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## FORMATION OF BICAMERALISM IN EUROPEAN CULTURE

*At the article are structured and analyzed main steps of bicameralism formation and development from antiquity till nowadays. Special attention is devoted to the works of philosophers and states, who develop an idea about bicameral parliament.*

**Keywords:** parliament, bicameralism, political system, government, democracy, people.

From all democratic and social values, very important role has parliamentary – institute, which characterized main political systems of the world. From it depends of economical, social and political welfare of state and society.

Institute of Bicameralism, its role in the system of separation of the branches of state power, influence on public relations and history of its development, studied antique philosophers Aristotle and Plato, medieval politicians: D. Ikenberri, E. Immerhut, P. Hall, G. Hegel, T. Hobbes, Sh.-L. Montesquieu, J. Locke, J.-J. Rousseau, R. Taylor, S. Stein, Voltaire and modern domestic researchers: S. Husariev, M. Koziubra, O. Kopylenko, M. Kostytskiy, V. Kostytskiy, M. Onishuk, A. Pohorielov, V. Shapoval, Y. Shemshuchenko, V. Zhuravsyi, etc.

Analyze of historical sources works of scientists regarding preconditions of parliamentary development as an institute.

At the beginning, lets discuss etymology. If the word parliament, (from lat. *parlare*) which mean «speak» [1]. Metaphrase of this word could not show the main idea what does parliament and parliamentarians mean. Parliament does not only discuss, it takes important national decisions, which were made by representatives of the people.

Under word «bicameralism» we understand structure of the parliament (or another government agencies) which consist of two houses.

It is usual, that parliament and parliamentary is an integral part of the attributes of a democratic state and serve as indicators of the development of civil society and political culture [2].

Important meaning of the idea of parliamentary is involving of citizens in the in governance through formed by them representative agencies. The ability of taking a collective decision that would spread throughout the country through delegated representatives of society was initially perceived by the peoples.

The first origins of this idea go back to the ancient period when state and state institution began to develop. At this article we concentrate our attention on the most important stages of development of the idea which we explore.

First stage – antique Greece and Rome. According to the constitution of Solon (VI century b.c.) the highest agency of state power in Greece considered Athenian people (social) assembly – *eclesia*, in which could take part all categories of free people [3]. At the meetings which held at least four times a year in the theater of Dionysos, solved the major issues of internal and external policy.

Based on the analysis and surviving works of philosophers, most historians argue that the real democracy, originated and gained in Greece. In support of historical reasoning is fair to note that participation in the elections had the opportunity to take all Athenian citizens who have reached the age of majority (20 years) without prejudice to property qualifications [3]. The agenda of meetings was known in advance, every citizen has the right to make any proposal to put any question for unexpected meetings or even a project of future law.

If more precise, at the meetings decides issues of war and peace; Embassy reports and concluded treaties of alliance; regularly listened to reports of officials about their activities and were elected the highest positions in the state; considered important litigation; discussed appropriations for the military, navy and construction of public buildings, food supply; awarded or denied individual civil rights and finally solve a variety of issues of current life [4, p. 215].

It is important to note that confirming a democratic form of political organization of society in ancient Greece, philosophers and statesmen laid the basis principles for providing wide human rights, strengthening state institutions and also placed high on citizens responsible for their decisions and behavior. Nowadays perception of

democracy (permissiveness), diametrically opposed to the true vocation of this form of political organization of society.

For example, we mentioned that everyone present at the people assembly, could make a proposal or bill. After this the bill or proposal thoroughly discussed by all participants. Then, after representation by the author of the bill in his defense the people assembly committee appointed from among the people judges to study the question of the new law. Discussion of the bill passed in the form of the trial. The final decision handed down by the national assembly. But after accepting of the new law, throughout one year author could be prosecuted on charges that the proposed law that contradicted democratic constitution and existing laws. Against him violated the special action, which was called «grafe paranomon» (complaint of unlawful). If a «grafe paranomon» claim fair, the author threatened judicial punishment up to deprivation of civil rights. These precautions were directed against attempts to carry out with the help of demagogic arguments laws that would weaken the democratic system [4].

In our opinion, one of the greatest threats to undermine democracy in the world is forgotten tradition of responsibility for the decisions or actions. An indicator of democratization of society is the parliament and parliamentarians responsible for accepted decisions.

Along the people assembly, there was a council of «four hundred». The formation of this council reminds us of the current majoritarian election system. In filah, which was divided Athenian state representatives were elected to the mentioned council. The main board was making exert a deterrent effect on people assembly. With extensive legislative and other powers of the council «four hundred» served as upper house of parliament. Council of Four Hundred could block the decision of the national assembly; send the bill to re-discuss with the introduction of its proposals and amendments. This structuring of public institutions was introduced by a prominent politician, thinker and poet, a man who was well aware of the complexity of the social-political situation Solon. Thanks to this person originated the first signs of bicameralism [5].

Ironically, the origins of bicameralism first appeared in ancient Greece, but modern Greece has unicameral parliament. At the same time, analyzing the experience of countries that bicameralism inherited or evolved from mono house parliamentary system to the bicameral parliament, the country really could be called democratic

and one that is leading in terms of economic and political development.

Because bicameralism promotes the participation of local communities in state decision making.

Probably it is not fair to recognize ancient Rome as a second home of bicameralism. Instead of the first mention of parliament reflected in the writings of Greek philosophers, Roman culture was inextricably linked to the Greek. Due to the proximity of these countries and their cultures was strictly complement each other. So we decided not to separate the Roman republic into a separate period of parliamentary in Europe. After the expulsion of the king Tarquinia the Proud and establishment of the Roman republic the prerogatives of the highest power were divided between two officials, elected annually, who initially called pretor, and consuls.

By the way, most of the world experienced autocracy, tyranny, absolute monarchy and other forms of usurpation of power in the hands of one person. According to our nature, man tends to the conservation of civil justice and rights, without delegating the order of the king, emperor or leader. At this important stage people are increasingly aware of the importance of Parliament and the need to delegate power to the collegial body that is formed at an elected basis.

Similarly, in Rome during the period of Republic is characterized by strengthening the role of Parliament and the realization of genuine democracy, which is characteristic of a democratic form of political organization of society.

Since IV century b.c. in Rome, there are two types of the people assembly – centuriat and tribunate. First one was the main. They claimed the law and elected consuls, pretors, censors and other officials in charge of issues of war and peace questions. Also, they used to listen to the case for state treason. The Senate was another powerful collective body of the Roman Republic. Senators are appointed by the authorized censors elected on the people assembly. In the area of jurisdiction of the Senate were the most important fields of governance [6]. As in ancient Greece opposed to the Senate was people assembly. Traditionally, it was under the power of the people assembly, but if the Senate believed that certain decisions «not in the interests of Rome», they declared them illegitimate. In this case, we are seeing clear signs of bicameralism and the formation of checks and balances in the power top state.

In addition, when we analyze the history correctly, is important to evaluate not only the specific historical events, but also personalities

who influenced the development of history. So, the appearance of similar bodies acting parliament in Athens – the People Assembly and the Council of Four Hundred, and the Roman Empire – the Senate, its appearance largely due to the work of prominent Greek and Roman thinkers - Plato, Aristotle, Cicero and others.

These thinkers saw the ideal of government combined different forms of government. Aristotle is the founder of the idea of «mixed state», which should combine the positive features of democracy, aristocracy and monarchy. He called this form of state «polity». The idea of a «mixed state» gained popularity and influenced the formation of the concept of separation of powers – legislative, executive and judicial [7, p. 355–356].

The second stage – essentially removed from the first, this time of feudalism. In the XII century at Spain on the basis of a representative body acting Cortests (royal assembly) and later in France – General states. They were not legislative they were deliberative body. Here in the middle of XIII century Louis IX provided judicial reform and created a supreme court chamber, it became known as the «parliament». The term then caught on in Europe, but the name is not used to the court it used to the representative legislature. It consisted of appointed by a king clergy, knights, lawyers – graduates of law schools and universities actively supported the royal power. First Kings participated in meetings of the Paris parliament, but then stopped do it [8].

Reform of Louis IX did not strengthen democracy, but rather were aimed at increasing of the authority of monarchy and strengthening of the central administration. This governance system is fundamentally denies the existence of an effective parliament. Therefore, in the parliamentary history of this period is often referred to. However, to avoid bias, we analyzed it and found reason of why the French people came to bicameralism. We should not equate the desire of ordinary people and the will of the ruling elite.

The third stage – characterized as the true origin of parliamentary stage in the form in which we see and understand it today. Homeland of it was England.

After wining war over the king and barons, in 1265, the coalition of urban residents and knights, convened the first ever England class meeting. Exactly ten years later they called it Parliament [9]. Defending human, natural and civil rights of the people of England did not even

have imagined that this time, they lay the foundation for the future of their country and the basis of the branches of power in Europe.

Since 1295 began its activity so called «model parliament» – the legislature. In the mid-XIV century English people have chosen for themselves a bicameral structure of parliament. It was formed by the House of Lords and House of Commons. Since the names of the chambers have not been changed. The undoubted fact is that bicameralism held evolutionary way of development in England. Some people believe that England bicameral model existed from the beginning of the parliament – it is not true. History shows that the formation of the parliament and later bicameralism is a consequence of the evolution of legal awareness of citizens.

This high level of civil justice, forced the people of England to defend their rights by the way of democratic state institutions. Thus, in England found the first practical implementation the idea of parliamentary in its modern sense. This is the representative character of Parliament, its activities on a regular basis, bicameral structure, and most importantly – recognition by Parliament lawmaking functions [10, p. 3].

The fourth stage – characterized by the transition from monarchical to a more democratic, republican form of government, from weakness of people – the «freedom for the people» and «equality in front of the law». This stage generally called step of bourgeois-democratic parliamentary. As a result it takes place significantly expand the number of parliamentary countries and the increasing role of parliamentary in public life [10].

The model and idea of parliamentary England and France cross over the ocean and spade over the American continent. Authors of the United States Constitution decided to give the legislative power to the Congress. At this stage, the characteristic feature is the theoretical foundation of the idea of parliamentary in the context of the concept of separation of powers, the doctrine of popular sovereignty and social contract, the rule of law in the regulation of social relations, etc. The leading role were made by French, British and German scientists and philosophers: G. Hegel, T. Hobbes, Sh.-L. Montesquieu, J. Locke, J.-J. Rousseau, Voltaire and other.

Continuing opinion of M. Kostytskyi who believes that psychology and justice are inextricably linked with people's form of

government and the political organization of society, we can conclude that the peoples of antiquity had a high level of justice [11].

Conclusions. Summarizing the findings, we believe that the level of parliamentary reflects the level of civilized society. In less developed countries the idea of parliamentary is generally unpopular, they observed the increasing power of one person (the monarch, president, emperor, etc.), the ruling party, or obscure functioning of these agencies as independent institutions.

In civilized countries, by contrast, there is a trend of steady and consistent development of parliamentary. We also pointed that the fact of the rate of civilization development, depends on the psychology of justice and the people of the country.

We describe several key stages of bicameralism that have taken place in world history. From the historical side, we have seen that a key democratic institution, which expresses the willness of the people of a country acts bicameralism.

Countries, where were introduced unicameral parliament arose risk of imbalance of power branches and increased the possibility of usurpation of power by one person or party, and as a result of the overthrow of democracy.

Thus, making parallels between past and present, we can come to logical reasoning – countries which launched the parliamentary system, from time immemorial have been successful, as the most effective government is the one that operates in harmony with national interests.

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### **Становлення бікамералізму в європейській культурі**

Структуровано та здійснено аналіз основних етапів утворення та розвитку бікамералізму з античних часів і до сучасності. Приділено увагу працям філософів і державотворців, які вплинули на світогляд європейців й утворення двопалатного парламенту.

**Ключові слова:** парламент, бікамералізм, політична система, держава, демократія, народ.