

Bicameralism: Seanad Éireann and OECD countries

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Editorial

This *Spotlight* locates Seanad Éireann within the global family of second chambers. Federalism and large populations are the normal predictors of bicameralism, so Ireland is unusual for having a second chamber.

The following comparisons with the second chambers in unitary countries of the OECD are striking:

- The composition of the Seanad is unique.
- The weakness of the Seanad is not unusual. Typically in the OECD the second chambers are subordinate to the first chambers.

While Seanad reform has long been on the agenda the debate has now moved from reform to abolition. There is a referendum on the matter planned for later in 2012.

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Executive Summary

Ireland has a long history of bicameralism, largely influenced by Westminster. Each of the constitutional frameworks drafted for Ireland in the twentieth century included a bicameral parliament.

Reform of the Seanad has been debated almost since its establishment. That debate has now moved on to abolition. Since 2009 it has been Fine Gael policy to abolish the Seanad. Seanad abolition was advocated by the Labour Party, Fianna Fail and Sinn Fein in their 2011 election manifestos. Abolition of the Seanad is Government policy with a referendum planned for 2012. The previous Government (Fianna Fáil/Green Party) also considered holding a referendum to amend the constitution to abolish the Seanad.

The issue of second chamber reform/abolition is commonly debated in countries with bicameral parliaments. During the twentieth century thirty countries have abolished a second chamber. Abolition has occurred either by the overthrow of authoritarian regimes or through processes of political reform.

The evidence suggests that bicameralism is not on the decline. Currently, 40% of parliaments in the Inter-Parliamentary Union (IPU) have two legislative chambers. Within the thirty-four developed countries of the OECD nineteen have bicameral parliaments (56%) and eleven are in unitary countries.

Federalism and population size are the most significant indicators of bicameralism. In the OECD Ireland and Slovenia are the only unitary countries with bicameral parliaments where there is a population less than 10 million.

A survey of the composition and legislative powers of the second chambers in the eleven unitary states of the OECD yields some interesting results:

- In terms of size, all are significantly smaller than their respective lower chambers, except UK House of Lords.
- All have terms equal or longer than the lower houses, with rolling renewal in four cases.
- In most cases the second chambers are directly elected.
- In most cases composition is based on regional or provincial representation whether directly or indirectly elected.
- Only in Italy do both chambers enjoy equal powers. In all other cases the second chambers have legislative powers subordinate to that of the other chamber. They can usually delay but not veto legislation and have powers to initiate legislation (except financial legislation).

There are studies which have found positive effects of bicameralism on parliamentary democracy in terms of representation, the process of legislative bargaining, the quality of legislation and oversight of the executive. The effects appear to depend on the composition and powers of the second chamber and it seems that composition may be most important.

Prevalence of Bicameralism

There are bicameral legislatures in 78 of the 193 (40%) countries in the Inter-Parliamentary Union.

Bicameralism is even more common in the OECD and the EU:

- Nineteen of the thirty-four countries in the OECD have bicameral parliamentary structures (56%).
- There are thirteen bicameral parliaments in the twenty-seven EU member states (48%).

Federal states and those with **large populations** are the most likely to have bicameral parliaments. Table 2 illustrates this for OECD countries.

Federal States¹

Although federalism is not a common system of government, almost all federal systems have bicameral parliaments at the national level. Through a bicameral structure the interests of smaller states are protected from domination by larger states.

All the federal countries in the OECD have bicameral parliaments; this is also the case in the EU.

Within federations the vast majority of sub-national or state legislatures are unicameral, except in the US and Australia.² This suggests that the purpose served by bicameralism in the federal parliament is not required at sub-national level.

Population Size

- Eleven of the thirteen OECD countries with populations above twenty million are bicameral (85%). Five are also federal.
- There are seven OECD countries with populations between ten and twenty million. Four of these are

bicameral, one (Belgium) is also federal.

- Only four of the fourteen OECD countries with populations of less than ten million are bicameral. Two are also federal (Austria and Switzerland).
- Ireland and Slovenia are the only small (population less than 10million), unitary states with bicameral parliaments in the OECD.

It has been suggested³ that a bicameral structure is too expensive and/or redundant for countries with small populations. However, when advancing this as a reason to abolish an upper house, other variables, such as the power and capacity of the lower house to scrutinise legislation, should be considered.⁴ Country size and stable democracy are other indicators for bicameralism.

Country size

Of the ten largest countries in the world (by area) only China has a unicameral parliamentary structure, see Table 1. Most of the countries in this group are also federal.

Table 1: 10 largest countries (by area) and cameral structure

Country	Cameral structure	Federal/Unitary
Russia	Bicameral	Federal
Canada	Bicameral	Federal
USA	Bicameral	Federal
China	Unicameral	Unitary
Brazil	Bicameral	Federal
Australia	Bicameral	Federal
India	Bicameral	Federal
Argentina	Bicameral	Unitary
Kazakhstan	Bicameral	Unitary
Sudan	Bicameral	Unitary

Sources: IPU Parline and Worldatlas.com.

³ Massicotte (2001)

⁴ Laver (2002, 64) suggests that in European unitary states with unicameral parliaments (Denmark, Finland, Iceland, Norway and Sweden) lower houses have alternative checks and balances such as powerful committee systems which make it difficult for governments to rush through ill-considered legislation.

¹ A federation of semi-autonomous provinces or states with a central government linking them together.

² Only Nebraska in the US and Queensland in Australia have unicameral state legislatures.

Table 2: OECD Countries – cameral structure

OECD countries	Cameral Structure	Federal/ Unitary	Population (millions)	Country size (km²)
Australia	Bicameral	Federal	22.3	7,692,024
Austria	Bicameral	Federal	8.4	83,871
Belgium	Bicameral	Federal	10.8	30,528
Canada	Bicameral	Federal	34	9,984,670
Chile	Bicameral	Unitary	17	756,102
Czech Republic	Bicameral	Unitary	10.5	78,867
Denmark	Unicameral	Unitary	5.5	43,094
Estonia	Unicameral	Unitary	1.3	45,000
Finland	Unicameral	Unitary	5.3	338,145
France	Bicameral	Unitary	62.6	551,500
Germany	Bicameral	Federal	82	357,022
Greece	Unicameral	Unitary	11.3	131,957
Hungary	Unicameral	Unitary	10	93,028
Iceland	Unicameral	Unitary	0.3	103,000
Ireland	Bicameral	Unitary	4.6	70,273
Israel	Unicameral	Unitary	7.6	22,072
Italy	Bicameral	Unitary	60	301,318
Japan	Bicameral	Unitary	127	377,915
Korea	Unicameral	Unitary	50.5	99,678
Luxembourg	Unicameral	Unitary	0.5	2,586
Mexico	Bicameral	Federal	108	1,964,375
Netherlands	Bicameral	Unitary	16.5	41,543
New Zealand	Unicameral	Unitary	4.4	270,467
Norway	Unicameral	Unitary	4.8	323,802
Poland	Bicameral	Unitary	38	312,685
Portugal	Unicameral	Unitary	10.6	92,090
Slovak Republic	Unicameral	Unitary	5.4	49,035
Slovenia	Bicameral	Unitary	2	20,273
Spain	Bicameral	Unitary	46	505,992
Sweden	Unicameral	Unitary	9.4	531,796
Switzerland	Bicameral	Federal	7.8	41,285
Turkey	Unicameral	Unitary	73	783,562
United Kingdom	Bicameral	Unitary	61	242,900
United States	Bicameral	Federal	309	9,629,091

Sources: Websites of OECD, IPU Parline and Worldatlas.com

Bicameralism in Ireland: History and Powers

This section looks at the history of Seanad Éireann and describes its current composition, elections and formal powers.

History of Seanad Éireann

Ireland has a long history of bicameralism. The old Irish parliament, which first met in Casteldermot, Co Kildare in 1264 evolved into a tricameral parliament similar to other medieval multicameral parliaments. The third chamber, called the house of clerical proctors was abolished in 1536. The Houses of Parliament (Commons and Lords) later met in on College Green in Dublin, until the Act of Union 1800.

The Home Rule legislation proposing separate Irish legislatures included bicameral structures.⁵ Each of the constitutional frameworks drafted in the twentieth century included a second chamber.

The UK *Government of Ireland Act 1920* provided for two bicameral parliaments, one each in Northern Ireland and Southern Ireland. The Senate for Southern Ireland only met twice. After a landslide victory in the 1921 election Sinn Féin refused to accept the new parliamentary institutions and constituted the Second Dáil leaving the Parliament of Southern Ireland to adjourn *sine die*.⁶

The Senate, provided for under the 1920 Act, had a complex composition of 64 members elected to represent specific groups including: commercial interests, the Catholic Church, the Church of Ireland, peers, privy councillors and county councillors.

The 1922 Constitution provided for a 60-member Senate. It was to be directly elected for a 12-year period with one-quarter of the members elected every three years. The candidates were to be nominated by the Dáil and the Seanad as representatives of important aspects of the Nation's life.⁷

As a transitional measure the first Seanad in 1922 was partly elected by the Dáil (30 Senators) and partly appointed by the President of the Executive Council (30 Senators). The first triennial elections occurred in 1925. By the next election in 1928 the system had been changed. The term of Senators was reduced to nine years with a third to retire every three years and the general electorate was abolished (due to poor turnout in the 1925 election) in favour of an electoral college made up of Dáil and Seanad members.

The Seanad of the 1922 Constitution had the two classic functions of a second chamber. Firstly, it provided representation for political interests that would not have been adequately represented in the Dáil, in other words protected the protestant minority and former ascendancy. Thirty-six of the original Senators were Catholic.⁸

Second, the Seanad was to act as a check and balance on the lower house, particularly to allow for extra deliberation on legislation before enactment. The impact of this Seanad on legislation and its role as a forum for debate has been recognised by many commentators.⁹

⁵ Laver & Coakley (2002) *Report of the All Party Committee on the Constitution*.

⁶ The Northern Ireland Senate lasted until 1972 (All Party Oireachtas Committee on the Constitution, 1997)

⁷ Article 30, *Constitution Of The Irish Free State (Saorstát Éireann) Act, 1922*

[Http://Acts2.Oireachtas.ie/Zza1y1922.1.Html](http://Acts2.Oireachtas.ie/Zza1y1922.1.Html)

⁸ Laver (2002)

⁹ O'Sullivan (1940), Dooge (1987), Seanad Debates Motion on Seanad Reform 3rd November 2010

The Seanad was abolished in May 1936 due to serious clashes with the Dáil over the Seanad's use of its powers to delay legislation. Specifically priority legislation of the government, including the *Constitution (Removal of Oath) Bill 1932* and the *Wearing of Uniforms (Restrictions) Bill 1934*.

The government did not have a majority in the Seanad at this point. This has been attributed to the triennial elections in place at the time.¹⁰

Seanad after 1937

Although De Valera was opposed to having a Seanad he established a Commission to look at the proposal for a second chamber in 1936 as part of preparations for a new constitution. The Commission produced three reports, each proposed a second chamber but with different powers and compositions.¹¹

Composition

The 1937 Constitution provided for a 60 member Seanad based on ideas of vocational representation and corporatism popular in Europe at this time and endorsed by the papacy in the encyclical *Quadragesimo Anno* of Pope Pius XI (1931). This had stressed, as an alternative to class conflict, an institutionalisation of sectoral divisions based essentially on groupings of occupations and of other major social interests. Corporatism was also influential in other catholic European countries like Italy and Portugal at the time. However, Garvin warns of overrating the affects of theories or ideologies on Irish politics.¹²

Election

Election and appointment to the Seanad occurs after a Dáil election. Forty-three are indirectly elected to five vocational panels by members of the incoming Dáil, the outgoing Seanad and members of local authorities. Six are directly elected by the graduates of the NUI and University of Dublin. In 1979 there was a referendum passed to extend the electorate to include additional third level institutions but no legislation has provided for this change. The final eleven members are appointed by the Taoiseach.

The electoral legislation which regulates Seanad elections places the forty-three indirectly elected seats within the control of the political parties.¹³ In particular the electorate is confined to serving politicians, the members of the vocational groups do not vote.

The Seanad of the 1937 Constitution retains a type of representational function and a check and balance function. However, its role as a check and balance is limited to the legislative process because the government is responsible to the Dáil.¹⁴

Seanad's Formal Powers

The Seanad's formal powers are set out in the Constitution:

- *Legislative* (Articles 20-24)
- *Cabinet Membership* (Article 28.7.2)
- *Force a Referendum or General Election* (Article 27)

Legislative

The Seanad has two legislative powers that might be deemed as enabling it to perform a check and balance role:

- it can delay the passage of a Bill passed by the Dáil for 90

¹⁰ Garvin, 1969

¹¹ Abolition of the Seanad featured in the Fianna Fail election manifesto in 1933.(Keogh & McCarthy, 2007)

¹² Garvin (1969)

¹³ *Seanad Electoral (Panel Members) Acts 1947, 1954*

¹⁴ Bunreacht na hÉireann Art. 28.4.1

- days (or 21 days if it is a money bill¹⁵); and
- non-money bills can be initiated in the Seanad provided they do not propose to amend the constitution.

The Seanad has rejected two bills since 1937 and in both cases the Dáil subsequently overturned the Seanad's decision (Manning, 2010). In 1959 it rejected a government proposal to amend the Constitution by replacing proportional representation with the first-past-the-post system for Dáil elections. It also rejected the *Pawnbrokers Bill* in 1963.

Cabinet Membership

Up to two members of the cabinet may be members of the Seanad. The Taoiseach nominates eleven senators, thus he/she could appoint up to two cabinet ministers who have neither been elected by the general public nor the Seanad electorate.

Senators have been appointed as Cabinet Ministers only twice: Seán Moylan was appointed Minister for Agriculture in 1954 and James Dooge was appointed Minister for Foreign Affairs in 1981 (Manning, 2010).

Initiate Referendum or General Election

Article 27 of the Constitution states that a referendum or a general election can be initiated where a majority of the Seanad, combined with one-third of the members of the Dáil, petition the President that a bill 'contains a proposal of such national importance that the will of the people thereon ought to be ascertained.' (Gallagher, 2005). If the President decides (within 10 days) that the bill is of sufficient national importance he or she can decline to sign it until a popular referendum has been held or the bill is passed by resolution of a new Dáil

following a general election. This power has never been used.

That powers have never or rarely been used does not mean that they do not influence government behaviour.

Other Powers

A further, informal power has emerged from the role of Senators in Joint Oireachtas Committees¹⁶ which scrutinise government departments and advise on policy issues.

The current Seanad has introduced a number of initiatives under Standing Orders¹⁷ to engage with representatives of public and civic life.

Under the new rules Dr Maurice Manning addressed the Seanad in September 2011 and Dr Mary Robinson in November 2011.

The Seanad Public Consultation Committee (SPCC)¹⁸ was launched in October 2011. Its purpose is to provide for direct engagement and consultation between members of the public and the 24th Seanad. The SPCC can invite submissions from the public, hold hearings, and publish reports on issues which are identified as 'of public interest'. Public interest means an issue specifically related to the Seanad's legislative powers or an issue of public policy. These reports and their recommendations will be debated in the Seanad or referred to a relevant Joint Committee. The SPCC is currently considering submissions about the rights of older people.

¹⁵ Money bills involve the appropriation of revenue or other public moneys.

¹⁶ Coakley & Gallagher (2009), Laver (2002)

¹⁷ Standing Orders are the rules for how business is conducted in the House. Seanad Standing Orders
<http://www.oireachtas.ie/documents/procedural/documents/SeanadStandingOrders2011.pdf>

¹⁸ Committee website
<http://www.oireachtas.ie/parliament/oireachtasbusiness/committees-list/public-consultation-seanad/>

Bicameralism in the OECD

This section looks at the composition, elections and legislative powers of the second chambers in the eleven unitary states of the OECD - see Table 4.¹⁹

Composition

The second chambers are all significantly **smaller** than the first chambers, apart from the House of Lords.²⁰ The Spanish Senate has a membership 25% smaller than that of the Chamber of Deputies. In Italy, the Netherlands and Japan the second chamber is half the size of the other chamber. In Ireland, Chile and the Czech Republic the second chamber is between 30-40% the size of the other chamber. The Polish Senate is just 22% the size of the first Chamber.

The **terms of office** are either equal or longer than the first chamber. In four chambers (Chile, Czech Republic, France and Japan) a portion of the membership is renewed either every two, three or four years. This rolling renewal means the chambers are not actually dissolved. Rolling renewal was proposed for Seanad Éireann in the *Report on Seanad Reform* (Seanad Éireann, 2004).

Elections

For six chambers there are direct elections with indirect elections to four chambers. The UK House of Lords is unique in that members are appointed for life.²¹

Second chambers are representative of the regions/provinces in six countries (Chile, France, Italy, Netherlands, Poland and Spain).

Laver & Coakley (2002) described the composition of Seanad Éireann as 'unique'. Specifically they said the type of vocational representation is not found at national level in any other country, the university representation is 'unusual' and the system of Taoiseach's nominations is 'without parallel'. Although in Italy the President appoints four members to the Senate.

Legislative powers

In Italy there is 'perfect bicameralism' - both Houses enjoy equal powers and functions. The legislative powers of all the other second chambers in OECD countries are subordinate to the lower houses. Legislation (except financial bills) can generally be initiated by the second chamber, except in the Netherlands and Slovenia.

The powers of second chambers (except Italy) to amend and review legislation are time bound with the lower house having the power to make the final decision. Thus second chambers can delay legislation but cannot veto it.

There are specific types of legislation where the assent of second chambers is sometimes required, generally in relation to amending the constitution, electoral legislation, international treaties and regional legislation. In this way second chambers often have role in protecting the constitution.

Table 4 demonstrates how the legislative powers of Seanad Éireann are similar to those of the second chambers in unitary countries of OECD, apart from Italy.

¹⁹ Parliaments described as bicameral in the Inter-Parliamentary Union (IPU) database

²⁰ UK House of Lords has 736 members by comparison with 650 in the House of Commons.

²¹ Describing elections as either direct or indirect reflects the method for electing the majority of members and does not include other routes to membership, appointments, indirect election for minority - 56 members of the Spanish Senat are indirectly elected from the autonomous committees, the 11 nominees of the Taoiseach to Seanad Éireann or the 3 former Presidents who are ex officio members of the Italian Senate and the three Senators appointed by the President for life "for

outstanding merits in social, scientific, artistic and literary fields".

Table 4: Composition & powers of second chambers in unitary OECD countries

OECD countries (No. Senators)	Composition	Powers
Chile (38)	<ul style="list-style-type: none"> - Direct election - 8 years - Half membership renewed every 4 years - Regional representation 	<ul style="list-style-type: none"> - Can initiate some legislation but not financial, local administration, armed forces, new public services. - Only Senate can initiate amnesty laws
Czech Republic (81)	<ul style="list-style-type: none"> - Direct election - Biannual renewal of one third Senators 	<ul style="list-style-type: none"> - Senate as a whole can initiate legislation in Chamber of Deputies. - Legislative review timebound. - Veto for constitutional amendments, electoral laws and international treaties - Appointment process for Constitutional Court justices
France (343)	<ul style="list-style-type: none"> - Indirect election - 6 years - Half membership renewed every 3 years - Represents local councils 	<ul style="list-style-type: none"> - Can initiate non-financial bills - Review financial bills time bound
Ireland (60)	<ul style="list-style-type: none"> - 49 Indirect election - 11 Appointed - Parliamentary term – max 5 years - Vocational and university representation 	<ul style="list-style-type: none"> - Can initiate non-financial bills - Cannot initiate bills which propose amendments to the constitution - Review time bound - Lower House has final decision
Italy (322)	<ul style="list-style-type: none"> - 315 Direct election - 7 others Ex officio (former Presidents) or appointed by President - 5 year term - Regional representation 	<ul style="list-style-type: none"> - Equal power with lower house
Japan (242)	<ul style="list-style-type: none"> - Direct election - 6 year mandate - Half membership renewed every 3 years 	<ul style="list-style-type: none"> - Can initiate legislation - Review time bound - Lower house has final decision
Netherlands (75)	<ul style="list-style-type: none"> - Indirect election - Provincial representation - 4 years 	<ul style="list-style-type: none"> - Can approve or reject legislation but cannot amend or initiate
Poland (100)	<ul style="list-style-type: none"> - Direct election - Provincial representation - 4 years 	<ul style="list-style-type: none"> - Can initiate, accept, reject or amend legislation – no veto - Ratification of international treaties requires consent of Senate - Review time bound
Slovenia (40)	<ul style="list-style-type: none"> - Indirect election - Represents employers, employees & local interest groups - 5 years 	<ul style="list-style-type: none"> - Restricted legislative powers - May propose legislation and has a suspensive veto which can be overturned by first chamber.
Spain (264)	<ul style="list-style-type: none"> - 208 Direct election - 56 Indirect election - 4 years - Provincial Representation 	<ul style="list-style-type: none"> - Initiate bills to do with treaties and autonomous communities only - Can veto or amend legislation - Review time bound
UK (736)	<ul style="list-style-type: none"> - 616 Appointed - 117 Other 	<ul style="list-style-type: none"> - Can initiate non-financial bills - Review time bound

Sources: Parliamentary websites, IPU, ECPRD, EIU Country Reports, Senatesoftheworld.fr

Does bicameralism matter and how does it matter?

Studies of bicameralism have found positive effects on parliamentary democracy in terms of representation, the process of legislative bargaining, the quality of legislation and oversight of the executive. However, whether or not these benefits actually materialise depends first, on the extent to which chamber compositions are sufficiently different and second, on the extent of powers allocated to the second chamber. There seems to be a consensus that the first of these two conditions may be more important.

Effect on Legislative Bargaining

Bicameralism affects policy and law-making more significantly where one chamber has enough leverage to keep the other from acting unilaterally. However, even where rules allow one chamber to decide policy on its own after the other has had its say, as is the case in the Irish bicameralism system, Tsebelis and Money (1997) show that the ability to delay should yield tangible policy influence. In other words, even institutionally weak chambers ought to be able to force stronger chambers to make policy concessions (Heller, 2007).

This influence will depend on there being some divergence of opinion between the chambers i.e. on the chambers not being 'congruent.' Depending on how they view legislators, as individuals or as political party representatives, political scientists disagree over the potential level of divergence between chambers and, hence, on the extent to which bicameralism ultimately affects policy making. For example, McCarty and Cutrone (2007) argue that chambers are congruent as long as modes of selection to each chamber are not too dissimilar. Others argue that as long as legislative chambers are made up of different sets of individuals, preferences are unlikely to be identical (Heller, 1997).

In support of the contention that differences in preferences between chambers is common enough, political scientists have tested propositions that bicameralism affects the size of budget deficits.

When each chamber is controlled by a different party in the USA, bicameral logrolls²² have been found to lead to higher budget deficits (McCubbins, 1991).

On the other hand, a study based on empirical evidence from nine parliamentary democracies, found that bicameral divergence, (where different parties control each chamber) in parliamentary systems is associated with lower budget deficits (Heller, 2001).

This suggests that bicameralism in federal and presidential systems may have different effects on legislative bargaining than in parliamentary democracies. This is because in parliamentary systems disciplined political parties focus on claiming credit for their achievements and denying other parties that ability. This works against the types of bargains between the different parties that control each chamber (logrolls) that tend to increase expenditure. In fact the evidence suggests that where the same party dominates each chamber in a parliamentary system (congruence) budget deficits are likely to be higher. The extent of this effect will of course depend on the relative power of the second chamber.

²² Logrolling sees members working towards the passage of legislation by exchanging political favours, such as trading votes i.e. one member or group of members agrees to vote for one piece of legislation in return for the support of another group of members for their favoured legislation. The easiest place to look for evidence of logrolls is in spending.

Effect on the Quality of Legislation

Where two chambers have equal or close-to-equal power bicameralism creates the potential for gridlock and costly logrolls.

Bicameralism has been found to create policy stability because it is discourages radical policy shifts (Alt & Lowry, 1994, Bradbury & Crain, 2001).

Bicameralism also has the potential to protect minorities from legislation reflecting the tyranny of the majority; this potential is clearly only realised if minorities are adequately represented in powerful second chambers.

Do weak second chambers affect the quality of legislation?

For Lijphart (1984), too little legislative authority or too much agreement with the lower chamber, are sufficient to relegate a second chamber to irrelevance, redundancy or both. For observers more interested in the quality and content of legislation even weak and redundant second chambers have their place (Heller, 2007).

Second chambers, no matter how weak, consider legislation. A number of political scientists argue that bicameralism should result in higher-quality legislation by virtue of informational gains from parallel or sequential consideration in separate chambers; others that it can improve legislation by providing an arena for adversarial consideration of competing policy proposals (Heller, 2007).

At the very least, argue Rogers (2001) and Russell (2001) a second chamber can serve to perfect bills and it can do so better if it mirrors the first chamber; it can do so without arousing suspicion that it is trying to subvert the legislation.

Bicameralism provides an opportunity, therefore, to correct errors or plug loopholes. Laver (2002) described the significance of the Seanad's weak legislative powers when a government

wishes to pass legislation quickly. In 2001 the government withdrew a proposed ban on opinion polling, which had been added to the *Electoral (Amendment) Bill 2000* as it went through the Dáil. The ban was removed after a loophole was identified during a Seanad debate.

The power of lower houses to guillotine the time allowed for debate on some legislation limits this influence of second chambers considerably in some instances. For example, in Norway some readings in the second chamber lasted 17 seconds.²³

Representation

Second chambers were originally designed to provide representation for voices that otherwise might go unheeded. Classically it was to protect the voices of the upper classes. Today this protection of minorities is often territorial, ethnic or linguistic. The Irish Seanad's predecessor, the 1922 Senate, was half-elected and half-appointed to ensure unionist representation.

The classic model of a federal second chamber is the US Senate, where each state is represented by two members, irrespective of its population. This and the strong powers of the Senate means that a few large states cannot pass laws which will be

²³ The Norwegian Storting had a type of semi-bicameralism until October 2009. It dealt with legislation by dividing into two chambers – the Odelsting and the Lagting (Second Chamber). When a new Storting assembled after a general election, one quarter of the Members were elected to serve in the Lagting and the remaining three-quarters constituted the Odelsting. All bills were considered in both chambers. The Lagting was responsible for checking the legislation but it could not veto a bill altogether. In February 2007 the Storting agreed to end this process and a new (unicameral) legislative procedure came into force when the new parliament met on 1 October 2009
http://www.stortinget.no/Global/pdf/Hovedbrosjyre%20div%20spr%c3%a5k/2009_eng_web.pdf

to the detriment of the more numerous smaller states.

In other countries, for example Australia, members of the Senate are elected using a proportional system while the lower house is elected by the alternative vote system. The different means of selecting members to each house ensures that small parties and independents tend to hold the balance of power; the second chamber is the major site of interparty negotiation and agreement, introducing some consensus politics into an otherwise majoritarian system (Russell, 2001).

How members of second chambers are selected/elected is of paramount interest to political scientists i.e. are they truly representative of who they purport to represent? Clearly if a second chamber is considered either weak or redundant the additional representation is non-existent (regardless of how representative it might actually be of minorities).

Additional Check on the Executive

In parliamentary democracies, the existence of the confidence vote makes party discipline in the lower house essential to stable government. Yet this discipline threatens the ability of the chamber to carry out its scrutiny role.

Second chambers can provide an important counterbalance in an otherwise executive-dominated parliament. Members of the second chamber from governing parties may find it easier to speak out on aspects of government policy, and, may in fact be tacitly supported for doing so.

In some countries the term of office for members of second chambers is longer and this also encourages independence, even if members are from governing parties (e.g. in France there are nine-year terms, with a third elected every 3 years (Russell, 2001). This has implications for the organisation of political parties.

Organisation of Political Parties

Some studies have examined the impact of bicameralism for party organisation and position taking and found that party organisation is different in bicameral systems than in unicameral systems

One study found that even where second chambers have limited formal power to influence policy, they can still provide a platform for members to blur party labels (Heller, 2007).

Therefore a second chamber may give some party members leverage that they otherwise would not have for imposing their own preferences on the party position. Either this or party leaders minimise the opportunity for this arising by selecting members for the second chamber whose careers depend so strongly on party leaders that they dare not impose their own preferences on party positions (Heller, 2007).

Second chamber reform and cameral change

This section outlines the debate on Seanad reform/abolition in Ireland before looking at cameral change²⁴ globally.

Seanad Reform

Since 1937, there have been ten reviews of the Seanad,²⁵ a constitutional amendment to extend the franchise for the university seats and numerous motions on Seanad reform. Yet the Seanad has remained more or less unchanged since the Constitution was enacted.

None of the reviews either recommended or seriously considered abolition. The All-Party Oireachtas Committee on the Constitution (1997) concluded that the Seanad makes a useful contribution to the democratic life of the state and that any savings achieved by its abolition would be illusory because some functions would have to be reallocated to other parts of the political system.

Formal powers

The three most recent reviews (1997, 2002 & 2004) did not recommend any increase of Seanad powers because doing so might lead to legislative gridlock. The 2004 Report recommended public consultation on legislation in the Seanad. Otherwise reports concentrated on giving the Seanad a role in EU affairs (all three reports), reviewing public policy and senior public appointments (2004), reviewing government programmes and reporting on statutory instruments (1997).

Composition

Each report recommended changes to the composition of the Seanad, see Table 5. All recommended the introduction of directly elected Senators, retaining the university seats with an extended franchise and retaining the Taoiseach's nominations. The 2004 report recommended a rolling renewal of membership with direct elections to be held on the same day as local and European elections and indirect elections and Taoiseach nominations to follow Dáil elections.

Table 5: Recommendations on composition of Seanad 1997-2004

Review	Composition
1. Seanad Committee on Procedure and Privileges Subcommittee on Seanad Reform (April 2004) 65 members Rolling renewal	<ul style="list-style-type: none"> 32 directly elected (26 to a national constituency under list-PR, 6 to a national higher education constituency under PR_STV) 20 indirectly elected 12 nominated by Taoiseach Cathaoirleach re-elected automatically.
2. <i>Seventh Progress Report</i> of the All-Party Oireachtas Committee on the Constitution (March 2002) 60 members	<ul style="list-style-type: none"> 48 directly elected by PR on national list system on same day as Dáil election 8 nominated by Taoiseach 4 nominated by Taoiseach to represent citizens resident in NI.
3. <i>Second Progress Report</i> of the All-Party Oireachtas Committee on the Constitution(1997) 60 members	<ul style="list-style-type: none"> 15 directly elected to 5 European Parliament constituencies on same day as Dáil election. 28 indirectly elected (14 by members of new Dáil; 14 councillors) 6 university seats with electorate from all Irish third level institutions 11 nominated by Taoiseach (3 from NI).

²⁴ Cameral change is a change in the number of chambers in a parliamentary structure.

²⁵ There were also reports on the earlier Seanad in 1928 and 1936.

Abolition of the Seanad

In 2009 the debate moved from reform of the Seanad to abolition of the Seanad.²⁶ In that year both Fine Gael and the Special Group on Public Service Numbers and Expenditure Programmes (McCarthy Report) proposed abolishing the Seanad. At the 2011 election all the main political parties' advocated Seanad abolition in their manifestos, only the Green Party proposed reform. Seanad abolition was proposed as part of wider political reform aimed at reducing the size and cost of the political system. The Government has committed to holding a referendum on the matter later in 2012.²⁷

Cost of Seanad²⁸

In January 2012 the Public Accounts Committee was informed that the abolition of the Seanad could result in savings up to €22.5million.²⁹ Direct costs of €9.2 million (Senators salaries, allowances and staff) could be saved immediately with indirect costs saved over time. The Houses of the Oireachtas Service is a single administration with most staff working for both Houses. Generally bicameral parliaments have completely separate administrations for each House.

Second chamber reform and cameral change globally³⁰

Debate about the future of upper houses in other OECD countries focus on the composition rather than the

chamber's formal powers. For example, proponents of reform of the Spanish, French and Italian upper chambers aim to create a genuinely territorial-based chamber. In Australia, many proponents of reform advocate changing the electoral system for the Upper House. In Canada, proponents of reform aim to introduce directly-elected Senators in place of Prime Ministerial appointees.

In Italy, reformers have called for changes in formal powers. As outlined earlier Italy is unusual in that the Senate and House of Representatives have equal powers.

Massicotte identified 30 countries where second chambers were abolished in the twentieth century. They were abolished by one of two routes: either the overthrow of authoritarian right-wing regimes or through political reform where second chambers were found to be redundant, undemocratic or costly. Either way cameral change is a radical development.

- The abolition of second chambers through political reform occurred in New Zealand (1951), Denmark (1953), Sweden (1969) and Iceland (1991).
- No mature democratic country has restored a second chamber abolished in normal circumstances following full debate.

There are also countries that never had second chambers but decided to create one. This occurred in former communist countries including Croatia (1990), Slovenia (1991), Russia (1993) and Bosnia Herzegovina (1998). It also occurred in African countries like Namibia, Senegal and Algeria and in the Asia-Pacific area; Pakistan and Nepal.

²⁶ In the 1980s the Progressive Democrats proposed abolishing the Seanad (Manning, 2010)

²⁷ Programme for Government 2011-2016 http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Programme_for_Government_2011.pdf, Newspaper article 26 May 2011 <http://www.irishtimes.com/newspaper/ireland/2011/0526/1224297787821.html?via=rel>

²⁸ News report <http://www.rte.ie/news/2009/1017/politics.html>; McCarthy Report Vol. 2 <http://www.finance.gov.ie/documents/pressreleases/2009/bl100vol2.pdf>

²⁹ Oireachtas Debates <http://debates.oireachtas.ie/ACC/2012/01/12/00004.asp>

³⁰ Appendix D of the Seanad CPP Report 2004.

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