

Meeting of the Association of European Senates
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Bicameralism, Democracy and the Role of the Civic Society

Address by Mr. Petr Pithart, President of the Senate of the Parliament of the Czech Republic



"Democracy is discussion" was a maxim that Thomas Garrigue Masaryk, the first Czechoslovak president, was fond of using.

I believe that this characteristic of democracy – even if it is just a dictum – can constitute the starting point of our considerations on the subject matter of this meeting. Because bicameral parliaments are, after all, nothing but sophisticated institutions where, on the one hand, the adoption of the final decision on bills takes longer and is more complicated, but which, on the other hand, enable a deeper discussion enriched by additional points of view. I have in mind especially a discussion presenting a diverse spectrum of arguments, generated by political parties in two different chambers. Does the parliamentary discussion exhaust it-self by making the political parties heard? Is the general will formed by political parties alone through preferences attributed to them? Is the meaning of bicameralism to provide political parties with two platforms for discussion instead of one?

My answer to the first question is negative. As for the second, I say: Yes, of course, but it is not for political parties alone." The answer to the third question is obvious: the precondition for a meaningful bicameralism presuppose that the two chambers will not to be identical, so that one of them offers a greater possibility to complete the voices of political parties by those of the civic society. Political points of view, whose weight is expressed by the results of the elections, will be completed by the opinions that take form in spheres independent from the state.

In the Czech Republic, senators are elected in eighty-one election districts of one seat under the principles of the majority system that is in two rounds. The districts are made of about one hundred thousand voters. On the other hand, the two hundred deputies are elected under the principles of proportional representation in fourteen districts, each representing a certain number of seats. The number of inhabitants in the regions differs between less than 400 000 and more than 1.2 million; the number of deputies elected in the different regions varies accordingly.

It is obvious that a senator is a relatively visible representative of a district that can be covered physically, that is a district in which he or she can visit every single borough over the six years term (in the Czech Republic there are no less than six thousand independent municipalities). Since a senator is interested in his re-election he will really make all those visits. If we take into account sociological research on the activity of Czech senators and deputies, we shall come across many relevant data. Besides meeting individual citizens most of whom submit complaints, the majority of

meetings – as far as matters of public interest are concerned – are meetings with organised citizens that is meetings with diverse associations, unions, local government bodies – that is with individual elements of the civic society. And it is precisely these associations, for instance the district agrarian chambers, trade union organisations of important enterprises or organisations of voluntary firemen – so influential because they are present everywhere - which participate in the shaping up of the public opinion. In the countryside, the less people tend to read the nationwide press the more they read the local papers. And it is also through local press that the real influence of interests that are organised not alongside politics, not along party lines, is carried out. Local governments, especially in small municipalities but also in several towns, are composed mostly of those elected representatives of the people who label themselves as independent on the list of candidates that is independent from political parties.

Therefore I conclude this part of my reflexion by the following statement: every method of constituting a parliamentary chamber stimulates some kinds of loyalty more than others. I have in mind loyalty towards those who decide about the re-election of the deputy or the senator. In conditions of a proportional system it is the political party which decides about the re-election in real terms, in conditions of a majority system this does not necessarily have to be the case all the time. The candidate simply cannot rely too much on the support of a political party. In order to be elected, it is not enough to enjoy the confidence of the party leadership. Therefore, when there is a structured civic society, a senator tries to be in contact with it. Also, different kinds of organised interests prevail in different regions: in big cities they are more often regrouped along ideologic lines (academic, environmentalist and cultural associations, etc.), whilst in the countryside there are farmers or hunters associations, sport clubs or the above-mentioned voluntary firemen.

Besides those who, through their activity, only meet politicians more or less by chance, there are the classical lobbyists. In our Parliament, lobbying is concentrated more in the Chamber of Deputies because this Chamber is constitutionally more powerful, almost always able to enforce its will and also because to convince the leadership of a party fraction in the Chamber is more efficient than to convince the leaders of a fraction in the Senate. There are, however, more and more cases when the Senate does not remain neglected by professional agents of groups involved in matters related to the adoption of a bill. Unlike in many Anglo-Saxon countries, their status is not legally regulated. What is subject of law is only the conflict of interests of deputies and senators. If we leave out of consideration unacceptable acts of criminal behaviour in the form of corruption, the activity of lobbyists as sources of information is invaluable. In comparison to the Cabinet, the Parliament never has enough information.

However, the group of professional lobbyists is not very big. There are many more representatives of different associations and initiatives sending letters to senators, or participating in committee deliberations which are usually very open. It is there where they can put forward concrete amendments to bills under discussion. By the way, our citizens can express their opinion on bills without having to go to the Senate themselves. They can communicate with the secretary of the committee or with the respective rapporteur via the web sites on the Internet.

We also use other fora to obtain information and have contacts with the civic society: various seminars and especially public hearings. Much as they represent a notion taken from the practice of the US Congress, these public hearings are governed by regulations that make them resemble most of all the system of inquiries in the Austrian Federal Council. We distinguish hearings of the Senate and those of the committees. The Senate can decide on the holding of a public hearing on the proposal by at least five senators or by a Senate committee. The subject matter of a public hearing can be any issue within the competence of the Senate and invitations are extended to those able to provide information on a given subject. So far, there had been hearings on the situation in the public TV broadcasting corporation, on the status of science and university education, on the struggle against racism and xenophobia and on the foreign policy of the Czech Republic. The aim of the public hearing is to attract the attention of politicians and of the broad public to issues, to contribute to the exchange of knowledge and experience and last, but not least, to stimulate the legislative activity of the Senate. As far as the latter objective is concerned, it has been probably more succesfully implemented through hearings in individual committees. As for the Senate public hearings, from now on we shall

have to designate a body that will transform the partial conclusions into more coherent recommendations.

In conclusion, I should like to deal with the possibility of an institutional link between the upper chamber and the civic society, especially since the host National Council is a model of such a structure.

The Czech Senate is an institution that has been the subject of quite some criticism which, however, has mostly been very superficial. In spite of that, now and again there are considerations about possible modifications of its status. It is the issue of strengthening of powers which the Senate it-self has been working on for quite some time and the question of the modification in the composition and in the mode of establishment of the Senate. This second reform is usually discussed prior to elections and for a short time afterwards. However, reform proposals are not concrete. The idea is definitely to connect the Senate with the newly set up regional parliaments. An additional proposal suggested a more colourful representation of municipalities, trade unions and other entities. The problem, however, is the non-existence of umbrella organisations which could elect either all or one part of the senators.

Generally speaking I am of the opinion that the majority system will give the civic society a stronger voice in the Parliament than direct representation of individual segments of the civic society. The latter also contains elements of an arbitrary decision: who will be represented and who will not?