Bicameralism, Democracy and the Role of the Civic Society

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Reflections on the significance of the bicameral parliamentary system

I would like to begin by expressing my sincere congratulations on the founding of the Association of European Senates. It is of great significance that the President of the French Senate CHRISTIAN PONCELET launched such a decisive initiative in establishing this association, which, in addition to the general conference for the presidents of European parliaments, has provided us with our own representative body for senate presidents. This is undoubtedly important for the development of parliamentarism and thus democracy within the new Europe.

I would also like to offer my thanks for the invitation to participate in this conference.

As I voluntarily withdrew from the parliament in Vienna five years ago and thus from the circle of second chamber representatives, I am particularly grateful for the attention shown to me. <u>I extend</u> special thanks for the invitation and the hospitality that has accompanied it, to the <u>President of the National Council of the Republic of Slovenia</u>, Mr TONE HROVAT.

My appearance here today <u>reminds</u> me of my <u>official visit</u>, when in May 1997 I visited Ljubljana as the President of Austria's Bundesrat at the invitation of the then president of Slovenia's National Council, my esteemed colleague Prof. IVAN KRISTAN.

I am not here <u>today</u> as the president of the Bundesrat, the second chamber of the Austrian parliament, but as an <u>expert on state law</u>, who can combine knowledge from the field of constitutional law with 28 years of experience in the Bundesrat and 22 years of performing presidential duties alongside a similarly lengthy experience as president of a party faction.

I.

<u>The question of the significance of second chambers</u> is addressed <u>theoretically</u> and in parliamentary <u>practice</u> and thus within a democracy. This question is also <u>ongoing</u>, as is the continual development of democracy. IVAN KRISTAN has already stated "that the building of democracy is a task that never ends and that it is impossible to create an ideal model of democracy for all places and all times. On the contrary, it is a construction process in which we must always use new bricks and in which we must always take care to maintaining every element".

The <u>idea of a bicameral system</u> can be traced to ancient writings on mixed state systems. This understanding of the state attempted to combine three elements within the organisation of the state: the monarchical through consuls, the democratic through committees and the aristocratic through a senate.

The fact that today <u>many second chambers</u> are known as the <u>senate</u> – as in the United States, France, Spain, the Czech Republic, Poland and Italy – refers back to this historical source, regardless of their differing forms and competences.

Second chambers of this type are expected to provide <u>auctoritas</u>, that is, a specifically personal reputation, in addition to <u>potestas</u>, or political power.

Second or upper chambers have always existed within a field of tension between received <u>tradition</u> and <u>present political responsibility</u>. They form part of the basic constitutional organisation and the political reality of an individual state.

Looking back it should be noted that, in the great majority of cases, <u>bicameral systems</u>, <u>regardless of</u> <u>all the changes</u> made to the organisation of the state, be they in a monarchy or a republic, regardless of structural changes to the state, be it a federal or unitary state, and despite changes in the political system, whether in an authoritarian or democratic system, have been more conservative, and <u>settled</u> <u>parliamentary institutions</u>. Here for example in relation to Austria, I could mention the upper chamber at the time of the monarchy and the Bundesrat in the Republic, or the Federal Council of the USSR and Russia's present-day Federation Council.

The <u>US Senate</u>, with its comprehensive development from the system of the former British crown colonies in North America that transferred the bicameral system from the United Kingdom into the constitutional system of the United States, has undoubtedly formed the <u>pattern for the later</u> <u>development</u> of parliamentarism in democratic European countries, just as Europe then used it as an example to the rest of the world. In this manner the bicameralism of the <u>Westminster model</u>", through a community of nations that spans the continents, achieved <u>worldwide influence</u> and a defining presence.

In bicameralism, history becomes the present and, in <u>confrontation</u> with the demands and postulates of the <u>political present</u>, calls for responsible consideration. This entails a comparison of different state systems and critical analyses. These reveal the <u>differences</u> in the organisational development of <u>parliamentary institutions</u>. In 1950 New Zealand <u>abolished its second chamber</u>, as did Denmark in 1953, Sweden in 1970 and Iceland in 1991, whereas after the political transition in Central and Eastern Europe the <u>post-communist states</u> of Poland, Romania, the Czech Republic, Russia and Belarus decided <u>in favour of a bicameral system</u>, whereas Hungary, Bulgaria and Ukraine <u>all chose unicameral parliamentary systems</u>.

Π.

The <u>World Yearbook 1997</u> states that 66 out of 193 states have a bicameral system and 112 have only unicameral representation.

If we study <u>second chambers</u> by <u>function</u>, we find that they represent either a conservative element, such as the House of Lords in the United Kingdom, another form of representative chamber such as the French Senate or part of a federal system such as the German Bundesrat. Corporative representation may be characterised as a special form of second chamber, such as that formerly found in the Bavarian Senate and the one we find today in the National Council of our hosts, Slovenia.

If we carefully examine these <u>different forms of second chambers</u> we see that they usually occur as <u>part of a federal system</u>, in tandem with a representative body as first chamber. Examples include the US, Russia, Germany, Austria and Switzerland. There are also second chambers that are an <u>expression of decentralisation</u> to regions, autonomous communities, provinces and departments such as in France, Italy and Spain.

It is very unusual to find a second chamber as a <u>conservative element</u>, representing an aristocracy within a democracy, whether it be a nobility gained by birth, or by spiritual or wealth-based criteria, as embodied in its traditional form by the House of Lords. Its importance is steadily decreasing. One example is the Canadian Senate.

<u>Combined forms</u> of second chamber are of great interest. These are, like as first chambers, legitimised by direct elections, but also include directly appointed members or members that gain their position on cessation of the function of president of the state. An example of this is the Italian Senate and in some manner the former Chilean presidency provides a further example.

The position of parliamentary second chambers that do not rely on popular representation has changed as democratic state systems have <u>developed</u>, experiencing an <u>attenuation</u>. In former times this kind of parliamentary chamber was an upper or higher chamber and indeed the primary chamber

that during the democratisation of the state developed into more of a second chamber. However, in the Netherlands it is still known as the First Chamber or *Eerste Kamer*, whereas in the United Kingdom the Queen makes her speech opening parliament in the House of Lords and not in the House of Commons.

The <u>competences</u> of second chambers, as in all parliamentary institutions, can be divided into <u>four</u> <u>strands</u>: legislative, supervisory, cooperation with the executive branch and sometimes holding the right to make proposals for appointments to the supreme court.

In the <u>legislative</u> field, there are second chambers that are of equal standing with the first chambers such as in the US, Switzerland and Italy or those where the most common form of legislative cooperation can only be expressed by a suspensory veto such as in Germany, Austria, the United Kingdom and the Republic of Ireland. A third form has a consultative function such as in Belgium and Japan or functions as a quality control system for legislation adopted by parliament, such as in the Dutch "Eerste Kamer".

There are also parts of legislation that second chambers are excluded from. An example of this may be found in the financial legislation of India's Rajya Sabha and to some extent in the Austrian Bundesrat.

Second chambers usually have the right to make legislative initiatives to the first chamber, which may take place on the basis of a majority resolution or even on the proposal of a minority.

The course of the legislative process also differs. There may be an appeal, as in Austria followed by an overriding resolution from the first chamber. or it may lead as in Germany to the setting up of a mediating committee, formed of representatives of both chambers.

The second chamber is sometimes excluded from certain areas, sometimes having only a suspensory veto and in certain areas an absolute veto. An example of this is provided in Austria with the transfer of competences in favour of the federal provinces in the Bundesrat. These changes made it into a "true upper chamber" in this area. Some years ago the Bundesrat had this role during the preparations for Austria's accession into European integration, when competences of the federal provinces together with competences of the federal state had to be transferred to the European Union.

In addition to cooperation in legislation, second chambers also have the opportunity to carry out <u>political supervision</u> through the application of interpellations, resolutions, petitions, the right to summon or interrogate, and in some rare cases also the right to establish investigative committees.

The Bundesrat in Austria and Germany do not have the right to set up research committees, although the Italian and Spanish senates may do so.

<u>Political supervision</u> is the right to hold a vote of no confidence, which in most parliaments belongs only to the first chamber. Usually a vote of confidence in the government is required from the first chamber and the Italian Senate is one of the rare second chambers to hold that right.

In the area of <u>legal supervision</u>, most second chambers have the right to challenge <u>bws</u> in the constitutional court. They often also have the right to propose members of the constitutional court.

In contrast, the right to propose auditing supervision and the supervision of financial transactions by a court of auditors usually belongs to the first chamber.

In the field of <u>executive authority</u>, the <u>competences</u> of second chambers may include, for example, adopting international treaties and appointments.

In the United Kingdom, the second chamber, the House of Lords, also has judicial competence, which is extremely rare. Here mention should be made of the judicial function of the US Senate in impeachments, whereby in the case of an accusation against the highest ranking federal officials or even the US President by the House of Representatives, the Senate decides whether or not to dismiss the charges. To do so it requires a two-thirds majority.

In bicameral parliaments both chambers carry out their <u>competences independently</u> in most cases and only <u>very rarely</u> do they carry them out <u>jointly</u>. One example is the swearing-in ceremony of Austria's federal president – held after direct elections – before the Federal Assembly, which comprises the Nationalrat and the Bundesrat. In contrast there are also cases where both chambers vote for the president of the state, such as in Germany where this takes place within a special college.

III.

The independent and joint functions of legislative bodies within a bicameral framework open up the issue of the content of their activities and the issue of the <u>title</u> of this type of parliament.

Although the name "parliament" as the title of an institution does not always appear in constitutional formulations, and may often be just the name of a building, it is used in constitutional law by almost every state expressly or figuratively to refer exclusively to the representative body alone, that is to the first chamber. Bicameral parliaments do not always have a joint term for the parliament.

The Republic of Ireland does have a common term for its bicameral parliament, where according to Article 15 of the Irish Constitution from 1 July 1937, the national parliament was known as the *Oireachtas* and comprised the directly elected House of Representatives, known as the *Dáil Éireann* and a senate known as the *Seanad Éireann*, which in accordance with Article 48 of the Constitution is composed of 11 appointees and 49 elected members.

In a similar manner, Article 55 of the <u>Constitution of the Italian Republic</u> of 27 December 1947 employs the superlative term of parliament to include the Chamber of Deputies and the Senate, whose members are directly elected.

Article 58 of the Romanian Constitution (8 December 1991) and Article 15 of the Czech Constitution (16 December 1992) also state that the parliament comprises a house of representatives and a senate.

In <u>the Netherlands</u> the term *generalstaaten* refers to both chambers. According to Article 51 of the Dutch Constitution, the *Zweite Kamer* or "second chamber", whose members are directly elected, is the parliament itself, whereas the members of the so-called first chamber, or *Eerste Kamer*, are elected by provincial colleges.

The Constitution of the Kingdom of <u>Spain</u> (29 December 1978) also has a term to indicate both directly elected parliamentary chambers, the *Cortes Generales*, which in accordance with Article 66 comprises the Congress and the Senate as a chamber of regional representation to which each province elects four senators in accordance with Article 69 of the Constitution. According to Article 68 the House of Representatives shall consist of no fewer than 300 and no more than 400 members.

The <u>Constitution of the Russian Federation</u> of 12 December 1993 also has a single term for the parliament. Article 94 uses the term Federal Assembly, which is composed of the Council of the Federation (with two representatives from each of the 89 subjects of the Russian Federation, making 178 in total) and the State Duma, which has 450 members. Whereas the members of the Duma are directly elected, the Council of the Federation is composed of functionaries, that is, governors and the presidents of the parliaments of the 89 subjects of the federation. The first chamber of the Russian parliament is therefore composed of directly elected members, whereas the second chamber comprises members appointed ex officio.

According to the <u>Federal Constitution of the Swiss Confederation</u> of 18 April 1999, the "Federal Parliament is the highest authority in the Confederation" (para. 1, Art. 148). This is composed of the directly elected National Council and the Council of States. The National Council is a directly elected body with 200 seats divided between cantons and half-cantons according to their population, with every canton or half-canton having the right to at least one seat. Each canton elects two representatives to the Council of States and each half canton elects one.

Article 24 of the <u>French Constitution</u> of 4 October 1958 states that parliament consists of the National Assembly with 577 deputies and the Senate, which has 321 senators. Members of the National

Assembly are directly elected, whereas senators are elected indirectly by colleges comprising National Assembly deputies and representatives of legal territorial communities, that is, regions, departments and communes.

<u>Differences</u> in bicameral systems extend not only to the existence and form of a joint title for both parliamentary chambers but also, as previously emphasised, encompass the methods of their <u>legitimisation</u>, <u>operation</u> and above all <u>composition</u>. The first and originally the only form of second chamber was a largely conservative element, comprising a chamber of nobility responsible for legislation. The best-known example of this kind of chamber is the House of Lords in the United Kingdom. It is composed of 703 members, with 587 life peers (holding a lifelong right to the title), 75 hereditary peers, 17 hereditary office holders and 25 bishops. It grew up in opposition to the monarchy and later experienced differentiation and then confrontation with the House of Commons, to which it had to surrender the leading legislative role.

TONY BLAIR's government has introduced a two-phase reform process that has reduced the number of hereditary peers and introduced wide-ranging changes in the composition and authority of the British upper house.

<u>Second chambers</u> are currently found most commonly in federal states. These may be directly elected, as in Switzerland's Council of States (where there is an equal number of members for each individual canton or half canton), or the United States, where there is an equal number of senators for each federal state. Other second chambers – for example, in Germany – are not directly elected but are composed of representatives from individual federal governments. A third version is the Austrian Bundesrat, where members are elected by federal parliaments, which can be compared to the Spanish Senate, where 49 senators are appointed by the parliaments of autonomous communities and 208 are directly elected by those of voting age in each province.

The so-called first chambers are directly elected as a representative body for one legislative term, which means that the entire body is elected at once, such as in the Austrian Nationalrat and Germany's Bundestag. This is not the case however, in Austria's second chamber, the Bundesrat. This has a partial election, because every five years in Austria after the provincial elections are held (with the exception of the province of Upper Austria, where they take place every six years), the provincial diets appoint their representatives to the Bundesrat. Bundesrat members may also hold membership of a provincial government but it is not a requirement as in Germany; simultaneous membership in a provincial diet and the Bundesrat or in the federal and a provincial government is possible, but it is not possible to be a member of the Bundesrat or a provincial diet at the same time as being a member of the Nationalrat.

When the second chamber is composed of representatives of state (regional) governments such as in Germany, the system may be described as a form of <u>executive federalism</u>, which is frequently characterised by a bound mandate, such as the German Bundesrat. The vote of a respective federal state in the German Bundesrat is usually made on the basis of a resolution from a federal state government. The opposite is the case in Austria, where the members of the second chamber are appointed by parliamentary bodies and have a free parliamentary mandate. This is politically realised on a day-to-day basis in terms of party allegiance, which means that it is "party faction"-based, and in practical terms a bound mandate. The representation of federal provinces in the Austrian Bundesrat is therefore based on relations between parties in the provincial diet!

Many other examples could be mentioned to illustrate that each federal state has its own specifically structured method of representing its federal components (e.g. states or provinces) just as <u>each</u> <u>federal state has its own historical origin</u>. Thus Germany, Switzerland and the United States developed into federal states from some form of union of states, whereas Austria's federal system was the product of the decentralisation of a unitary state.

In reflection, one may observe with regard to federalism – especially with regard to post-communist countries – that the three multi-national countries of Czechoslovakia, the Soviet Union and Yugoslavia, split up into their national elements. Those versions of federalism were unable to solve the problems they were meant to address.

If we consider the different forms of bicameralism we find <u>representation on the basis of professional</u> <u>interest to be the most unusual</u>. This is surprising and a great pity, as a country needs the interests of such groups to be represented in some manner, particularly countries that, being based on the rule of law, are becoming more and more culturally, socially and economically oriented. As a supplement to the more ideological and dogmatic policies of the parties representing people in the first chamber, representation in the second chamber can balance different interests and lead along these lines to the practical realisation of the political will within the framework of shaping the national will. The Bavarian Senate was more of an advisory body than a decision-making one.

The example of the Bavarian Senate demonstrates that there was a desire to remove its critical cooperation in parliamentary legislation and that the expected financial effects never came.

Until 1999 it contributed to the cultivation of democratic decision-making and REINHOLD ZIPPELIUS declared that the Bavarian Senate had "as a representative body given a legitimate contribution to structuring the democratic decision-making process and made an important contribution to rational and realistic decision-making and hence to the constitutional culture". In this regard, he warned that dissolving the Senate would mean that instead of having to pay its operational costs there would be the need to support party factions with DEM 4 million given their "increased financial requirements, due to intensified professional preparations (e.g. hearings of associations and commissions of inquiry)". "The beneficiaries of this support and the removal of the Senate are in the end the opposition fractions in the federal state parliaments that ... wanted to use its removal to save money."

An effective model and example in the field of representing corporative interests is presented to us by our hosts, the National Council of the Republic of Slovenia. <u>The Constitution</u> of 23 December 1991 states that the National Council is the representative body for social, economic, professional and local <u>interests</u>, in which it has not only an advisory function, but may also dispose of a suspensory veto within the legislative process. In accordance with Article 96 of the Constitution the National Council comprises 40 members, with four representatives of employers; four representatives of farmers, crafts and trades, and independent professions; six representatives of non-commercial fields; and 22 representatives of local interests.

In general, the <u>diversity</u> emphasised between the first and second chamber exists not only within their <u>competences</u> but <u>sometimes also in their conditions for membership</u>, such as for example the US, Canadian, French and Italian senates, where the qualification criteria includes a higher age of entry. Usually both houses also <u>differ in the length of terms in office</u>.

The term in office in the US and Czech Senates is six years, and is nine years in France, where new elections are held every three years for a third of the seats in the Senate. The term in office for the French Senate is longer than the President of the Republic's term in office, which has now been reduced from seven to five years.

<u>The terms in office for the highest state bodies are often coordinated</u>, to guarantee and supplement continuity in national politics. In Austria for example a term in office in the Nationalrat is four years, followed by elections for the whole house. The Bundesrat mandate lasts five years with partial elections related to the mandate of the provincial diets, whereas Upper Austria alone has a six-year mandate for its diet and its provincial president.

There are also countries with the same mandate for both chambers. Every four years Swiss citizens vote for their National Council and the Council of States, and Italian citizens elect members every five years to the Chamber of Deputies and the Senate.

Second chambers that function as the representatives of federal regions tend not to feature a complete turnover of members as in first chambers that function as the popular representative body, but instead feature partial elections after provincial assembly elections. This brings us to the fundamental problems of a bicameral system.

Bicameralism offers the opportunity for <u>critical cooperation</u>, <u>shared judgement and shared decision</u><u>making</u>. The greater the interest in public life and hence in politics within an individual country, the greater the need to extend popular representation. Second chambers offer an opportunity to do just this!

For second chambers in federal states that represent the federal regions, this representative competence is a third <u>absolute characteristic</u> and indeed one of the conditions for a <u>federal state</u>, alongside the distribution of competences or tasks in the fields of legislation, judicial and administrative matters on the one hand and ensuring financial balance on the other.

This type of second chamber therefore offers an opportunity for an almost seismographic representation of the will of the voters within individual federal regions, so that a change in the voters' will during the first chamber's mandate is expressed in the second chamber. The bicameral system therefore contributes to representing the will and disposition of the people and through both chambers adds breadth to the formation of the will of the parliamentary state. <u>Critical legislative cooperation and supervision</u> are also broadened in this manner. The bicameral system is therefore demonstrated to be an important <u>form of the separation of powers</u> that functions not only between the legislature, judiciary and executive, but also within the legislature!

However, matters become <u>problematic</u> in a bicameral system when the <u>same party political forces</u> <u>operate in both chambers</u>, as may occur, in addition to the representative body, in a body representing the regions or any other form of second chamber. The influence of political parties in this case goes beyond all bounds, and the party state grows at the expense of the federal state. This leads to a loss of the most effective features of the separation of powers and supervision. The democratic content of the constitution and the political system grows, but at the expense of the federal content, and both these are overshadowed by the hegemony of political parties.

In a democracy with a pluralistic society, be it a monarchy or a republic, <u>political parties are an</u> <u>absolute necessity to represent the people</u>. However, they must also recognise their limits as well as their opportunities within a democratic and constitutional system. This applies even more so to federal countries, where the people are <u>organised</u>, institutionalised and represented at different levels, at the local, regional and federal levels.

If opposing resolutions are adopted in a bicameral system, then one must apply the principle ascribed to ABBE SIEYES – he is said to have remarked during constitutional discussions at the time of the French Revolution, that "if a Second Chamber dissents from the First it is mischievous; if it agrees, it is superfluous ..."!

As the second chamber of a parliament does not stand alone but is part of a democratic, constitutional organisation and political system, it is important, that <u>the second chamber always deliberate and</u> judge in a manner that is integrated with other constitutional institutions and factors in political life.

When there is a <u>coalition</u> of parties in parliament and government and if that party <u>consensus</u> does not <u>act</u> solely on the government but also across the parliament including the second chamber as well as the first, the <u>importance</u> of the second chamber <u>is reduced for the length of the coalition's life</u>. The importance of the second chamber increases, however, when the coalition pact acts as a supervisory force over the legislature and government. The separation of powers is thus hindered within the legislature. Party political parallelism then cancels out the independent significance of the second chamber.

In every day political practice, <u>party politics</u> (particularly in countries with a pluralistic society and an electoral system based on proportional representation, which tends to lead to the formation of coalitions) prove to be more <u>powerful than regional and federal representational interests</u>. Furthermore there is an <u>ever greater</u> tendency for <u>political life to be directed towards the executive authority</u> and an increasing interest in a less problematic legislature. Forming the national will is simplified in this manner and strengthened, yet there is a <u>loss in the breadth of collaborative opportunities</u> available and this formation of will actually becomes the <u>democratic content of a country's political life</u>.

It is precisely <u>within the multi-purpose tasks of the modern state that a multi-purpose legislature</u> requires <u>advice and decision-making</u> that are as wide-reaching as possible; a condition for this is making conceptual and creative cooperation between the relevant members of the second chamber as universal and responsible as possible. If these people, in a federal country's second chamber, cannot cooperate in the manner prescribed by constitutional law because a coalition pact prevents the representation of regional interests, then "extraconstitutionally" – which is not to say anticonstitutionally – a <u>special new institution</u> may be created, which reduces or even threatens the significance of the bicameral system. Austria has an examples of this, where alongside the Bundesrat there is a voluntary conference of the prime ministers of the federal provinces, not defined in the Constitution, but not unconstitutional, known as a conference of the heads of provincial governments, as well as the Austrian Regional Planning Conference, which is in charge of coordination.

Political developments show that <u>barriers to the bicameral system</u> are not long-lasting but are <u>limited</u> <u>in time</u> and constitutional institutions such as second chambers do endure. An example of this may be seen in the change from the coalition-based one-party governments in Austria or in the transition from a federal to a unitary state in today's Czech Republic.

<u>Second chambers strengthen the federal and democratic content of the constitution</u> and in that manner also the <u>stability of the constitutional system</u>, as long as they are not are paralysed by the political reality. The members of second chambers can also bring the state much closer to the individual citizen, by listening to their concerns and assisting them.

At a <u>time of European integration</u> EU member states have the <u>opportunity</u>, via their second chambers, to represent the interests of the people to their government, which represents them on the European <u>Council</u>, as they are responsible to the country as a whole. <u>Interest-based representation</u>, <u>balance and</u> responsibility for the common good can be interconnected in this manner by the bicameral system and can strengthen the democratic culture within the political and legal systems of an individual state. In relation to these requirements, I think not of the critical comments of ABBE SIEYES on the superfluity of second chambers, but of the words of GEORGE WASHINGTON, who lived during the same period of history and during the preparation of the US Constitution explained the importance of the senate to THOMAS JEFFERSON by pointing out how Jefferson had poured his tea from his cup to his saucer to cool it and thus demonstrated the cooling and settling effect of the two chamber system. Who would now deny the urgent need for this role today, at a time in which the state is particularly burdened and the people have such high expectations? It is precisely the bicameral system that can provide what is needed.

V.

Independently of the constitutional law of individual countries, the existential issue of second chambers includes the question of whether the second chamber exists as a separate building alongside that of the first chamber, or whether they share one building. An example of separate buildings is provided by the current German Bundesrat in Berlin, where Germany's regional representative body sits in the former Prussian upper chamber (the Herrenhaus), whereas the Bundestag is located in the buildings of the former federal parliament (the Reichstag).

The French Senate and National Assembly in Paris and the Chamber of Deputies and the Senate in Rome also have separate locations. When both parliamentary houses share a building, such as the US Congress in the Capitol, which contains the Senate and the House of Representatives, or the Viennese parliamentary building for Austria's Nationalrat and the Bundesrat, it is important that the administration of one house not dominate the other and that the second chamber also be afforded appropriate support from auxiliary parliamentary services.

In Austria the President of the Nationalrat is, in relation to the joint parliamentary administration, also practically responsible for the state of the second chamber. The consequence of this is often that the presidents of the first chamber see themselves as the president of the entire federal legislature and treat it in that manner. That position is currently held by the Social Democrat, Prof HEINZ FISCHER, who is both an experienced parliamentarian and political scientist with a wealth of knowledge.

Throughout my lengthy parliamentary experience that stretches back over twenty years, I often had the opportunity as part of my presidential functions to observe relations between the heads of both chambers, and to see how politicians understood functional, social and people-related problems. Sometimes what was important was not just people's political affiliations, but also what they did with their positions in public life. In that way, an active parliamentarian from the second chamber – in certain circumstances – could often contribute more to forming public opinions, judgements and the national will than a silent one in the first chamber.

The personality of a individual politician, and his or her knowledge and conscience, are of decisive importance, particularly with regard to holding public office, taking initiative with regard to when, how and with what purpose something should be announced, and especially what to do for one's fellow human beings. Individual citizens are not interested in who is quarrelling with whom, but in who supports whom and to whom they can turn when they need help! I have always enjoyed comparing relations between the heads of the legislative bodies to the relations between a mother-in-law and daughter-in-law – they belong to the same family, but have different tasks to fulfil.

This observation applies not only to the two legislative bodies; it also refers to how functions are perceived, and how the president of the state, the prime minister and the heads of the representative bodies perceive themselves and their mutual relations. In the final summary, it seems that in every political system everybody seems content to seek greatness alone!

Besides these empirical and verifiable facts, it is not only the competences within the organisation of the state that form an effective base for the state's functioning, but also the personal integrity of politicians, or in other words, that political responsibility be demonstrated through empathy for one's fellow human beings. Bicameralism also offers opportunities to do just this, as does politics in general. In this endeavour, I wish you every success.