

The Czech Parliament: Bicameralism in Central Europe



By Martin Kuta

The current Czech Parliament arose from its predecessor established after 1968 when reforms towards federalization were undertaken in former Czechoslovakia. The Chamber of Deputies, the lower chamber of the Czech Parliament, has existed since 1993. In 1996, senators of the upper chamber gathered for the first time. Institutionally speaking, the emergence of the Czech Parliament was much more complex since the members of the Chamber of Deputies in the first electoral period (1993 onwards) had been elected in the general elections in 1992. The 1992 general elections were held to elect members of the Czech National Council – a state-level parliament of the Czech Republic, which was a part of the Czech and Slovak Federal Republic, a predecessor of the current Czech Republic – and members of the Federal Assembly. With the split of the former federation, only the state-level deputies retained their mandates. The Czech parliament therefore started as an “unimportant” state-level chamber of second-order deputies because many party leaders were present in the Federal Assembly which was seen to be much more important.

Currently, there is a bicameral arrangement in the Czech Parliament – the [Chamber of Deputies](#) (*Poslanecká sněmovna*) and the [Senate](#) (*Senát*). The tradition of the second chamber dates back to the period of the First Republic (1918-1938). After the split of Czechoslovakia in 1992, the Senate was incorporated in the emerging constitution. It took three years to set up the second chamber. During this period, there was an implicit breach of the Constitution; the Senate did not exist despite its existence being stipulated by the Constitution. Furthermore, the Chamber of Deputies could not have been dissolved as some powers would not be exercised by the Senate (temporary legislation for instance).

The powers of the parliament are stipulated by Chapter 2 of the [Constitution](#); however, both chambers have set up internal provisions to delineate their own parliamentary business management and competences of internal bodies (the so-called [Rules of Procedure](#) and [Standing Orders](#) in case of the Senate). The relationship between both chambers is asymmetrical (in terms of the vote of confidence, the approval of the state budget, their strength during the passage of legislation, the nomination and approval of high public officials). In case of dissolution of the Chamber of Deputies, the Senate has powers conferred on it to keep the system functioning (these are merely for the purposes of temporary legislation and cannot any impact on the budget or taxation).

Inter-party competition is the prevailing mode of interaction within the Chamber of Deputies. It transcends to a certain degree from the plenary to committees. This is true primarily in those areas that are crucial for Czech political competition (i.e. social and economic policy, taxation). Some committees still play the role of expert supervisors of governmental policy (primarily the Foreign Affairs Committee, the European Affairs Committee; however, these two policy areas are not the main cleavages within Czech political parties).

In practice, the role of the Senate has shifted slightly from being a legislative safeguard to a political lever of the government. The governing coalition in the Chamber of Deputies should carefully revise every submission of any piece of legislation before it proceeds to the Senate as the Senate may reject any bill. In the case of a fragile governing coalition, it may be difficult to pass the previous version in the Chamber of Deputies. Prior to the Senate elections it is common for the governing coalition to attempt to pass legislation through the Senate before the political composition of the Senate changes. The Senate still retains its representative function. Thus if a change of public mood occurs in the mid-term of governmental activities, the opposition parties call for the resignation of the government as it has lost “public confidence”. There is, however, no institutional lever as the government is responsible only to the Chamber of Deputies.

The Chamber of Deputies consists of 200 deputies who are elected under the proportional representation system (d'Hondt formula) every four years in 14 multi-member constituencies. The allocation of mandates in each constituency is counted after the elections according to voter turnout. This system of allocation ignores the number of inhabitants of each respective constituency. The number of mandates allocated to a constituency is a strong determinant of the proportionality of the electoral system. The electoral system favours bigger parties with nation-wide activities. Eighty-one senators are elected under the two round system (with the two most successful candidates proceeding to the second round). The regular term of senators is six years; each two years, one third of senators is re-elected.

Still, there is often political debate on possible changes to the electoral system for the Chamber of Deputies. Some politicians favour the introduction of a majority electoral system (with single-member constituencies) so that only big parties can prosper. However, some Senators do not belong to a political party as “non-affiliated” candidates may run for election in constituencies (“non-affiliated” nomination is not possible to the Chamber of Deputies). Thus, as the composition of the Senate suggests, there is a much weaker partisan tie between Senators and their respective parties also due to the majority electoral system. Such intentional adjustment of the electoral system together with the current low level performance of party loyalty might further undermine the position and role of political parties within the Czech system and lead to diagonally different political outcomes.

The historical complexity of institutional development after the Velvet Revolution in 1989 opened doors to more challenges such as the relative importance of an individual deputy leading to instability and disunity within a party and relative strength of the parliament vis-à-vis the government. From 1989 onwards, the transition towards democracy took place primarily within the existing institutional framework. This could be perhaps most fittingly characterized by Timothy Garton Ash's term “Czechoslovak reformation” (combining reform and revolution together). All important reforms of the socio-economic, legal and political systems were approved by deputies in the then Federal Assembly. But the Federal Assembly was reconstructed by a non-constitutional measure – the so-called co-optation by which proponents of the main opposing umbrella organization Civic Forum were chosen to replace former Communist deputies. The parliamentary tradition was created at the very beginning of the democratic period. This has had a great impact on the current Czech “parliamentary culture”. As reform approvals took place in the parliamentary arena, most of the procedural arrangements from the previous non-democratic period were taken for granted. Individual rights concerning information, interpellation, amendments, and proposing bills were granted to each deputy in the Communist period; however, they could hardly ever be used. Despite this, in the period of renewal, the situation changed and deputies started to exercise these rights to a great extent. The use of deputies' rights in this way became a standard feature of parliamentary procedure.

The formal strength of individual deputies' mandates brings very specific consequences. Formally, deputies are not tied to their mother parties (or more precisely to their political party group) as they can exercise most of their powers without the need for collective action. Deputies can act on their own on the parliamentary level. But this undermines the position of political parties to some degree. The Chamber sometimes resembles many collectives of deputies rather than a chamber driven by political parties. This leads to the further loss of party loyalty and identification. As a result, informal factionalism within political parties grows.

The voting unity of political parties is lower in comparison to Western European parties. Political parties suffer from two shortcomings: a lack of loyalty from their members and a lack of public confidence as party deputies do not act collectively. The Chamber of Deputies is therefore very fragmented. Some scholars claim that the problem with party unity also has an implication for executive–legislative relations. As government parties are not able to ensure the passage of government-sponsored bills through Parliament due to the lack of unity, individual deputies increase in importance. Government as an institution is weakened. Some scholars claim that because of the failure of political parties, an individual deputy has to possess a wide variety of powers so that the deputies themselves are able to govern.

Political Party	% of Votes	No. of mandates
Czech Social Democratic Party (ČSSD)	20.45	50
ANO 2011	18.65	47
Communist Party of Bohemia and Moravia (KSČM)	14.91	33
TOP09, Tradition-Responsibility-Prosperity	11.99	26
Civic Democratic Party (ODS)	7.72	16
Dawn of direct democracy	6.88	14
Christian Democratic Union – Czechoslovak People's Party (KDU–ČSL)	6.78	14

After general election in 2013, the government is comprised of three political parties (indicated in bold in the table above) – ČSSD, ANO2011, KDU–ČSL. The main issues of the government have been the end of austerity measures, anti-corruption struggle, and the efficiency of public spending.

Further reading:

Kopecký, Petr (2004). 'Power to the Executive! The Changing Executive–Legislative Relations in Eastern Europe', *Journal of Legislative Studies*, vol. 10, 2-3. P. 143–153.

Linek, Lukáš, Mansfeldová, Zdenka (2007). 'The Parliament of the Czech Republic, 1993–2004', *Journal of Legislative Studies*, vol. 13, 1. P. 12–37.

Linek, Lukáš, Rakušanová, Petra (2005). 'Why Czech Parliamentary Party Groups Vote Less Unitedly. The Role of Frequent Voting and Big Majorities in Passing Bills', *Czech Sociological Review*, vol. 41, 3. P. 423–442.

Reschová, Jana, Syllová, Jindřiška (1996). 'The Legislature of the Czech Republic', *Journal of Legislative Studies*, vol. 2, 1. P. 82–107.

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