However, the federal design “does not necessarily act as a

³George Tsebelis and Jeannette Money, *Bicameralism* (Cambridge, U.K.: Cambridge University Press, 1997), 27.

⁴ Michael Roskin, *Countries and Concepts: An Introduction to Comparative Politics* (Upper Saddle River: Prentice Hall, 1998). 19

⁵ Laurent Trivelli and Laurent Trivelli, *Le Bicamérisme: Institutions Comparées: Étude Historique, Statistique et Critique Des Rapports Entre Le Conseil National et Le Conseil Des États* (Lausanne: Diffusion Payotp, 1974), 12

⁶ Marta Arretche, “Federalism, Bicameralism, and Institutional Change: General Trends and One Case-Study,” *Braz. Political Science Review* 4, no. 2 (2010): 11

constraint on institutional change...[that] all of the bicameral cases that are associated with high rates of constitutional amendment are also federal states, including Brazil, India, Austria.”⁷

Second Chambers can legitimately hold itself as the guardians of the state-interests in a federal polity. A vibrant bicameral legislative process ensures dialogue between the centre and the constituent units. Bicameralism is particularly common in federations with a diverse population and components. In federations, longing for self-rule and shared rule both coexists. Because every group or community, whether it is in the majority or the minority, aspires to participate in mainstream politics and wants to be fairly represented. Bicameralism provides practical solutions that simultaneously accomplish these objectives and manage diversity in legislative bodies in an appropriate way. The upper chamber is a smaller body having long- term or permanent membership in all bicameral legislatures. In certain federations, the upper house has limited legislative authority over the lower house, but in others, the upper and lower houses share equal legislative authority. However, in all bicameral legislatures, the upper house's principal responsibilities are the protection of States interests in the legislative process and the representation of various territories in National Parliament. As a result, the laws, decisions, and deeds of the upper house have a big influence on how federalism evolves in a country's affairs. Federalism and bicameralism are inextricably linked. The concentration of legislative power in a single chamber may result in constitutional despotism. As a result, the necessity for a second chamber is becoming more widely recognised in order to avoid rushed legislation and to have numerous balances on government. Bicameralism in federal states ensures that the legislatures give proper representation to the whole nation. Legislation is very sensitive and critical area of work in a Democracy. It needs a careful review, analysis, and reasoning process. It is done to guarantee that the government functions smoothly and that democracy flourishes in the society, among other reasons. Therefore, all stakeholders involved in this business must participate. Under a well- written constitution, the best approach to limit the authority of the popular assembly is to create a second chamber that may evaluate, revise, and, if necessary, reject policies approved by the first chamber. In the absence of another Chamber of Revision, any political group with a simple majority in first chamber might destroy the democratic structure of the country. In a federation, all the constituent units wish to uphold their identity, and have a significant share of power in many aspects of governance. And this can be well accomplished through an upper chamber as house of state units.

The parliament of federal states is generally bicameral, with the first (lower) chamber representing the people and the second (upper) chambers representing the constituent entities. The second chamber in a federation serves an important balancing role between the Centre and the state by providing regional representation to the member geographical entities. It can credibly claim to be the protectors of state interests in a federal polity. Lisa Grazzini and Alessandro Petretto argues that “bicameralism is supposed egalitarian”⁸ in context of a federalism. This relationship between the bicameralism and the federalism opens up many avenues if the bicameral chambers begins to play influential and decisive role in the ascertaining the fiscal policies pertaining to the states. A thriving bicameral legislative process enables communication between the Centre and the constituent entities. In a completely federal country, the model is like “federalism equals a strong Senate, which equals subnational veto power, which leads to the preservation of the status quo.”⁹

Case Study of Germany

Germany serves as a compelling case study to illustrate the symbiotic relationship between federalism and bicameralism. Its parliamentary system comprises two houses: the Bundestag, directly elected by the people, and the Bundesrat, representing the constituent states. The Bundesrat goes beyond being a mere second chamber; it is a genuinely federal entity. Its members are nominated by state governments, and its interests align with individual states rather than political parties. It significantly participates in government draft legislation, decision-making, and policy implementation. Its presence underscores the significance of federalism in Germany, ensuring that

⁷ Marta Arretche, “Federalism, Bicameralism, and Institutional Change: General Trends and One Case-Study,” *Braz. Political Science Review* 4, no. 2 (2010): 11

⁸ Lisa Grazzini and Alessandro Petretto, “Federalism with Bicameralism,” *German Economic Review* 16, no. 2 (2015): 139, <https://doi.org/10.1111/geer.12046>

⁹ Marta Arretche, “Federalism, Bicameralism, and Institutional Change: General Trends and One Case-Study,” *Braz. Political Science Review* 4, no. 2 (2010): 11

state interests are prioritized, and decisions reflect the diverse regional needs. The Bundesrat's role in promoting effective governance and representation further solidifies the interdependent relationship between federalism and bicameralism. Germans do not hold federalism in high esteem, but they like their Länder.¹⁰ The Bundesrat represents the interests of their lander at union level, “The Länder via the Bundesrat are co-decision-makers for every piece of legislation”¹¹ Arthur B. Gunlicks Explains, “As a result of the participation of the Land governments in the legislative process via the Bundesrat and the numerous conferences involving federal and Land officials, references are frequently made to the German system of “participatory federalism” or “executive federalism.” “Administrative federalism” is often used to describe dual federalism in Germany. Germany is also often referred to as a “unitary federal state,” a term that goes back as far as the early 1960s. The designation of Germany as a “unitary federal state” is the result of numerous centralizing features, such as the fiscal equalization procedures described above that have evolved largely due to the constitutional requirement of “equivalent” or “uniform” living conditions throughout the country and the cooperation and coordination between federal and Land officials.”¹²

Conclusion

While bicameralism continues to evoke varying perspectives, its integral role in federal systems is evident in parliamentary federations worldwide. Its significance in providing regional representation, preventing authoritarianism in the popular chamber, and facilitating effective communication with the central government is vital for sustaining a successful federal system. The German example serves as a testament to the profound interdependence of federalism and bicameralism, illustrating how this system harmoniously accommodates the diversity of interests in a democratic society. Underscoring the importance of second chambers in federal countries Anna Gamper argues, “While a number of (non-federal) second chambers have been abolished, the continued existence of almost all federal second chambers in recent federal systems seems to speak in their favour: not because of their outstanding performance, but because the risk to disrupt federalism itself by removing one of its institutional pillars.”¹³ We can infer with conviction that, Bicameralism protects the fundamental tenet that underpins Federalism by ensuring that minority views and interests are represented in the legislative process.

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¹⁰ Julia Oberhofer, Julia Stehlin, and Felix Wille, “Landesbewusstsein Und Einheitlichkeit Der Lebensverhältnisse,” essay, in *Das Föderalismus-Paradox* (Europäisches Zentrum für Föderalismus-Forschung Tübingen, 2010), 29.

¹¹ Roland Sturm, “The World of the German Länder,” *L'Europe En Formation* 369, no. 3 (2013): 53, <https://doi.org/10.3917/eufor.369.0053>.

¹² A.Gunlicks.(2005). *German Federalism and Recent Reform Efforts*. *German Law Journal*, 6(10), 1283-1295. doi:10.1017/S2071832200014322.

¹³ Anna Gamper. (2020) *Second Chambers In Federal States. 50 Shades of Federalism*. Available at: <http://50shadesoffederalism.com/theory/1045/> Accessed on 11th June 2022

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