

Meeting of the Association of European Senates  
Ljubljana, 28 June 2002

Bicameralism, Democracy and the Role of the Civic Society

**Address by the President of the Senate of the Republic of Poland, Professor Longin Pastusiak**



Dear Ladies and Gentlemen,

I would like to share with you some thoughts on the role of two-chamber parliamentarism in building democracy and civic society as seen from the Polish perspective. I believe Poland's historical experiences in this respect could prove a worthy contribution to the current debate on the maintenance of upper chamber in European parliaments.

I represent the upper chamber in a country well-advanced in economic transformations, which in the past decade also carried through some fundamental changes in its political system. The changes embraced all walks of daily life as well as Poland's foreign policy, and even the population's mentality. In the course of these reforms Poles frequently discussed concepts like "tradition" and "the present time", seeking to combine the two into a lasting and socially-acceptable fundament under the newly-created Polish state.

For some people tradition and the present day are like fire and water – they just don't go together. According to such people discarding our forefathers' ways is a pre-condition of progress. This, however, may result in an uprooting of natural ties with earlier generations and, ultimately, social disintegration. The continuity of tradition is very important for the Poles, whose history was fraught with hardship.

At the close of the 18th century unfavourable internal and international factors eradicated Poland from Europe's political map for 123 years and it was only faith in our traditions that allowed us to survive and finally regain our independence. This is why Polish public institutions frequently resort to well-proven solutions. Of course this does not mean transposing traditional models into present-day life without any corrections and adjustments. Tradition and the present are in fact complementary, not contradictory, and we tried to avail ourselves of this in creating Poland's social and political life after 1989.

The history of the Polish Senate reflects the ties between Polish political life and Poland's history and traditions. The upper chamber dates back to the Middle Ages, when Royal Councils played an important role during the nobility's assemblies. Such an assembly called in 1493 is generally regarded as the first parliamentary session in Poland. At the time it consisted of the King, a Deputies' Chamber

and a Senate. At the time the Senate was not elected but appointed by the monarch, and consisted of state and church dignitaries. It survived in this form until Poland lost its independence in 1795.

After Poland regained statehood in 1918 the authors of its 1921 constitution reinstated the Senate as the parliament's upper chamber. At first senators were elected by public ballot, following the 1935 adoption of a new constitution one-third was nominated by the president and two-thirds by a select body of prominent citizens. This gave the Senate a somewhat undemocratic image, it is, however, noteworthy that throughout its entire existence the Senate of the Polish Republic functioned as a democratic institution entitled to review and advise on parliamentary acts, conduct arbitration, and pursue its own international ties.

A referendum after World War Two abolished the Senate until the 1989 Round Table talks between Poland's authorities and the Solidarity Union, at which it was decided to elect the Senate free. The Polish Senate thus became central-eastern Europe's first democratically-elected parliamentary body, which paved the way for further democratic change and the restoration of values that were absent in Poland over 40 post-war years. Today's Senate is therefore a relatively young body, nevertheless very closely tied to Poland's independence traditions and a unique symbol of the coexistence of tradition and modernity, an institution whose existence is deeply embedded in the Poles' self-awareness and which changed along with the country's changing history.

Today's Senate has retained many of its historical features: for instance my own function is not – as is common in Europe – that of Senate speaker or “president”, but “marshal”, the somewhat military term frequently confusing foreigners, who expect to see someone in uniform. In fact, however, the term comes from times when the Senate was chaired by the King's first minister, the Grand Crown Marshal of Poland.

At the moment the Senate's function is chiefly legislative, its main task is the reviewal of parliamentary bills. The upper chamber's work is very important for the quality of Polish legislation, its *sine ira et studio* debates frequently leading to necessary adjustments of Parliament's decisions, particularly weeding out legal contradictions and rulings that run against the public interest or are too costly.

As we can see, the Senate's function is mainly regulatory, it is also a more stable body and less prone to political influence than the Lower House. The Senate mainly reviews the content of parliamentary bills and its judgement criteria are very broad indeed. Bills are tested for constitutionality, compatibility with binding laws and the rules of democracy, and conformity with Poland's national interests. Thanks to this acts leaving the Senate are fully adjusted to all legal-legislative, logical and stylistic requirements, devoid of ambiguities and in keeping with EU legislation.

The Senate is also empowered to launch its own legislative initiatives, a right of which it has frequently – and successfully – availed itself of in the past. One such Senate venture was the 1990 restoration of local government in communes, a move which made the upper chamber an important force in the countrywide reinstatement of local government structures and the rebirth of local initiative. This allowed local communities to decide about their own affairs and led to the 1998 emergence of county and provincial governments (also largely thanks to pressure from the Senate).

This brings us to the key issue regarding the upper chamber – building a civic society in Poland. Local initiative is crucial for raising social awareness and public involvement in political life. The appearance of independent non-government organizations (NGOs) in local communities is an evident sign that democracy is not just a general concept but a part of each citizen's life. Success on the local plane leads to raised involvement in state affairs and more voter awareness, which in turn helps shape the country's political landscape. These precisely were the goals set forth by the Polish Senate's local government reforms.

For decades now the current democracies, particularly the EU countries whose group Poland wants to join, have supported local communities by granting them broad powers of decision. Thanks to this local populations feel they are really in charge of their regions, which makes for raised initiative, self-security, and confidence in the central government, whose activity is restricted to tasks that are impossible to manage locally.

A thus-structured civic society can also exert more control over the central government, a fact particularly important in light of the waning trust in governmental institutions evident in many countries today, whose societies have lost faith in their ability to influence state affairs and therefore ignore national issues, stay away from elections and are unaware of their rights towards the state. This was the case in Poland for decades, a strongly centralized government leading to social apathy. The 1989 switch to democracy changed this to a large degree but there is still much to be done in this sphere – and it appears that the Senate's role in the process will be more than just initiating.

On the national level civic development is guaranteed by the constitution and appropriate laws. Both parliamentary houses, the Sejm and Senate, are obliged to inform the public about their work. Trade unions, farmer associations and scores of other public organisations, movements and foundations have the legal right to participate in debates on new laws and other public issues. Also very important is the right of each citizen to file his or her own bills to Parliament. However, the full public use of these rights requires local initiative, and this is something that could be overseen by the Senate.

The Senate's special claim to supporting local initiative stems from the mode in which it is elected. Senators are chosen in majority system which are also open for persons like local activists and independent candidates, who would have had little chance to get into the lower chamber Sejm with its 5% support threshold for political parties and elected from the party lists. Because of this the Senate in Poland is viewed as an institution more sensitive to local needs than the Sejm. Senators are usually highly respected in their constituencies, which helps them motivate local communities to social initiatives and makes them credible informers about the central government's doings.

As we can see, the Senate in Poland is very closely tied to the civic society concept, which it tries to promote and develop. A noteworthy aspect of the Senate's cooperation with local centres are the NGO conferences it has been hosting for some time now. These meetings, take place under the Senate Marshal's patronage and are frequently initiated by the Senators themselves. Also mention-worthy are the Senate-organised childrens' and handicapped art exhibitions, which attract numerous NGO representatives.

Dear Ladies and Gentlemen,

Poland is currently in a debate on the Senate's purposefulness, also discussed are possible changes in its profile. Supporters of abolishing with the upper chamber point to the cost of maintaining additional parliamentarians and their offices, closing down the Senate has also been postulated by the left in a bid to fulfil its election promises. Nonetheless, if the upper house's usefulness is to be measured by results and future prospects, its need in Poland appears undisputable.

At this time I myself support a two-chamber parliament, which I consider more effective in legislation, building a civic society and strengthening the abovementioned historical and local ties. However, we should not close our eyes on reality and changes in this respect cannot be excluded. Let me say this once more: tradition and the present must go hand in hand. The Senate has also evolved with the times and in future there may be no need for its further existence. It may possibly transform into a self-governed chamber or regional representation, but at all times it will stand guard of the democratic values we cherish so much as future EU members.

For myself I see an important role for the Senate after Poland's 2004-scheduled EU accession. Composed of people who, as I already mentioned, are much closer to voters than Sejm MPs, the Senate could become a driving force behind moves to cede more power to local government in individual countries. This would give more power of decision to ordinary citizens who, seeing that their opinions count, would in turn stop viewing the EU as an abstract body whose decisions they cannot influence.

The Senate also could (and should) take upon itself the task of promoting European integration on the regional level and supporting regional interests on the national and European arena.

Dear Ladies and Gentlemen,

In Polish conditions the civic society concept is closely tied to two-chamber parliamentarism. The Senate is an important initiator of local activity and a guarantee of its further growth. Its supervisory and legislative functions also make it a mainstay of democracy's division of power rule. All this as well as the abovementioned historical and traditional aspects fully warrant the Senate's existence. I strongly believe that even in changed form the Polish Senate will continue as proof of two-chamber parliamentarism's great usefulness in improving democracy.