

Bicameralism and Bicameral Reforms in Democracy and Dictatorship in Comparative Perspective

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Abstract:

Scholars generally agree that the number and percentage of bicameral legislatures have been in decline but by the late 1990s the trend has either flattened out or reversed. The existing studies are also predominantly informed by bicameral reforms in mature democracies. Our aim is twofold. First, drawing from new data, we re-examine the fortunes of bicameralism in all democracies and dictatorships from 1945-2016. Second, we look under the hood of the observed trend and take stock of over a hundred of cases of the introduction, removal, or reintroduction of second chambers. We find that that democracies rarely reform bicameralism and when they do it is typically in context of a transition period. By contrast, the change in dictatorships is much more frequent. Second chambers provide authoritarian leaders with patronage opportunities, which in turn may influence regime stability. Drawing from survival analysis, we find that dictatorships with partly or fully appointed senates are more durable. In general, we argue that it is important to bring the experience of change in non-democratic regimes to discussion about second chamber reform in general.

Keywords: bicameralism, democracy, dictatorship, comparative, regime survival

Introduction

In this article, we take the stock of bicameralism, and particularly of the reform of bicameralism --- the introduction and removal of a second chamber --- in democracy and dictatorship, in comparative context. First, we trace the fortunes of bicameralism in the world over time, i.e., on a systemic level. Second, we examine each case of the adoption and removal of bicameralism and discuss under what general circumstances bicameral reforms typically occur. We find that reform is a surprisingly frequent occurrence across the world. From 1945-2016 in countries with a population of more than 500,000 people and excluding first post-independence constitutions, there were 125 changes, with half changing from a unicameral to bicameral legislature and half abolishing their second chamber, with the change occurring more than twice in some countries. Revealingly, changes are much more frequent in dictatorships (henceforth we refer to dictatorships and non-democracies interchangeably) than in democracies: while democracies introduced second chambers 12 times and abolished them 18 times, dictatorships did so 52 and 43 times respectively. The abolition of second chambers is particularly interesting. Indeed, it entails not only costly constitutional modifications but also, in some sense, a collective political “suicide” of the members of such second chambers who are often required to vote and approve their own demise.

As we demonstrate below, many governments argue that the removal of a second chamber will improve democratic accountability. Somewhat paradoxically, other governments that introduce a second chamber --- not only from different countries but also successor governments in the same country, as in Senegal where a second chamber was introduced in 1999 and 2007 (and abolished in 2001 and 2012) -- also argue that it will improve the democratic process. While senates were

abolished in the process of transition in Tunisia in 2014 or Niger in 2011, they were however introduced in the course of the same transition in Poland in 1990 or Myanmar in 2009, all in the name of erasing the authoritarian past. Bicameralism is apparently a very malleable institutional feature and whatever the official rhetoric, multiple reasons may exist behind its reform. In a comparative institutional context, reform in the number of legislative chambers is almost as frequent as the reform of an electoral system and is much more frequent than a switch from/to presidentialism, semi-presidentialism, or parliamentarism (see Benoit (2004) on electoral reform; see Elgie (2011) on semi-presidentialism).

While there exists a well-developed scholarship on bicameralism (Bradbury, Charles and Crain, 2004; Heller and Branduse, 2014; Norton, 2007, 2004; Patterson and Mughan, 1999; Russell, 2001, 2000; Tsebelis and Money, 1997; Uhr, 2008; Wheare, 1968), the discussion of second chambers and their consequences is largely dominated by reference to a relatively small number of examples in consolidated democracies. Such studies also included the abolition of second chambers at the sub-national level but equally in consolidated democracies, notably in Queensland and Nebraska (Massicotte, 2001). More recently, reform debates in the UK, Ireland, Canada, and elsewhere have increased the amount of information available about second chambers. Much of this debate, though, still refers predominantly to second chambers in long-standing democracies. This is perfectly normal and reasonable. It is important to compare like with like when considering reform in these countries. Even so, because the introduction and removal of second chambers is so common in non-democratic regimes that they largely drive the global trend in the fortunes of bicameralism in the world, it is important to bring the experience of change in these regimes to discussion about second chamber reform.

Drawing on new data, this article first maps the fall and rise of bicameralism in the world from 1945-2016. Our aim is to introduce the new comprehensive data and validate the findings on the decline and rise of bicameralism in the world. Next, we discuss under what general circumstances bicameral reforms occur in democracies, including democracies in transition, and in dictatorships. Because the existing literature on bicameralism in democracies is well-developed, we only briefly sketch the arguments for and against bicameralism. Instead, we discuss the rationale behind bicameral reforms in two regimes in transition that have not received significant scholarly attention. We find that reforms were driven by multiple, not mutually exclusive reasons including budgetary and patronage concerns and the need for symbolic change from an arguably discredited past, among other things. In the remainder of the article we turn to the puzzle of frequent changes in bicameral arrangements in dictatorships --- again, using several illustrative cases. Next, we turn to the Cox hazard model to estimate whether the presence of bicameralism increases regime durability in dictatorships. We conclude with a brief discussion of policy implications about bicameral reforms.

Admittedly, our goals are largely exploratory. Because this article sets modest theory-informing goals, we largely only enumerate and discuss cases and circumstances under which reforms occur. Therefore, we cannot exclude the possibility that the similar circumstances are also in place when such reforms do not occur. In other words, this article aims to introduce and describe the new data, it underlines the importance of taking stock of bicameral reform in dictatorships, and sets future research agenda.

Bicameralism in the World

Second chambers “command much less attention than first chambers” (Shell, 2001: 1). In scholarly terms, they remain “relatively little-studied institutions” (Russell, 2000: 442). At the same time, second chambers matter. There are plenty of examples of policy-influencing second chambers, such as those in the US and Germany (Tsebelis and Money, 1997). There are also examples, though much rarer ones, where second chambers play a part in the survival of government, Italy or Romania being notable cases. Even when second chambers are seemingly less influential, and indeed perhaps for this reason, there is often plenty of debate about their role, composition, and even their existence. In Canada, the reform of the Senate has long been the subject of deliberation (Gibson, 2004; Joyal, 2003). The same is true of the British House of Lords. In Ireland, there was a referendum in October 2013 on the very existence of the upper house, with voters finally deciding by a very small margin to maintain the Senate. Certainly, the ongoing debate about institutional reform in various countries has meant that the arguments for and against the existence of bicameralism are now well rehearsed. Even so, there is still much to be learned about second chambers and how they relate to broader issues about political life generally.

In broad terms, scholars have identified some general trends in the existence of second chambers over time. It is well known that both the number of bicameral legislatures and the percentage of bicameral legislatures relative to unicameral legislatures declined in the period after 1945. Indeed, in the mid-1970s Miguel Herrero de Miñón (1975) lamented what he saw as the passing of bicameralism. By the late 1990s, though, any such decline seemed to have stopped. Meg Russell concluded that there was now “no clear trend worldwide either towards or away from two-chamber parliaments” (2000: 411) while Donald Shell agreed, noting that there was “certainly no clear trend towards single chamber legislatures in the contemporary

world” (2001: 14). At this time, Louis Massicotte’s global survey found that the proportion of countries with unicameral legislatures had actually declined slightly from 67.5 per cent in 1980 to 64 per cent at the turn of the millennium (Massicotte, 2001: 154). In the most recent census to date, John Coakley (2014) even reported “a significant increase in the number and even proportion of bicameral chambers in the early years of the twenty-first century”, suggesting that reports of the death of bicameralism might have somewhat if not greatly exaggerated (Coakley, 2014: 548-549). Furthermore, Phillip Norton (2004) pointed out that many legislatures, typically defined as formally unilateral, in fact resemble bicameral ones, which in turn suggests that our estimations of bicameralism in the world need to be revised.

The prevalence of bicameralism is invariably captured through a snapshot approach. For example, Coakley’s census of bicameralism has eight data points: 1914, 1930, 1947, 1969, 1985, 1996, 2001 and 2014. By contrast, we estimate the number and percentage of bicameral legislatures in all countries with a population over half a million on an annual basis from 1945-2016, building on the Institutions and Elections Project (Regan and Clark, 2007). We identify bicameralism whenever a country has more than one legislative chamber. Since we do not examine the relative powers of a second versus first chamber, the measurement of bicameralism herein encompasses strong and weak bicameralism. In several cases where a country may have more than two chambers, e.g., an additional Council of Elders, such instances are coded as bicameral as well. We not only add new coverage for 1945-71 and 2006-16 periods to the IAEP dataset, we also read through available constitutional texts and texts of constitutional amendments for the whole 1945-2016 period to check whether a country had a bicameral legislature. Furthermore, we additionally checked whether a second chamber was in fact convened or whether it existed only on paper. For

example, even though the 2006 Constitution of Iraq provided for a bicameral parliament with a second chamber, the Federation Council, it has not actually been convened yet.

Based on Figure 1, which displays all bicameral countries in black, we can reach the preliminary conclusion that the idea of the demise of bicameralism in the world is probably premature, at least as of 2016. At this time, almost half, 74 out of 161 countries with a population over half a million, or 46 percent of countries, featured bicameral legislatures. We can also add 33 smaller countries such as Saint Lucia, Kiribati or Samoa --- countries not included in Regan and Clark (2007) but reported in the Inter-Parliamentary Union data. Eight of such small countries have second chambers and three fourths of them are unicameral. Taken together, 82 out of all reporting 194 countries, whether large or small, or 42 per cent, have bicameralism in place.¹ With the exception of the People's Republic of China, which has a formally unicameral legislature, the predominant majority of unicameral countries are also geographically small. But has there been a decline in bicameralism over time? Yes and no.

Figure 1 about here

Given the tremendous increase in the number of independent countries in the 1950s and 1960s, and then again following the collapse of the Soviet bloc, even if only some of such countries had opted for a second chamber, the number of countries with a bicameral legislature or a unicameral parliament overall would not have declined. It is therefore more informative to look at the percentage of bicameral countries. Figure 2 displays the percentage of all countries with a second chamber, as well as all democracies and dictatorships with such a chamber, over time. It shows that there was indeed a decline in the overall percentage of bicameral legislatures after

1945, from 65 then to 45 percent in 2016. The decline however flattens out around the late 1980s-early 1990s, reaching 34 percent at the lowest point in 1985 and with a moderate increase in bicameralism in the world since mid-1980s. In summary therefore, over time from 1945 there has been a steady decline and then a rise in bicameralism, albeit a very modest rise.

Figure 2 about here

The overall figures, though, provide only the most basic information about the prevalence of bicameralism. It is worth unpacking these figures by distinguishing between bicameralism in democracies and non-democracies. Here, we follow a conventional definition of democracy defined as a country with a Polity 2 score of +6 or more. Is the decline in bicameral countries driven by the decline of bicameralism in democracies only, in dictatorships, or both? Figure 2 shows there is a steady decline in the percentage of democracies with second chambers from around 80 percent at the end of the World War 2 to just over 40 percent in 2016. Furthermore, because the majority of 33 above mentioned small nations that are excluded from the Polity data are in fact unicameral democracies (based on Freedom House), the addition of such states only reduces the percentage of bicameral legislatures among democracies further down. Also, among democracies we do not see the moderate rise in bicameralism from the mid-1980s that is visible among all countries overall. Therefore, the reversal in the percentage of bicameral countries has to be accounted for by the rise of dictatorships with second chambers. And this is precisely what we see in Figure 2.

Among dictatorships, there is the same decline that we observe both among all countries overall and among democracies only, but only until the mid-1980s. From the late-1980s, there is a steady increase in the percentage of bicameral dictatorships,

from just over 20 percent to over 50 percent. Because the number of democracies is over twice as high as the number of dictatorships in the world now, the number of democracies with second chambers is also higher – albeit not twice as high – than the number of dictatorships with such chambers. The number of second chambers in democracies has increased, but the number of democracies has increased even more rapidly, reducing the percentage of democracies with second chambers. In fact, we see a linear decline in the percentage of democracies with bicameral legislatures since 1945. Until the early 2000s democracies had a higher percentage of second chambers than non-democracies. Since this time, though, because the percentage of second chambers in democracies continued to decline and the percentage in dictatorships has been rising since the late 1980s, the percentage has been roughly equal in each. In fact, if we draw a smooth Loess curve, the line for democracies is a straight downward slope, while the two lines for all countries and for dictatorships are similar in shape: they both flatten out in the 1980s and early 1990s and rise from mid 1990s.

From the global trends of bicameralism, both in terms of numbers of bicameral countries and in terms of percentages of such countries, it is difficult to infer whether the rise and fall of bicameralism occurs because particular countries introduce or abolish second chambers, because previously democratic countries that experience democratic breakdown abolish or introduce bicameralism, whether previously non-democratic countries do so during transition to democracy, or whether bicameral and unicameral countries retain their legislative arrangements but experience democratic transitions and breakdowns. We aim not only to chart the fall and rise in bicameralism over time but also to document the changes, whether such a trend is driven by the simple addition of new member states into the world system or

whether the pattern is mainly driven by the reform of such arrangements among existing member states.

Figure 3 about here

In the remainder of this we look under its hood, taking stock of all 125 cases of reform. Figure 3 displays the count of reforms from unicameralism to bicameralism, and *vice versa*, in democracy and dictatorship, from 1945. The sample excludes first post-independence constitutions in nations that may or may not have had bicameralism, i.e., it focuses on instances where second chambers were introduced or abolished when political regimes were already in place as opposed to cases of constitutional engineering from scratch.

Because we do not have the data for the period prior to 1945 when many constitutions were first introduced with or without bicameralism, the inclusion of first post-independence constitutions from 1945 will render bicameral reforms a much more frequent occurrence in dictatorships as opposed to democracies. This is because many advanced democracies have long histories of statehood prior to 1945 while the predominant majority of independent nations after 1945 have emerged and continued, at least for significant period of time following their independence, as dictatorships. For the record, we note that among 77 countries in the data set that gained independence after 1945 and had legislatures in their first year of sovereignty, 56 nations or 73 per cent adopted unicameral parliaments while 21 nations or 27 per cent established two chambers of parliament instead. All but one of these 21 nations were dictatorships at the time. In Figure 3 we exclude such 21 cases of adoption of second chambers in first post-independence constitutions and only focus on changes in countries that already had parliaments in place prior to reforms.

Figure 3 shows that of 125 subsequent changes in total, non-democracies introduced a bicameral system 52 times compared with the equivalent change in only 12 democracies, including democracies in transition. Figure 3 also shows that in non-democracies a bicameral system was abolished more than 43 times during the period from 1945-2016, whereas only 18 democracies did the same. Therefore, first, democracies are somewhat more likely to abolish bicameralism than to introduce it, while the chances for adoption or removal of a second chamber in dictatorships are roughly the same. The differences between regimes types are not statistically significant however. Second, institutional changes with regard to bicameralism are much more frequent in non-democracies than democracies. These figures provide pause for thought, not least by indicating that it is important to look behind the headline figures when examining the prevalence or otherwise of second chambers.

The Reform of Bicameralism in Democracies and in Transition

Why do democracies reform bicameralism? To address this question, we very briefly review a very extensive literature on bicameralism in democracies; we then examine the debate on the removal of a second chamber that occurred in Venezuela in 1999 to see if any of these general arguments appeared in the actual discussion “on the ground”. We also discuss the surprising case of Senegal where the senate was adopted, abolished, re-introduced, only to be abolished again in the brief period from 1998-2012. Finally, we summarize the likely reasons for the reform across the world.

What is the purpose of second chambers? Nicholas Baldwin (2001: 172-175) identified six reasons for the creation of bicameralism, ranging from the need for checks and balances, for better territorial representation and that of the elements within society, to advance democratization, reflection, and improve the legislation.

Philip Norton (2007: 6-8) subsequently summarized these reasons under two general headings: reflection and representation. The existence of a second chamber is thought to provide the opportunity for greater reflection. This idea applies to the legislative process. Given the law-making agenda of governments in most contemporary democracies is packed, second chambers provide extra time for reflection. All else equal, this creates the potential for the passage of a higher quality of legislation. This point is made all the more forcefully when, as is usually the case, the composition of the second chamber is substantively different from the composition of the first chamber. The different mode of composition allows alternative viewpoints to be heard and members with specific expertise to voice their opinion, again promoting better legislative outputs. The idea that second chambers allow for greater reflection can also be extended to the issue of accountability. Especially in parliamentary and semi-presidential systems, governments invariably control a majority or at least a working majority in the lower house. With party discipline, this can mean that there is little incentive to scrutinize legislation, but also little incentive to hold the government effectively to account. In this context, a second chamber may play a role in making the government more accountable. This may be because the government does not enjoy a majority there, perhaps because a different electoral system is used for the upper house. It may also be because discipline is less strong there. In a weak second chamber the costs of speaking out are less dramatic. In most countries, the government cannot fall because of the actions of the second chamber. The second chamber's power to shape legislation may also be restricted. Paradoxically, though, this may provide greater space for questions to be asked that would otherwise not be put. In both ways, then, the presence of a second chamber may invite more and perhaps better reflection.

The existence of a second chamber also provides the opportunity for greater representation (Massicotte, 2001: 152). In general terms, scholars suggest that bicameralism is more likely to be present when countries are more diverse in terms of their ethnic, religious, linguistic differences, when countries are large in terms of their population or geographic size, when countries have a federal structure (Heller and Branduse, 2014: 339; Uhr, 2008: 476; Lijphart, 1984).

Overall, bicameralism is often defended and promoted on the grounds of reflection and representation. In democracies, there are good reasons to believe that these principles are indeed likely to motivate the creation and survival of second chambers. If second chambers are so positive for democracy, why ever abolish them?

Bicameralism may be abolished due to financial concerns. For example, in the midst of severe economic recession in 2009 in Ireland, the leader of the opposition at the time, Enda Kenny, proposed to abolish the second chamber as it would save some €150m during the legislative term (*RTE*, October 19, 2009). Other reasons, though, may be behind the reform, particularly in transitional democracies or countries with shorter histories of uninterrupted democracy.

Consider the debate on bicameralism in Venezuela at the time of the 1999 Constitutional Assembly. The assembly was tasked with promulgating a new constitution following the 1998 watershed election of Hugo Chavez. The new president proposed a number of sweeping changes to the constitution, including five as opposed to three branches of power, the removal of a ban on immediate reelection, and the introduction of a unicameral parliament. During the debate on the floor of the assembly, the delegates considered whether they should retain the second chamber, albeit under a different title, or abolish it altogether. One of the delegates, Aristobulo Asturiz, proposed:

“We need a Parliament of representatives from areas where the large urban concentrations are, [the parliament] that builds the federalism, the new federalism. ... And to achieve that we have to dismantle the central state. In order to do so we have to push strongly for more decentralization. There are those who believe that decentralization must be about the states at the intermediate level; but there are those who believe that decentralization is about where people are, down there, and that people have to be represented directly. The bicameral structure drives corruption, it is costly, it hinders the process of drafting laws, and it encourages corruption.”²

Another delegate, Mario Isea, argued that the very example of their unicameral Constitutional Assembly validated the viability of a single-chamber parliament in the future. Furthermore, he also raised budgetary concerns, that is, that the duplication of parliamentary committees in two chambers was very wasteful and unnecessary. Still, many delegates --- 49 against 70 --- opposed the change. For example, David de Lima and Ricardo Combellas both cautioned the eager reformers not to be carried away by the then strong societal anti-parliamentary sentiment that led them to believe that everything that reduces the power of parliament was positive and “intrinsicly revolutionary”. Allan Brewer dismissed the views that Venezuela was essentially an urban country and argued that to be “consistent with a federal scheme, it is necessary to have the Federal Chamber that gives representation to the states and that allows them to participate equally in a national political process”.

In the end, the debate boiled down to the simplistic choice between institutional change, a dramatic break with discredited tradition on the one hand, and the status quo, the defence of the hotbed of conservatives, party elites, generals and

latifundistas that even Simon Bolivar would most likely not have defended had he been alive, on the other (Guillermo Garcia). Guillermo Garcia even rejected the argument for the need for the moderating influence of the second chamber precisely because if they, as revolutionaries, “are going to make changes, then now less than ever do we need a moderating power next to the Chamber of Deputies”. The delegates believed that the people gave them the mandate to create the new political order and the retaining of the second chamber would slow things down considerably. “The Venezuelan people are waiting for us to actually show that there is a change here. The change is in transforming this Parliament into a unicameral structure so that the process of lawmaking is more expeditious” (Iris Varela). And change they made. Swiftly, President Chavez had a new constitution enacted that abolished the Senate altogether in 1999. While the *Zeitgeist* in late-1990s Venezuela was strongly anti-status quo with one of the casualties being the bicameral legislative tradition, one complementary reason for the switch to a unicameral parliament could also have been the fact that in the 1998 election, while the Hugo Chavez-led *MVR* coalition gained the majority in a lower chamber, the more established *AD* party performed stronger in the upper chamber. Apart from abolition for financial reasons, this is the first hint that the creation and abolition of bicameralism can be motivated by motives other than the arguments from reflection and representation.

Figure 4 (top sub-figure) attempts to categorize the general circumstances that accompany the reform of bicameralism in democracies, including democracies in transition. Clearly, as the debate in Venezuela demonstrated, there may be multiple, not necessarily mutually exclusive, reasons behind each reform instance. To infer and argue that it is exclusively about budgetary concerns, or democratic accountability, or representation alone as “the” reason for reform is too subjective. Instead, we

categorise based on “observables”, such as whether reforms followed civil war or ethnic strife, or instead were implemented during transition in a new democracy or, in contrast, in an advanced democracy, for whatever officially declared reason.

In democracies, reform most commonly occurs during the transition from a previously authoritarian regime when a new democracy “reconfigures” its institutions: eight transitional democracies introduced a second chamber, and nine abolished it. For example, the absence of the second Chamber of Advisors in the new 2014 Tunisian constitution was dictated by the impetus for a clean break with an authoritarian past. Whenever information was available, we briefly studied the arguments for and against bicameralism that were made at the time of change. Almost always, countries that had a bicameral structure before it was abolished by the authoritarian government reinstated their second chamber upon their return to democracy – a move often heralded as a return to the democratic traditions of the past, such as in Spain in 1977 or Poland in 1990. This is not to argue that the adoption of a second chamber cannot be a part of a larger process of democratization and executive-legislative power reconfiguration. However, when countries instead featured unicameral legislatures before the advent of authoritarian rule or the rule of a strongman who adopted a second chamber, again, almost always the demise of bicameralism was justified as the return to democratic institutions in a process of democratization, such as in Tunisia in 2012, Niger 2011, or Senegal in 2012 but also earlier, in 2001.

In fact, in Senegal the second chamber has had a vicissitudinous history. It was first established in 1998 under the presidency of Abdou Diouf, in power for 17 years at that time and who headed an authoritarian party-based regime. Its creation was denounced by the then de facto leader of the opposition, Abdoulaye Wade, who

promised to abolish it and characterized it as a “clientelist mechanism in the service of the old regime” (Thiam, 2007: 149). True to his word, following his election in 2000 President Wade oversaw a new constitution that did away with the second chamber as well as the Economic and Social Council (*le Conseil économique et social*), a consultative body with a nominal input into the law-making process.

However, even though Senegal under Wade became an electoral democracy, the new president repeatedly used constitutional reform to try to maintain his control over the system. Prior to Wade’s re-election in 2007 there were four constitutional amendments and no fewer than nine amendments between May 2007 and June 2009 alone. The first amendment in June 2003 was effectively reinstating the very consultative *Conseil* that had just been abolished. Then in 2006 President Wade reintroduced the Senate. In the run up to the rescheduled election for the lower house and amid mounting tensions within the ruling party, the creation of the Senate was a neopatrimonial device to ‘accommodate’ his political friends and to encourage to remain and/or reward them for remaining loyal to him (Hesseling, 2010: 13). Indeed, the structure of the Senate guaranteed that no fewer than 65 per cent of the members of the new institution were appointed by the President. As it turned out, his supporters held 99 of the 100 seats in the second chamber following the first elections in 2007 (Thiam, 2007: 151). Thus, the accusation of neopatrimonialism that the President had made against the previous regime some six years earlier was now turned against Wade himself (Niang, 2006: 278-279).

There is no doubt that the creation of Senate in Senegal in 1998 while it was a non-democratic regime and then its recreation in 2006 while Senegal was an electoral democracy were all examples of the “instrumentalisation of the Constitution for reasons other than democratic rationality” (Fall, 2009: 184). Clearly, the reinstatement

of bicameralism in 2006 was not motivated by the desire for more equitable representation, but by the need to find a way of managing party political problems that threatened the president's hold over the regime. With Wade's departure from office in 2012 however, his successor decided to return to a unicameral legislature, again. The example of Senegal suggests that while in some settings bicameralism may be abolished or introduced in a new democracy in transition in order to return to the old democratic institutional traditions that existed prior to non-democratic period, such as in Poland in 1990, in other settings, such as in Senegal, bicameral reform may be a tool that the elected leaders employ for governing. While it is beyond the scope of this exploratory article, further research may study whether executive-legislative power balance such as the minority status of president's party, or president-party relationship, may explain the endogenous bicameralism in transitional democracies.

Figure 4 about here

As seen in Figure 4, in five cases the second chamber was abolished in democracies with a longer democratic tradition. Here, the second chamber was portrayed by its opponents as a remnant of the old order; as the argument in Ireland in 2013, its removal was to save the public expenditure, e.g. New Zealand in 1951 and Sweden in 1971. In three cases the senate was adopted, and in three it was removed, following a period of civil conflict or significant ethnic and societal disturbances. For example, a second chamber was introduced in the aftermath of ethnic strife in Kenya in 2010, or Pakistan in 1973 following the violent secession of Bangladesh, then East Pakistan. Finally, in Venezuela in 1999 and in Senegal in 2009 the removal and introduction of a second chamber was accompanied by other constitutional changes that included the extension of term limits for sitting incumbents – a dual institutional change that is much more frequent in nondemocratic regimes, to which we now turn.

The Fall and Rise of Bicameralism in Dictatorships

As we showed earlier, the reversal of the decline of bicameralism in the world from the 1990s has primarily been due to the adoption of this institutional form in dictatorships. In fact, not only do dictatorships tend to adopt second chambers, they are just as likely to abolish them, often only to re-introduce them all over again. Figure 4 (bottom sub-figure) captures the factors associated with the reform of bicameralism in non-democracies.

There is nothing in the argument about bicameralism and representation that is not applicable to dictatorships. Louis Massicotte (2001) underlined that the existence of a second chamber in a given country does not necessarily imply that that country was more democratic, only that bicameralism was associated with the potential for a greater representation of interests in a manner consistent with the basic principle at work. A second chamber was introduced in 16 cases during or immediately after civil war, e.g., Ethiopia in 1995 or Rwanda in 2004 compared with only four where it was abolished (perhaps when the institutions of the former regime, including bicameralism, were also be purged following conflict). This suggests that the creation of bicameralism can indeed be one of the ways of reducing societal and ethnic discontent, as well as a means of credibly committing to future power-sharing.

Bicameralism, however, may also be introduced in settings where the concerns about representation do not apply. Consider the case of Belarus where the 1996 constitutional amendments included the introduction of a second chamber, among other institutional changes. Belarus is a medium-sized state without any significant regional cleavages or history of ethnic or inter-communal conflict. It also has a relatively homogenous population, with 84 per cent being ethnic Belarusians,

with 8 per cent and 3 per cent Russians and Poles respectively. There were no compelling historic or representational reasons that would have made bicameralism a logical choice at that time.

Following his 1994 election to the newly created presidential post, Alexander Lukashenka quickly consolidated his power through cabinet and regional appointments and censorship of the media (Silitsky, 2005: 86). The new president also began issuing a series of executive decrees and found himself on a collision course with the unicameral legislature and the constitutional court. The political crisis deepened when the president continued trespassing on the parliamentary prerogatives after the 1995 parliamentary elections that brought a stronger opposition against authoritarian reversal underway in the country, with communists and agrarians gravitating toward liberals and social democrats. Unable to exert an executive control over the legislature calling for his impeachment, the president lamented:

The presidency, Supreme Council and Constitutional Court failed to coordinate their work. And it is not the President's fault! The situation when the President is responsible for the state of affairs in the country and engaged in practical problems, while the deputies and the constitutional judges are focus on impeachment of the President as their primary occupation, cannot continue indefinitely.³

Instead, the president proposed to cut the deadlock by introducing a new constitution with a new bicameral parliament able to “professionally” work with the executive:

The Senate as an institution of territorial representation, will have a mixed composition, including that with the participation of the Head of State. The most experienced and intelligent representatives of the different categories of the population will enter the upper chamber.

When the Constitutional Court began consideration of the impeachment case in 1996, the president decided to bypass the existing institutions by proposing a referendum on a new constitution. Despite the fact that the referendum could only have been consultative and non-binding under the old 1994 constitution, the plebiscite, no longer merely consultative, went ahead. As a result, various irregularities during the process notwithstanding, the majority approved the new constitution that increased the president's powers vis-à-vis other branches, extended his five-year term by two additional years, and substituted a formerly unicameral legislature with two chambers: 110-strong lower house and the Council of the Republic with 64 members. Under the new constitutional clauses, the senators were not to be directly elected but instead either to be appointed by the president himself or by compliant regional councils. Under the new constitution, the president also had the right to appoint half of the constitutional court. Following the referendum, the initial composition of the new parliament was drawn from the ranks of the previously elected members of the unicameral parliament who pledged loyalty to the new regime, with other deputies simply dismissed without regard for the constitutionality.

The adoption of bicameralism in Belarus in 1996 indicates that the introduction of a second chamber may serve very specific instrumental goals of a dictator – to impose more control over legislative branch and to justify the revision of a constitution so as to strengthen the executive or to dismantle the checks and balances altogether. In their rhetoric however, non-democratic governments across the world argue that the introduction of a second chamber will improve democratic accountability. At the same time, other dictators equally argue that the removal of a second chamber instead will improve the democratic process or reduce public corruption. For example, in Turkey, bicameralism was first introduced in 1961, then it

was abolished in 1982 --- both times following military coups where the military decided to recalibrate civilian institutions and establish, what they thought as, a more efficient government. In other words, the adoption or removal of bicameralism can always be justified on democratic principles, even in dictatorships.

Looking at each case of bicameral reform, we divide them based on whether they occur following military coup; or civil war or a significant ethnic disturbance; or whether they are accompanied by constitutional changes that strengthen the executive. In a number of cases we do not observe a coup, an aftermath of a civil war or promulgation of a constitution with stronger executive powers. We categorise such cases based on the type of non-democratic regime at the time or into “other” category instead.

Bicameralism may be introduced and abolished by the military. In Egypt, the *Shura Council*, previously loyal and ineffective under President Mubarak, was abolished not by President Morsi of the Muslim Brotherhood who came to rely on the Council after the courts dissolved the Islamist-dominated lower chamber in 2012, but by the new ruler of Egypt, Abdel Fattah el-Sisi, who overthrew Morsi in 2013 and made sure that the new constitution of Egypt omitted a second chamber. Overall, bicameralism is adopted and abolished in nine and ten cases respectively on the initiative of the military that overthrew the civilian authority and undertook a major constitutional revision, e.g., multiple times in Thailand when following the military take over the previous parliament was closed and then reconvened with a different configuration of chambers. In other words, the military junta does not always remove the second chamber, it may also introduce it in a previously unicameral parliament. Whether facilitating the adoption or abolition, the military acts in the role of a moderator or a guardian and “recalibrates” civilian institutions by breaking down

vested interests in the old legislature.

Second chambers were also abolished or introduced in 20 cases that can be described as an institutional reconfiguration following a new ruling coalition taking office, i.e., whenever a new non-democratic regime replaced the previous, different, non-democratic regime. This category is chosen only if a new ruling coalition, a new regime type, takes office as opposed to leader turnover in the same non-democratic regime. We find that in ten cases bicameralism was removed when the new, party-based regime took over, e.g., such as in Hungary's left-wing party dictatorship after the second world war. In seven cases, bicameralism was removed following the overthrow of the monarchy, and a party-based regime, typically a personalist regime, took over, e.g., Nasser's or Gaddafi's regimes following the monarchy in Egypt and Libya.

It is also not surprising that so many party-based regimes, particularly left-wing ones such as Nicaragua in 1987 for example, almost always chose unicameralism. During the French revolution, Abbé Sieyès argued that as the people cannot have two wills, only unicameralism was the proper form of democratic representation. Ever since, revolutionaries of the world have tended to establish party-based non-democratic regimes and have opted to institutionalize such unity and to have single-party rule in a single-house. Even in populous China, the CPC governs in a unicameral legislature.

Altogether, in thirty cases bicameral reform occurs together with sweeping constitutional changes that go beyond second chambers. Among these thirty cases, in 14 and six cases bicameralism was introduced and abolished at the same time as the amendments to presidential term limits were promulgated (Baturo, 2010). Based on the example of Belarus that was already non-democratic at the time or for that matter,

Senegal that was categorised as electoral democracy, it is very likely that the introduction of second chambers may serve to improve the ability of dictators to control the legislative branch directly. This can be seen in the high proportion of appointed legislators that second chambers typically include. This is true in both democracies and non-democracies. For example, drawing from the data provided by the Inter-Parliamentary Union, we can compare the method of selection in democracies and non-democracies. Because many second chambers are of mixed composition and the number of senators vary significant across countries, we calculate the total number of senators elected by different means in all democratic and non-democratic regimes, and then report average percentages per category. We find that on average even in democracies only 46 per cent of all senators are directly elected, while 30 per cent are appointees, though no doubt not all such appointees owe their position solely to the chief executive in democracies. On average, 23 per cent of upper house legislators are also indirectly elected. In non-democracies the situation is starker with only 17 per cent of all being directly elected. Here, we find that over a third of all members of second chambers are appointed and that 83 per cent of all are either appointed or indirectly elected. In non-democracies therefore, the incumbent regime is likely to be in control of all direct appointments while the selection of indirect appointees is likely to be easier to manage as well. Furthermore, setting up a second chamber in a non-democratic setting may be an additional tool to enhance co-optation, since upper chamber seats can serve as patronage jobs to be distributed among regional elites and various appointees. Unlike the lower chambers that are filled by direct elections and, therefore, are subject to a degree of electoral uncertainty however small, upper chambers provide dictators with much easier means

to reward their supporters (by directly appointing them, or securing their appointments indirectly through regional councils).

Similarly to the majority of contemporary dictatorships that operate elections, however sham and uncompetitive, during the long first wave of democratization political elites extended suffrage and granted access to a lower chamber. Oftentimes though, they retained a considerable degree of control over legislative process by retaining influence in a second chamber. For example, in 1848 Louis-Napoléon Bonaparte was directly elected as president of France, operating in a system with a unicameral legislature (Luchaire, 1998). However, in 1851 he seized power in a coup and introduced a new constitution the following year. The 1852 Constitution introduced a Senate. The Senate comprised cardinals, marshals, and admirals, as well as “citizens that the president of the Republic judges to be worthy of being raised to the dignity of a senator” (Art. 20). These senators served for life and could not be dismissed. This case has a contemporary feel to it, despite the fact that it occurred in the mid-19th century. In Britain, the 19th century was marked by a series of Reform Acts that gradually extended the suffrage in the House of Commons and paved the way for the rise of political parties and modern electoral competition. However, the House of Lords remained largely unchanged and was willing to use its veto to stymie progressive legislation right through to the period prior to the First World War (Smith, 1992). Arguable therefore, a similar, “conservative” logic of the adoption of a second chamber may be present in contemporary dictatorships also. Using Przeworski’s (2015) data on political institutions and political events, we estimate that from 1788-2008 period, 53 per cent of second chambers in bicameral legislatures have been elected, directly or indirectly, 21 per cent of senates are partially, and 26 per cent are fully appointed by the executive.

Bicameralism and Regime Durability

It exceeds the scope of this exploratory article to go beyond simple enumeration of the general circumstances under which bicameral reforms occur. Also, while we know that bicameralism may have effects on policy stability or legislative effectiveness, *inter alia*, in democracy (e.g., Tsebelis and Money, 1997; Uhr, 2008), we know little about the effects of bicameralism in dictatorships. We can however hypothesize that because the introduction of a senate in a non-democratic regime appears to serve a purpose of creating extra patronage jobs for the president's supporters or for coopting his or her rivals, the presence of bicameralism, all things being equal, should influence regime durability. Indeed, the number of possible high-profile patronage jobs is always limited, and the introduction of a senate may usher in an additional 50 to 150 senatorial posts --- many of them directly appointed by the president, which in turn will contribute to intra-elite stability indirectly.

As a test of possible effects of second chambers in dictatorships, here we briefly investigate whether the presence of such chambers influences regime durability. We can additionally distinguish between the presence of bicameralism in general, and the presence of senates with a considerable number of executive appointments. Because our own data on bicameralism do not include details about the composition of second chambers over time, we rely on the data from Przeworski's (2015) that however omit several countries and do not distinguish whether senates are on paper only.

The duration of non-democratic regimes is taken from Geddes, Wright, & Frantz (2014); we also draw non-democratic category variables from the same source. We fit the Cox proportional hazards model that includes the Cold War dummy, as well as Civil war, logarithm of GDP per capita and Economic growth rate, also from

Przeworski (2015). Single-party regime --- a nondemocratic regime category with the longest average survival rate as found in numerous studies ----- is chosen as the baseline category. Table 1 reports the results, with negative coefficients indicating that the hazard is decreasing with changes in the predictors.

Table 1 about here

Results indicate that military and personalist regimes have higher hazard rates than party regimes (omitted category), while civil war increases and economic development decreases the hazard of regime breakdown. Regimes are also more likely to break down during the Cold war and at the time when Polity 2 scores are higher, possibly indicating the moment of political liberalisation. Model 1 that includes Bicameralism suggests that the presence of a second chamber as such has no effect on regime survival.

Instead, it appears that it matters what kind of bicameralism is implemented. Models 2-3 include two predictors that differentiate between the types of bicameralism in place. Model 2 is estimated on the full sample of dictatorships while Model 3 is estimated on the sample of dictatorships that feature bicameralism. Two new variables account for whether the senate is appointed and whether it can block the lower chamber.⁴ While the coefficient on *Senate, block powers* is not statistically significant, *Senate appointed* reduces the hazard of regime breakdown. The “appointed” senate is associated with lower risk that is present in unicameral parliaments or bicameral ones with an elected senate.

As a final test, for Model 4 we construct *Senate, composite index* variable, based on these two variables. The new variable takes the value of 1 if the senate is fully appointed or hereditary, 2 if appointed and also if it can put a veto or can send a bill for reconsideration, and 3 if it is appointed and if it must approve legislation or

can place a final veto on a bill. The resulting *Senate, composite index* has a statistically significant coefficient that indicates that this measure reduces the hazard of regime breakdown.

Results suggest that it is not the presence of a second chamber per se that has an effect on regime stability, but rather the presence of a second chamber that is staffed by a leader's appointees that does. In this regard, the challenge still remains to identify the effects of the processes that lead to the very need to provide patronage (senate seats) to the elites and to separate such effects from the subsequent effects of bicameralism. As a result, even though we account for possible confounding factors, we may still not be able to observe whether the presence of bicameralism improves regime durability. While future studies will have to account for possible endogeneity, we treat the results from Table 1 as indicative of the likely importance of bicameralism for regime survival.

Conclusion

The introduction and removal of a second chamber is a reform that occurs more frequently than conventionally assumed. As we discussed in text, there exists a well-developed scholarship on second chambers, their reforms, and their consequences, that draws from a small number of consolidated democracies. In this article, we have shown that a second chamber is surprisingly malleable institution, with 125 changes to this most basic arrangement – the number of legislative houses – in the world from 1945-2016. The total number of changes increases to 146 if we include the adoption in first post-independence constitutions from 1945. We have also shown that bicameralism is indeed in decline, but only in terms of the percentage of bicameral

countries – not in terms of numbers – and only in democracies. We find that democracies rarely reform bicameralism. When they do so, they are usually transitional democracies, eager to replace the old authoritarian legislature with a new, democratic one, whether unicameral or bicameral. By contrast, dictatorships reform their second chambers much more regularly, typically following military coups, or civil wars, and often together with constitutional changes to concentrate executive power. Admittedly, a causal inference research design is required to study whether similar circumstances are also in place when bicameral reforms do not occur. As it stands, we believe we were able to shed new light on the introduction and removal of second chambers across democracy and dictatorship in the world. We underline that while comparative research has advanced our understanding of bicameral reforms in democracies, more than three fourths of such reforms, about which we know little, occur in non-democracies. Future research will investigate further the inner mechanisms of bicameral reforms or its consequences for non-democratic regimes.

While there exists no consensus about bicameralism among governance, aid, and foreign policy practitioners, some prominent organisations and actors do advocate for the adoption of a second chamber. In Kenya a new second chamber was created in 2010 following the violent aftermath of the 2007 presidential election that resulted in an internationally brokered power-sharing agreement in 2008. The assumed logic is that such second chambers will improve the quality of the legislative process, increase the representation of underrepresented groups or facilitate peace and reconciliation. For example, the Council on Foreign Relations suggested bicameralism as a constraint on majority power in the Middle East, particularly in light of the resurgent Islamic movement (*The Council on Foreign Relations*, 2005: 21). While bicameralism may indeed be appropriate in this region and during reconciliation

efforts in other countries such as the CAR, in other settings it may not be and the reformers need to take context and circumstances into account very seriously. This is at least partly because dictators can always make valid-sounding arguments about the democratic principles underpinning any reform of bicameralism.

Also, different motivations for reform may be present. In light of conflict in Eastern Ukraine from 2014, policymakers discussed the idea of federalism and possibly bicameralism as a potential way forward for Ukraine.⁵ The idea of a bicameral legislature however has already been proposed and debated multiple times in the past in that country. As early as 1995, one of the opposition leaders at the time, Alexander Moroz, foreboded that “bicameral parliament will not only encourage the separatist sentiments that are present in the state today but will also fix the the administrative division of the state, which may not always be effective.”⁶ Further research is therefore required to study bicameral reforms and factors behind them that may go beyond the questions of governance or regime survival and even be related to the irredentist meddling in domestic politics by foreign powers. The adoption of second chambers is not always related to the logic of reconciliation or improved representation and may have a less lofty rationale.

Notes

¹ We thank anonymous referee for suggesting to take small countries into account. Because we build on Regan and Clark (2007) data, our sample also excludes several countries with a population below 500,000 people. We intend to extend full coverage to these countries from the time of their independence in future research.

² Asamblea Nacional Constituyente, November 3, 1999, 49-50. Available from <http://www.asambleanacional.gob.ve>, under Asamblea Contituyente, accessed December 18, 2009. Subsequent citations are for Mario Isea, 35-36; David de Lima and Ricardo Combellas, 33-34, 39-41; Allan Brewer, 45; Guillermo Garcia, 31; Iris Varela, 31. All transitions in text are by authors.

³ This and subsequent text is available in V. Brazovskaya, *Tolko Narod Vprave Rreshat' Svoju Sud'bu: Materialy Vsebeloruskogo Sobraniya 19-20 Oktyabrya 1996 g.* [Only the people has the right to decide its fate: materials of All-Belarusian Peoples' Assembly October, 19-20 1996] (Minsk: Presidential Administration, 1996).

⁴ Senate appointed equals 1 if *UPPER HOUSE* equals 2 or 3, i.e., if the second (upper) house is partially appointed or if the second (upper) house is fully appointed or hereditary, zero otherwise. Senate, block powers takes the value of 0 if *UPPER HOUSE* equals 0, i.e., if the second (upper) house cannot block or delay legislation passed by the lower house. Senate, block powers takes the value of 1 if *UPPER HOUSE* equals 1 or 2, i.e., if the second house can only put a suspensive veto or can send a bill for reconsideration, or if the second house must approve legislation or can put a final veto (Przeworski, 2015).

⁵ For instance, on April 17, 2014 in Geneva the representatives of EU, US, Ukraine and Russia issued a joint statement urging consideration to regional interests and country's diversity, e.g., "constitutional process will be inclusive, transparent and accountable. It will include the immediate establishment of a broad national dialogue, with outreach to all of Ukraine's regions and political constituencies", http://eeas.europa.eu/archives/docs/statements/docs/2014/140417_01_en, accessed March 1, 2017.

⁶ Quoted in *Ukrainska Pravda*, July 6, 2007, "Dvukhpalatnyj Parlament – ot Retro k Sovremennosti [Bicameral Legislature – from Retro to Today], see <http://www.pravda.com.ua/rus/articles/2007/07/6/4420912/>, accessed 1 March 2017.

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Figure 2: Bicameralism in the world, democracy and dictatorship, 1945-2016

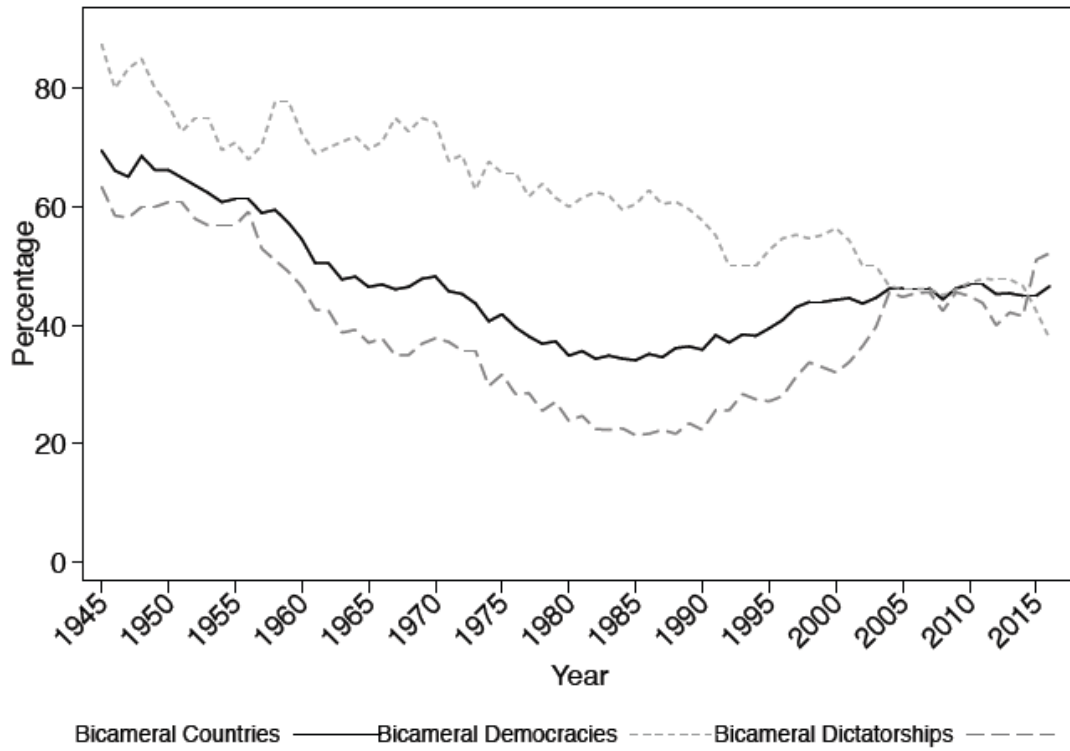


Figure 3: The creation and abolition of bicameral legislatures in democracies and non-democracies, 1945-2016

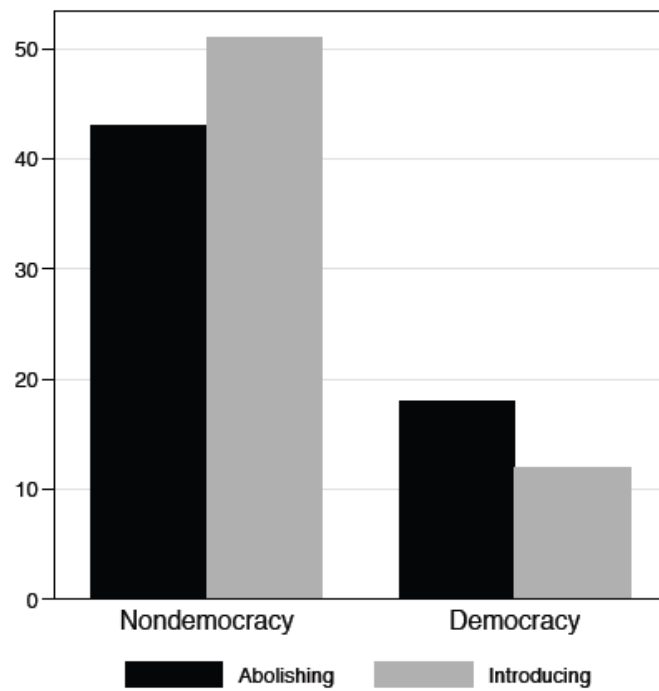


Figure 4: Number of changes in bicameralism in democracies and non-democracies, 1945-2016

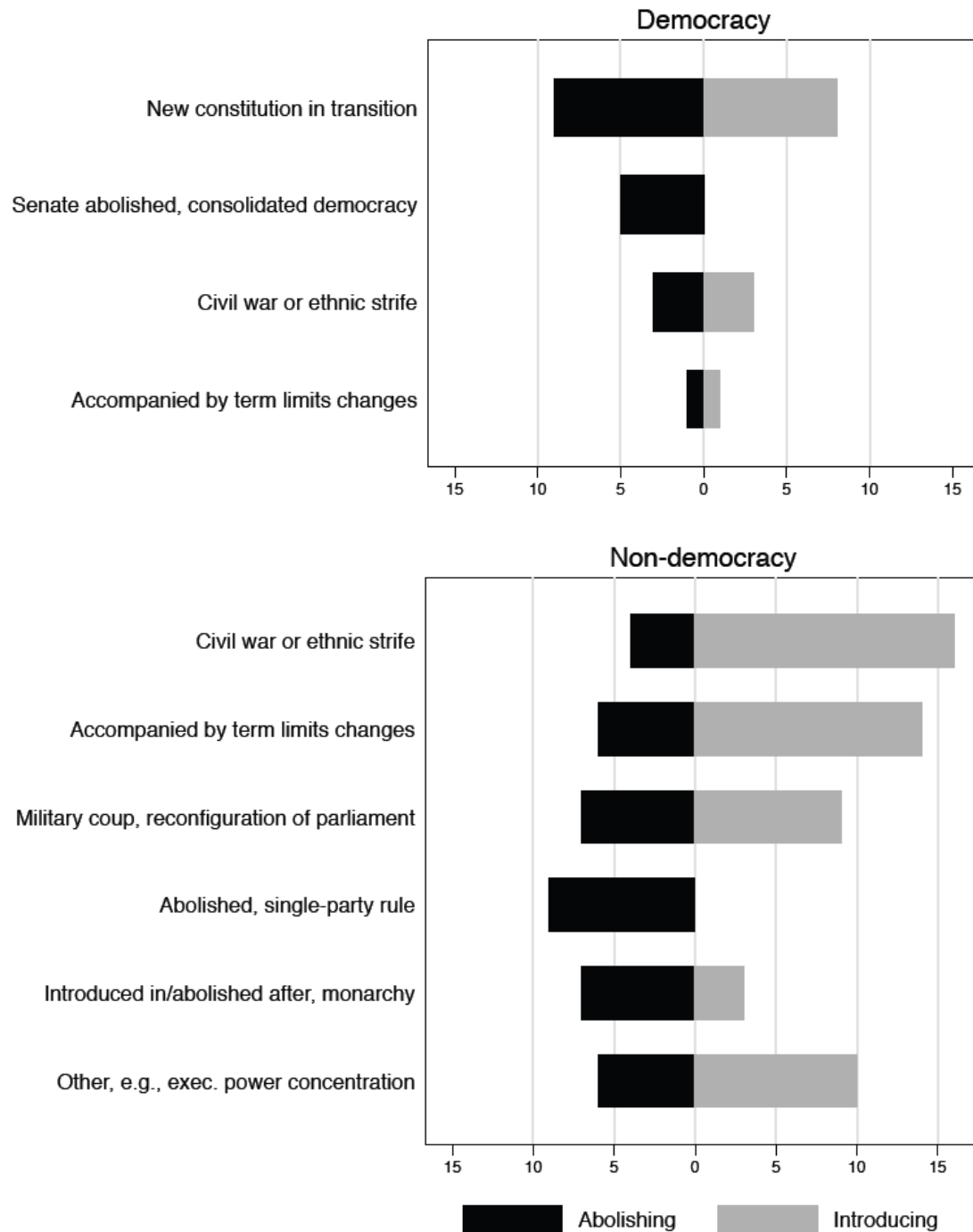


Table 1: Bicameralism and Regime Survival

	<i>All dictatorships</i>		<i>Bicameral only</i>	
	Model 1:	Model 2:	Model 3:	Model 4:
Military	2.483*** (0.296)	2.456*** (0.301)	3.171*** (0.738)	3.343*** (0.743)
Monarchy	-0.349 (0.495)	-0.31 (0.528)	0.864 (0.959)	1.224 (0.866)
Personalist	1.440*** (0.314)	1.561*** (0.319)	2.068** (0.818)	2.197** (0.777)
GDP pc, log	-0.992** (0.350)	-0.951** (0.348)	-1.051 (0.759)	-0.882 (0.710)
Economic growth	-4.525*** (0.881)	-4.423*** (1.021)	-4.929 (3.084)	-5.628** (2.763)
Civil war	0.417 (0.312)	0.464 (0.315)	0.596 (0.670)	0.649 (0.587)
Cold War	0.680** (0.277)	0.746** (0.280)	0.165 (0.578)	0.428 (0.474)
Polity2	0.126*** (0.026)	0.136*** (0.025)	0.142*** (0.041)	0.151*** (0.043)
Senate	0.168 (0.273)	--	--	--
Senate, appointed	--	-1.102** (0.476)	-1.305** (0.488)	--
Senate, block powers	--	0.684+ (0.358)	1.1 (0.786)	--
Senate, composite index	--	--	--	-0.496** (0.187)
N	3293	3231	938	1026
N countries	107	107	58	61
N failures	178	174	56	62.00
Log-likelihood	-1160.859	-1117.365	-277.462	-316.135

Note: Model specifications are proportional hazard Cox regression, with standard errors clustered by country (in parentheses). Coefficients are reported. Only non-democratic regimes are included, from 1946-2000. Party-based regime is a baseline omitted regime category. Models 3--4 include regimes with bicameral legislatures. Significant at + $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.