BICAMERALISM IN UNITARY CONSTITUTIONAL MONARCHIES:

ABOLISHMENT OR REINVENTION?

Examining the (former) Upper Houses of the UK, the Netherlands, Denmark and Sweden

by
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Vienna, 16 June 2025

Anna Helena Maria Peters

Abstract

This thesis deals with the concept of bicameralism in unitary constitutional monarchies. It comprises a first in-depth comparative study of the (former) upper houses of the UK, the Netherlands, Denmark and Sweden. All these (former) upper houses were aristocratic institutions that needed to reinvent following increasing calls for democratization in the late nineteenth and early twentieth centuries. Nevertheless, it were only the UK House of Lords and the Dutch *Eerste Kamer* that at least to some extent managed to do so. This thesis investigates why these houses were not abolished, when their Danish and Swedish counterparts were. It argues that in this case study upper house survival depended on an interplay between formal upper house powers, institutional complementariness and perceived legitimacy. The constitutional embeddedness of bicameralism and party-political considerations pertaining to upper house abolishment were found to be intricately linked to these three factors. All in all, this thesis suggests that the survival of originally aristocratic upper houses hinges on a challenging but not impossible balancing act, suggesting there is a future for bicameralism in the modern unitary state.

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Chapter I: Introduction

1.1 Introduction

"*Well but (say you) the notion of the usefulness of a Second Chamber in general – is little less than universal – has it then no foundation in truth? I answer No. In what then? (say you). I answer, in mere prejudice – authority-begotten and blind custom-begotten prejudice*."[2]

This thesis looks at the concept of bicameralism, which can be defined as a system with two constitutionally recognised legislative houses, each of which having the power in the form of a final-passing vote to delay or prevent the introduction of at least some legislation.[3] In 2025 bicameral legislatures are part of a worldwide minority. According to the Inter-Parliamentary Union just 41,6% of legislatures globally have a bicameral structure.[4] If we exclude microstates that percentage increases to 48,7%.[5] Among Council of Europe member states this number is slightly lower, with only 40% of states having upper houses (excluding microstates 46,2%).[6] Although the second half of the twentieth century has shown a worldwide decline in the number of bicameral legislatures this declining trend has turned around with the third wave of democratization. Nowadays the number of bicameral legislatures worldwide is stable, lacking a clear trend up- or downwards.[7] Despite this stability, bicameralism remains highly contested, especially in unitary states.

[2] Jeremy Bentham, *Jeremy Bentham to His Fellow-Citizens of France, on Houses of Peers and Senates* (Robert Heward 1830) 39 (emphasis added).
[3] William B Heller and Diana M Branduse, 'The Politics of Bicameralism' in Kaare W Strøm, Shane Martin and Thomas Saalfeld (eds), *The Oxford Handbook of Legislative Studies* (Oxford University Press 2014) 334; also see Philip Norton, 'Adding Value? The Role of Second Chambers' (2007) 15 Asia Pacific Law Review 3, 4.
[4] 'Compare Data on Parliaments' (*IPU Parline: global data on national parliaments*) <https://data.ipu.org/compare/> accessed 31 January 2025.
[5] To come to this percentage, I have made a calculation using the microstates as identified in the article referenced in this footnote. Of the 41 microstates identified by the author only 6 have a bicameral legislature. These are: Antigua and Barbuda, Bahamas, Barbados, St. Lucia, Equatorial Guinea, Swaziland and Belize. Archie Simpson, 'On the Identification and Definition of Microstates' (2022) 74 Journal of International Affairs 67, 74–75.
[6] None of the microstates in Europe have a bicameral legislature: 'Compare Data on Parliaments' (n 4); Nadia Bernoussi and others, 'Report on Bicameralism' (Venice Commission 2024) CDL-AD(2024)007 para 38 <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)007-e>.
[7] Petr Svoren, 'Comparing Upper Chambers Across the World' [2024] The Office of the Convenor of the Crossbench Peers, Kings College London 2 <https://www.kcl.ac.uk/policy-institute/assets/kpri/comparing-upper-chambers-across-the-world.pdf> accessed 9 May 2025.

The above quote from lawyer and philosopher Jeremy Bentham shows that critiquing the concept of bicameralism is not just a modern phenomenon. In fact, criticism has been documented at least since the time of the French Revolution.[8] Upper Houses are often blamed, either because they are too politically different from the lower house and would block democratic decision-making or because they are too similar to the lower house and would therefore lack added value.[9] As clergyman and political writer Abbé Sieyès reputedly remarked: "if a second chamber dissents from the first, it is mischievous; if it agrees it is superfluous".[10]

On the other hand, bicameralism continues to be praised. Some argue it serves as an effective means to prevent majority tyranny[11], improves the quality of legislation and promotes the representation of regional, class-based or other interests.[12] It has also been studied as a possible way to prevent democratic decline and promote political stability.[13] However, the effects of bicameralism remain difficult to measure because the outcome of the political process depends not just on institutional rules, but also on how political actors adapt to these rules. Furthermore, differing party-political relations and formal powers between the lower and upper house make it hard to assess when bicameralism should affect political decision-making in the first place.[14]

When analysing bicameral systems scholars often refer to Lijphart's influential work on bicameralism.[15] His classification of bicameral legislatures places them somewhere on the spectrum between weak and strong depending on their levels of "symmetry" and "congruence". Symmetry in this regard refers to the formal powers of an upper house and congruence to the difference in composition (e.g. in the form of regional or minority representation) compared to

[8] Heller and Branduse (n 3) 332.
[9] International IDEA, *Bicameralism: Primer* (International IDEA, 2020) https://www.idea.int/sites/default/files/publications/bicameralism-primer.pdf accessed 17 January 2025 6-7.
[10] It is unsure whether this quote can actually be attributed to Sieyès. However, it remains often cited, probably because it so concisely captures the tension inherent in bicameralism. Nicholas Aroney, 'Four Reasons for an Upper House: Representative Democracy, Public Deliberation, Legislative Outputs and Executive Accountability' (2008) 29 Adelaide Law Review 205, n 41; Jeremy Waldron, 'Bicameralism and the Separation of Powers' (2012) 65 Current Legal Problems 31, 37.
[11] James Madison, 'The Federalist Papers, No. 62' (1788) 27 Independent Journal, February para IV <https://akhilamar.com/wp-content/uploads/2022/01/Federalist-No.-62.pdf> accessed 31 January 2025; William H Riker, 'The Justification of Bicameralism' (1992) 13 International Political Science Review / Revue internationale de science politique 101, 113.
[12] Norton, 'Adding Value?' (n 3) 6–7.
[13] Petr Just and Jakub Charvát, 'Second Parliamentary Chambers as Safeguards against Democratic Backsliding? Case Study of Czech and Polish Senates' (2022) 13 Eastern Journal of European Studies 164, 177–178; Bernoussi and others (n 6) para 111.
[14] Heller and Branduse (n 3) 333.
[15] Meg Russell, 'Rethinking Bicameral Strength: A Three-Dimensional Approach' (2013) 19 The Journal of Legislative Studies 370, 370.

the lower house.[16] Later work has also called attention to the importance of the extent to which partisan presence differs within the two houses.[17] Ultimately, the more symmetrical and incongruent an upper house is, the stronger the bicameralism.[18] In recent years scholars have additionally emphasized the independent value of perceived legitimacy of upper houses in assessing their strength.[19]

Upper houses have traditionally garnered relatively limited attention within comparative legal scholarship, which has mainly focused on comparative work on lower houses.[20] Norton has argued that this can in part be explained by the perceived inferior rank that upper houses occupy compared to their lower house counterparts.[21] There are important exceptions to this lack of comparative legal research. These exceptions highlight the variety of functions and selection methods[22] of the different upper houses around the globe, and the (in)formal rules that govern them.[23]

However, more recently interest in comparative work on bicameralism has increased.[24] In their 2019 book Albert and others discuss bicameralism in multi-level legal orders and examine reform efforts in a comparative perspective.[25] Another important recent work has been a volume

[16] Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (2nd ed, Yale university press 2012) 192–198.
[17] Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes* (New York University Press 1994); George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton University Press 2002) 212–214 <http://dl1.icdst.org/pdfs/files/6d8d92cca1297038bb269af8b892ab87.pdf> accessed 1 February 2025.
[18] Lijphart (n 16) 192–198.
[19] Russell, 'Rethinking Bicameral Strength' (n 15) 374–377; Sean Mueller, Adrian Vatter and Sereina Dick, 'A New Index of Bicameralism: Taking Legitimacy Seriously' (2023) 29 The Journal of Legislative Studies 312.
[20] Philip Norton, 'Resolving the Conundrum of Second Chambers' (2023) 10 Journal of International and Comparative Law 1, 2; Meg Russell, 'What Are Second Chambers For?' (2001) 54 Parliamentary Affairs 442, 442.
[21] Norton, 'Adding Value?' (n 3) 3.
[22] RL Borthwick, 'Methods of Composition of Second Chambers' (2001) 7 The Journal of Legislative Studies 19, 26; Arash Abizadeh, 'Representation, Bicameralism, Political Equality, and Sortition: Reconstituting the Second Chamber as a Randomly Selected Assembly' (2021) 19 Perspectives on Politics 791.
[23] Meg Russell, *Reforming the House of Lords: Lessons from Overseas* (Oxford University Press 2000); Michelangelo Vercesi, 'What Kind of Veto Player Is the Italian Senate? A Comparative Analysis of European Second Chambers' (2017) 22 Journal of Modern Italian Studies 604; Anna Gamper, 'Legislative Functions of Second Chambers in Federal Systems' (2018) 10 Perspectives on Federalism 117.
[24] Richard Albert, Antonia Baraggia and Cristina Fasone, 'Chapter 1: The Challenge of Reforming Bicameralism' in Richard Albert, Antonia Baraggia and Cristina Fasone (eds), *Constitutional reform of national legislatures: bicameralism under pressure* (Edward Elgar Publishing 2019) 1 <https://www.elgaronline.com/edcollchap/edcoll/9781788978637/9781788978637.00006.xml> accessed 1 February 2025.
[25] Richard Albert, Antonia Baraggia and Cristina Fasone, *Constitutional Reform of National Legislatures: Bicameralism under Pressure* (Edward Elgar Publishing 2019).

by Bijleveld and others on efforts to reform upper houses in small north-Atlantic states.[26] The volume contains chapters on upper house reform between 1800 and 2019 in Norway, Belgium, Denmark, Canada, the Netherlands, Sweden, Finland and Ireland. It does not however, formulate a theory as to why this critique has only led to the abolishment of upper houses in some cases, whereas in other cases bicameralism has persisted.[27]

Such an effort has been undertaken by Fisk who, building on the work of Lijphart, argues that there are two elements that are decisive for the survival or abolishment of upper houses.[28] He calls these elements "threat" and "fit". Threat in this regard refers to the extent to which an upper house is willing to black government legislation. Fit on the other hand refers to the complementariness of the upper house. Both high threat and low fit can presumably lead to abolition. Other accounts have also been advanced. Piccirilli has for example argued that the embeddedness of upper houses in the "roots" of a constitutional system, as well as constitutional hurdles to reform can play an important role in whether upper houses are abolished.[29]

Although Fisk classifies all bicameral systems in advanced industrial democracies, his categorisation lacks an in-depth, side by side comparison of the constitutional powers and the institutional roles of all the upper houses he investigates. In my thesis I will conduct such a comparison, looking specifically at traditionally elitist upper houses (i.e. houses that functioned or were meant to function as a counterweight to a popularly elected lower house) in unitary states, as they pose a particularly interesting category of bicameral legislatures. They lack today's most common justification for bicameralism, consisting of the need of regional

[26] Nikolaj Bijleveld and others, *Reforming Senates: Upper Legislative Houses in North Atlantic Small Powers 1800–Present* (1st edn, Routledge 2019) <https://www.taylorfrancis.com/books/9780429323119> accessed 24 January 2025.
[27] See Nikolaj Bijleveld and Wybren Verstegen, 'Reforming Senates in the Post-Revolutionary North Atlantic World: An Introduction' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 7–8 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=14> accessed 31 January 2025.
[28] David Fisk, 'Chapter 16: Altering the Status Quo: Examining Second Chamber Reform and Anti-Corruption Efforts under Parliamentary Bicameralism' (2024) <https://www.elgaronline.com/edcollchap/book/9781803923246/book-part-9781803923246-25.xml> accessed 24 January 2025 192; David Fisk, 'Status Quo, Abolition, or Reform: Examining Evolving Roles in Parliamentary Second Chambers' [2013] Presentation at the 2013 Midwest Political Science Association Annual Conference.
[29] Giovanni Piccirilli, 'Concluding Chapter-Bicameralism as a Normative Choice in the Tension between Its Reform and Its Passing' in Richard Albert, Antonia Baraggia and Cristina Fasone (eds), *Constitutional Reform of National Legislatures* (Edward Elgar Publishing 2019) 271–274 <https://www.elgaronline.com/abstract/edcoll/9781788978637/9781788978637.00024.xml> accessed 1 February 2025.

representation in a federal legislature,[30] and were all in need of reinvention following the process of democratization.[31] This raises the question why some upper houses (at least to some degree) succeeded in this reinvention and survived, while others were abolished. In my thesis I therefore aim to answer the following question: Which constitutional and political factors have contributed to the survival or abolishment of the upper houses of the UK, the Netherlands, Denmark and Sweden? To this end, I will compare the upper houses of the Netherlands and UK from the mid-twentieth century onwards with those of Denmark and Sweden as they existed at the time of their abolishment. My research will explore how these different upper houses function(ed) within their constitutional system and how they have some transformed from their elitist roots to the institutions they are today, while others were eliminated.

1.2 Methodology

1.2.1 Country comparison: added value and justification of chosen countries

The countries that are central in this thesis are in many regards much alike. Denmark, Sweden, The United Kingdom and the Netherlands are all constitutional monarchies that had upper houses that served as conservative elements within the legislature.[32] On top of that, they are all unitary states, meaning that the most common justification for bicameralism does not apply to any of them. Nevertheless, when it comes to the variable of interest, they are different. Despite continuous criticism on the functioning of the upper houses in these countries, it was only Denmark and Sweden that abolished their upper houses while the Netherlands and the United Kingdom continue to have upper houses to this day. This makes it interesting to compare the institutional differences between the upper houses in these countries as they existed at the time of their abolishment in Denmark and Sweden, and from the second half of the twentieth century onwards in the case of the Netherlands and the United Kingdom. By accounting for non-key variables, like a shared history, a unitary and constitutional monarchical state structure, we can examine the influence of the institutional design of the upper houses in question and the

[30] Cf. Venice Commission, 'Report on Bicameralism', Adopted by the Venice Commission at Its 138th Plenary Session (Venice,15-16 March 2024) para 181.
[31] Bijleveld and Verstegen (n 27) 6–7.
[32] Torbjörn Nilsson, 'The Swedish Senate, 1867–1970: From Elitist Moderniser to Democratic Subordinate' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 135 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/1/9781000705690.pdf#page=229> accessed 9 May 2025; Bijleveld and Verstegen (n 27) 7.; Onni Pekonen, 'Rejecting the Upper Chamber: National Unity, Democratisation and Imperial Rule in the Grand Duchy of Finland, 1860–1906', *Reforming Senates* (Routledge 2019) 123.

implications of this design for its survival as accurately as possible. In that sense, this thesis' research design can therefore be seen to follow the logic of "most similar cases".[33]

Admittedly, this country comparison cannot control for all non-key variables. The House of Lords was for example founded centuries before the upper houses of the Netherlands, Denmark and Sweden.[34] Due to its election method, it also has a distinctively more elitist character than the other discussed upper houses (have had). Nevertheless, all these upper houses had reactionary and conservative characters[35], making them nonetheless good comparitors.

Lastly, other countries could have potentially been included in my comparison. Belgium, which only officially became a federal state in 1993, could have been an excellent additional example of surviving bicameralism. Additionally, New Zealand could have served as a good illustration of abolished bicameralism.[36] However, to limit the scope of this thesis to be manageable in 15.000 words, my research will exclude them.

1.2.2 Research structure

The substantial part of this thesis is structured into 4 chapters. Chapter 2 will address the origins of the different upper houses and reform efforts throughout the nineteenth and twentieth century. To this end, both historical and legal-historical writings will be used. It will conclude with a brief summary of the similarities and differences between the historical paths of the discussed upper houses, paying special attention to the abolishment of the Danish *Landsting* (1953) and Swedish *Första kammaren* (1970).

Chapter 3 will then go on to discuss the different constitutional powers that are/were attributed to all these upper houses. It will examine their legislative powers as well as their powers of oversight regarding the executive. In chapter 4 it will discuss the complementariness of the

[33] See Hirschl Ran, *Comparative Matters*, vol 1 (Oxford University Press 2014) 245–253 <https://academic.oup.com/book/8033/chapter/153418064> accessed 24 January 2025.
[34] The House of Lords has its origins in the 11th century. The upper houses of the Netherlands, Denmark and Sweden were instituted in 1815, 1849 and 1866 respectively. RH Maudsley, 'The House of Lords' (1960) 15 University of Miami Law Review 174; Joris Oddens, 'Senates and Bicameralism in Revolutionary Europe (c. 1795–1800)' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 7, 24 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=28> accessed 31 January 2025.; Flemming Juul Christiansen, 'A Liberal Senate: The Danish Landsting of 1849' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 60 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/1/9781000705690.pdf#page=73> accessed 31 January 2025.
[35] Nilsson (n 12) 135; Onni Pekonen, 'Rejecting the Upper Chamber: National Unity, Democratisation and Imperial Rule in the Grand Duchy of Finland, 1860–1906', *Reforming Senates* (Routledge 2019) 123.
[36] See Geoffrey Palmer, 'The Constitutional Significance of the Abolition of the Legislative Council in 1950' (2017) 15 New Zealand Journal of Public and International Law 123, 126–127; Keith Jackson, 'The Abolition of The New Zealand Upper House of Parliament' in Lawrence D Longley and David M Olson (eds), *Two into One: The politics and processes of National Legislative Cameral Change* (Routledge 1991).

upper houses in question within their respective constitutional systems as well as their perceived legitimacy, examining their election methods and political justifications. These chapters to some degree mirror Fisk's ideas of the importance of threat and fit for upper house survival.[37] Lastly, chapter 5 will explore possible other factors that have contributed to their survival or abolishment, such as constitutional hurdles or party-political considerations. This thesis will end with a conclusion which will address the factors of importance found to influence the survival or abolishment of the discussed upper houses.

The research approach used throughout this work has both positive functionalist and historical elements.[38] This thesis' aim is to focus on describing and explaining institutional differences while refraining from making judgements on the general desirability of bicameralism or on which upper house performs its role in the most normatively desirable way.

1.2.3 Terminology

Throughout this thesis the term "upper house" will be used to refer to a legislative chamber that fulfils the additional role in bicameral systems.[39] These legislative bodies, are often called by different names. Common is the term "senate", derived from the ancient Roman council of elders.[40] Another frequently used designation is "second chamber". This term can be confusing in practice however. In the Netherlands the directly elected legislative chamber that has primacy in the lawmaking-process is called the *Tweede Kamer* (literally translated: Second Chamber), whereas the "subordinate" legislative chamber is called the *Eerste Kamer* (literally translated: First Chamber).[41] Similarly, in Sweden the lower house of the former bicameral legislator was called *Andra kammaren* (literally translated: Second chamber) and the upper house was referred to as *Första kammaren* (literally translated: First chamber).[42] For the sake of clarity, this thesis will therefore refer to these legislative bodies as upper houses.[43]

[37] See note 28.
[38] See Vicki C Jackson, 'Comparative Constitutional Law: Methodologies' in Michel Rosenfeld and András Sajó (eds), *The Oxford handbook of comparative constitutional law* (Oxford University Press 2012) <https://books.google.com/books?hl=nl&lr=&id=uP3VWeTMnxsC&oi=fnd&pg=PA54&dq=comparative+constitutional+methodology+vicki+jackson&ots=or-3XX5l0z&sig=ov4vB9r8RamdlQWjIvnf9UVNIwI> accessed 9 January 2025.
[39] Cf. Norton, 'Resolving the Conundrum of Second Chambers' (n 20) 23.
[40] Abhinay Muthoo and Kenneth Shepsle, 'The Constitutional Choice of Bicameralism' [2007] Munich Personal RePEc Archive 1, 4.
[41] See Betty Drexhage, *Bicameral Legislatures: An International Comparison* (Ministry of the Interior and Kingdom Relations, Directorate of Constitutional Affairs and Legislation 2015) 1.
[42] Nilsson (n 32) 133.
[43] See Drexhage (n 41) 1.

Chapter II: Exploring the past

2.1 Introduction

This chapter will provide some historical background information on the upper houses of the United Kingdom (para 2.2), the Netherlands (para 2.3), Denmark (para 2.4), and Sweden (para 2.5). Per country the origins as well as the most important reform efforts, including the developments leading to the abolishment of the upper houses of Sweden and Denmark, will be discussed. The aim of this chapter is not to provide a full comprehensive history of these legislative bodies. Instead, it will merely highlight the aspects of their history that are most relevant in light of this thesis' main aim. In a brief conclusion I will outline the important parallels and differences in their development (para 2.6).

2.2 The United Kingdom: House of Lords

2.2.1 Historical background

Although the UK House of Lords holds the claim for the world's oldest upper house[44], the exact day of its establishment remains ambiguous.[45] The upper house traces its roots back to an eleventh century court named the *Witenagemot*, which transitioned into the *Curia Regis* (12th-13th century), a judicial organ that would advise the monarch on planned tax-measures.[46] When the king started to summon both barons and burgesses to court to discuss state matters, this assembly turned into what we would nowadays call a unicameral parliament.[47] In the middle of the fourteenth century this parliament split into two organs when the barons and churchmen began to hold separate assemblies from the burgesses and knights, marking the beginning of English bicameralism.[48]

In the fourteenth century membership of the 'House of Lords' slowly started to become a lifelong and hereditary affair as it became a custom for the King to summon the same peers

[44] Meg Russell, 'Attempts to Change the British House of Lords into a Second Chamber of the Nations and Regions: Explaining a History of Failed Reforms' (2018) 10 Perspectives on Federalism 269, 1.
[45] Meg Russell, 'A Brief History of the House of Lords' in Meg Russell (ed), *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford University Press 2013) 14 <https://doi.org/10.1093/acprof:oso/9780199671564.003.0002> accessed 5 March 2025.
[46] RW Perceval, 'The Origin and Development of the House of Lords' (1953) VII Parliamentary Affairs 33, 33; Philip Norton, *Parliament in British Politics* (2nd ed., Palgrave Macmillan 2013) 17, 36.
[47] Norton, *Parliament in British Politics* (n 46) 17.
[48] Chris Given-Wilson, 'The House of Lords, 1307-1529' in Clyve Jones (ed), *A Short History of Parliament* (The Boydell Press 2009) 16.

every year and their heirs upon their death.[49] Although the House of Commons managed to secure a privileged position regarding the introduction and amending of Money bills, the formal powers of the upper and lower house were the same during this time.[50] Following the execution of King Charles I, the 'House of Lords' being considered "useless and dangerous", was temporarily abolished. In 1657 however, bicameralism was reinstituted by Oliver Cromwell.[51] The eighteenth century gradually saw a shift in the balance of power from the monarch to the government which was mirrored by a decrease in power of the House of Lords in favour of the House of Commons.[52] As the process of democratization unfolded during the nineteenth century, it became increasingly difficult for the House to justify overruling the House of Commons.[53]

2.2.2 Twentieth and twenty-first century reform efforts

The following 125 years there have been multiple successful and failed efforts to reform the upper house. One major reform occurred in 1911. Two years prior the upper house rejected the Government's finance bill opening the house up to criticism for violating the constitutional convention of lower house financial privilege.[54] The subsequent liberal government passed the 1911 Parliament Act which stripped the House of Lords of the right to veto most legislation, leaving them only with the right to delay. Additionally finance bills could only be delayed by one month, after which they were considered to have passed.[55]

Later, the 1958 Life Peerage Act introduced life peer membership which, unlike hereditary membership, could not be passed on after death. Following a long political battle, the House of Lords Act 1999 dismissed many hereditary Peers, leaving only 92 that would be replaced by appointed members upon their death.[56] After a failed attempt to drastically reform the House in 2011, the House of Lords Reform Act of 2014 provided only for small changes. For example, membership of Peers that do not attend sessions regularly will now end automatically. In

[49] Russell, 'A Brief History of the House of Lords' (n 45) 14; Maxine James, Edward Scott and Sarah Tudor, 'History of the House of Lords: A Short Introduction (Library Note)' 1 <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0020/LLN-2017-0020.pdf>; Given-Wilson (n 48) 17.
[50] Norton, *Parliament in British Politics* (n 46) 36.
[51] James, Scott and Tudor (n 49) 2–3.
[52] Russell, 'A Brief History of the House of Lords' (n 45) 20.
[53] Norton, *Parliament in British Politics* (n 46) 36.
[54] James, Scott and Tudor (n 49) 6–7.
[55] William Frame, 'The House of Lords 1911-49', *A Short History of Parliament* (The Boydell Press 2009) 212; Interestingly, by adopting the Parliament Act 1911 the House of Lords voted in favour of its own disempowerment (131-114 vote): 'Parliament Act 1911' <https://www.parliament.uk/about/living-heritage/evolutionofparliament/houseoflords/house-of-lords-reform/from-the-collections/from-the-parliamentary-collections-the-parliament-act/parliament-act-1911/> accessed 23 April 2025.
[56] Russell, 'A Brief History of the House of Lords' (n 45) 34.

October 2024 a new House of Lords bill was introduced. This Bill that has already been passed by the House of Commons. If adopted, it would remove all the 92 remaining Life Peers.[57]

Lastly, it should be noted that apart from its legislative role, the House of Lord also used to fulfil an important judicial role, being the UK's highest court of appeal until the introduction of a Supreme Court in 2009. [58] The introduction of the new court ended long-lasting discussions on the compatibility of the judicial and legislative role of the house in light of the separation of powers.[59]

2.3 The Netherlands: Eerste Kamer

2.3.1 Historical background

The Netherlands has not always been a constitutional monarchy. For a considerable time of its history, it has been a republic instead. The Dutch republic started in 1588 when a number of Dutch provinces formed a confederation after having declared their independence from Philips II of Spain.[60] This republic had a unicameral decision-making organ (*Verenigde Vergadering*) with deputies that were not meant to represent the Dutch population (or a certain subset of that population) but the different Dutch provinces.[61] In the Eighteenth century the Dutch republic ceased to exist with the establishment of a French sister republic, the *Bataafse republiek*. This republic subsequently ended because of a French annexation by Napoleon, leading to the Kingdom of the Netherlands which was later incorporated into the French empire.[62]

After the French-Batavian era (1795-1813) the Netherlands briefly reinstated a unicameral system. In 1815 however, a constitutional overhaul introduced a bicameral legislature (*Staten-Generaal),* while simultaneously establishing a constitutional monarchy. The resulting kingdom also encompassed current day Belgium.[63] The new kingdom's legislature would be made up of

[57] Pat Mcfadden and Baronness Smith of Basildon, House of Lords (Hereditary Peers) Bill [HL Bill 49]; 'House of Lords (Hereditary Peers) Bill Stages - Parliamentary Bills - UK Parliament' <https://bills.parliament.uk/bills/3755/stages> accessed 6 March 2025.
[58] Russell, 'A Brief History of the House of Lords' (n 45) 20.
[59] Russell, 'A Brief History of the House of Lords' (n 44) 35; It should be noted that the Supreme Court was initially made up of former members of the House of Lords. Nevertheless, its current judges have not been members of the upper house.
[60] Friso Wielenga, *Geschiedenis van Nederland [A History of the Netherlands]* (Boom 2012) 9–10 <https://download.boekhuis.nl/9789024452811_fragm-docb.pdf> accessed 1 March 2025.
[61] Drexhage (n 41) 2347–2348; Joop W Koopmans, 'De Vergadering van de Staten-Generaal in de Republiek Voor 1795 En de Publiciteit' (2005) 120 Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden 379, 387.
[62] Martijn Jacob van der Burg, 'Nederland Onder Franse Invloed: Cultuurtransfer En Staatsvorming in de Napoleontische Tijd, 1799-1813 [The Netherlands under French Influence: Tranfer of Culture and Statebuilding in the Napoleontic Era, 1799-1813]' (PhD Thesis, Universiteit van Amsterdam 2007) 15–16.
[63] Bert van den Braak, *De Eerste Kamer, 1996-2021: tussen nuttig en overbodig [The Eerste Kamer, 1996-2021: between use and uselessness]* (Boom 2023) 12.

a lower house named *Tweede Kamer* and an upper house called *Eerste Kamer*.[64] The choice for a bicameral system was prompted by the desire to have a legislative chamber that could temper the decision-making of the lower house.[65] It was also heavily advocated for by Southern constitutional commission members wanting to restore *ancien régime* values.[66] The *Eerste Kamer* was additionally meant to "surround the throne with a bulwark against which all parties repel".[67] From 1815 to 1848 all upper house members were appointed by the Dutch king, who could also dismiss them whenever he pleased.[68] Members were either from the nobility or were at least "eminent" individuals, like socially prominent politicians.[69]

2.3.2 Nineteenth and twentieth century reform efforts

As van den Braak notes, there has been no Dutch state institution that has been questioned as much as the *Eerste Kamer*, yet the few attempts to abolish it have been doomed to fail from the start.[70] In its first days the functioning of the chamber garnered much criticism for the dominance of northern (i.e. non-Belgian) members and was frequently accused of bending to the king's wishes.[71] Some commentators therefore jokingly dubbed the upper house "the king's zoo".[72] Following the 1848 constitutional overhaul, the king's right of appointment was abolished and members were henceforth elected by members of the provincial assemblies.[73] Only wealthy individuals were allowed to vote in provincial elections and eligibility for first

[64] Gohar Karapetian, 'Waarom Bestaan de Tweede En Eerste Kamer Uit 225 Leden? Een Grondwetshistorische Verkenning [Why Do the Tweede and Eerste Kamer Consist of 225 Members? A Historical Constitutional Exploration]' [2022] Ars Aequi 50, 51.
[65] Johannes Theodorus Jozef Van den Berg, 'De Eerste Kamer, of: De Zin van Rivaliteit [The Eerste Kamer, or: The Point of Rivalry]' (Valedictory lecture, Universiteit Leiden, 2006) 14 <https://scholarlypublications.universiteitleiden.nl/access/item%3A2728274/download> accessed 2 March 2025.
[66] Els Witte, 'Members of the Senate in the Southern Netherlands (Belgium) between Restoration and Revolution (1815–1831)' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (2020) 43–44 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=56> accessed 3 March 2025.
[67] Constitutional Committee of 1815 as cited by: Van den Berg (n 65) 14.
[68] Bert van den Braak, 'The Vitality of the Dutch Senate: Two Centuries of Reforms and Staying in Power' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 174 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=186> accessed 2 March 2025.
[69] Witte (n 66) 46–47; van den Braak (n 63) 13.
[70] Van den Braak (n 48) 10.
[71] Wybren Verstegen, 'The Senate and the "Social Majority": Joannes Theodorus Buys (1826–1893) and a 'Meritocracy'in the Netherlands (1848–1887)' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 147 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=159> accessed 2 March 2025; van den Braak (n 68) 174.
[72] The original term used was "*ménagerie du roi*": Verstegen (n 71) 147.
[73] The King agreed to this overhaul out of fear of a revolution, seeing the revolutionary events happening all over Europe that year. Geerten Waling and Niels Ottenheim, 'Waarom Nederland in 1848 geen revolutie kende [Why the Netherlands did not have a revolution in 1848]' (2020) 133 Tijdschrift voor Geschiedenis 5.

chamber membership, being based on wealth, was precluded to just one in 3.000 individuals.[74] This election method was a compromise between those that favoured the king to retain political power and liberals that wanted to do away with the *Eerste Kamer* in its entirety.[75] The story goes that when King Willem II lost his appointment powers in 1848, he offered the upper house a large portrait of himself "to keep the awareness of his royal interests alive". [76] This portrait graced the wall of the upper house plenary room until 2021, when it was temporarily removed for the duration of the renovation works taking place on the parliament buildings.[77]

After the introduction of universal male suffrage and the elimination of wealth-based eligibility criteria in 1917, the party-political composition of both houses became more and more similar. Following this development the *Eerste Kamer* took on a very minor political role. Although it had retained its legislative veto rights, it passed virtually all legislation.[78] In subsequent years, its role was little discussed. In the 1960's however a proposal was made by the new democrat party (D'66) to eliminate the house. Nevertheless, this debate was ultimately silenced by the passing of a motion supported by the Christian democrats, socialists and liberals rejecting abolishment.[79]

In recent times, increased electoral volatility has reignited discussions on the role of the upper House.[80] Starting in the 1990's electoral volatility made it more likely that coalitions could not automatically count on a majority in the *Eerste Kamer* anymore. This strengthened the political relevance of the upper house which some argued upset the balance of political power unfairly in favour of the indirectly elected upper house.[81] More recently, political parties have called for the abolishment of the upper house if the ban on constitutional review is lifted, which would arguably eliminate the upper house's added value as an extra constitutionality checking organ.[82]

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[74] Later, individuals that had fulfilled important public functions could also be elected: see Verstegen (n 71) 150.
[75] Van den Braak (n 52) 175.
[76] Geerten Boogaard, 'Mixed Democracy in the Netherlands' in Guiseppe Franco Ferrari, Reijer Passchier and Wim Voermans (eds), *The Dutch Constitution beyond 200 Years: Tradition and Innovation in a Multilevel legal Order* (Eleven international publishing 2018) 232.
[77] Rijksvastgoedbedrijf, 'Koning Willem II verlaat de Eerste Kamer [King Willem II leaves Eerste Kamer]' (*Central Government Real Estate Agency*, 23 December 2021) <https://www.rijksvastgoedbedrijf.nl/actueel/nieuws/2021/12/23/koning-willem-ii-verlaat-de-eerste-kamer> accessed 17 April 2025.
[78] van den Braak (n 68) 181.
[79] ibid.
[80] RJB Schutgens and JJJ Sillen, 'Lage Drempels, Hoge Dijken. Democratie En Rechtsstaat in Balans. Een Bespreking van de Belangrijkste Aanbevelingen Uit Het Rapport van de Staatscommissie Parlementair Stelsel' (2019) 3 Rechtsgeleerd Magazijn Themis 118, 129; van den Braak (n 63) 9.
[81] Van den Braak (n 48) 9.
[82] Nowadays, the Eerste Kamer is thought by many legal scholars and politicians to be obliged to take on a more cautious role, checking mainly for the constitutionality and legality of legislative proposals. Maurice Adams and

For now, though the consensus among the Dutch constitutional scholars seems to be that the *Eerste Kamer* is – at least for the foreseeable future – here to stay.[83]

2.4 Denmark: Landsting

2.4.1 Historical background

The first Danish parliament dates back to 1468,[84] when king Christian I first called for the assembly of nobles, townsmen and free peasants.[85] During medieval times this parliament (*Rigsdag)* and a council of nobles (*Rigsraad*) especially, had considerable political power, as Danish monarchs were obliged to consult the organs regarding taxation measures and governmental affairs.[86] However, this changed after the defeat of Danish forces by the Swedes in 1660, which was attributed to the *Rigsdag*'s poor attitude. Following this defeat the nobles agreed to change from an elective to hereditary monarchy. The king subsequently became an almost absolute ruler, and the Danish parliament would not hold session for the next 175 years.[87]

Danish royal absolutism persisted until the beginning of the nineteenth century. Around this time demands for change grew increasingly louder, leading the monarch to establish highly exclusionary provincial assemblies that would advise the king upon request.[88] Following a dispute over the line of royal succession, the inexperienced new king, Frederik VII, agreed to sign a free constitution in January 1848. The drafting of this constitution was heavily influenced by the revolutionary events that would occur around Europe that same year.[89]

The new constitution introduced a bicameral legislature (*Rigsdag*) that consisted of an upper house by the name of *Landsting* and a lower House called *Folketing*. The *Landsting* was a

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Ronald Janse, 'Verkiezingsblog #12: In het kielzog van de staatscommissie: de parlementaire democratie [Election blog #12: in the wake of the state committee: parliamentary democracy]' (*Nederland Rechtsstaat*, 8 March 2021) <https://www.nederlandrechtsstaat.nl/12-in-het-kielzog-van-de-staatscommissie-de-parlementaire-democratie/> accessed 4 March 2025; JLW Broeksteeg, 'Het Bestaansrecht van de Eerste Kamer [The Existential Justification of the Eerste Kamer]' [2014] Ars Aequi 914–915 <https://repository.ubn.ru.nl/bitstream/handle/2066/134143/134143.pdf> accessed 8 March 2025.

[83] Thom de Graaf, 'Oplossing Op Zoek Naar Een Probleem? Het Terugzendrecht van de Eerste Kamer Nader Verkend [Solution in Search of a Problem? A Right to Resubmission Explored in More Detail]' (Afscheidssymposium mr. A. Broekers-Knol, 6 June 2019) 11–12; van den Braak (n 63) 10; Wim Voermans, 'Eerste Kamer vervult te veel een politieke rol [Eerste Kamer fulfills a too political role]' (*Universiteit Leiden*, 15 January 2025) <https://www.universiteitleiden.nl/in-de-media/2025/01/eerste-kamer-vervult-te-veel-een-politieke-rol> accessed 4 March 2025.

[84] Robert Howard Lord, 'The Parliaments of the Middle Ages and the Early Modern Period' (1930) 16 The Catholic Historical Review 125, 130.

[85] Gary W Cox, Mark Dincecco and Massimiliano Gaetano Onorato, 'Window of Opportunity: War and the Origins of Parliament' (2024) 54 British Journal of Political Science 405, XIV.

[86] AR Myers, *Parliaments and Estates in Europe to 1789* (Harcourt Brace Jovanovich 1975) 113.

[87] ibid 113–114.

[88] Christiansen (n 32) 62.

[89] ibid 62–63.

compromise between the political factions, meant to moderate the effects of suffrage extensions.[90] Remarkably the electorate of the *Landsting* and the *Folketing* were exactly the same, making it so that 70 percent of Danish males over the age of 30 were allowed to vote in the elections for both bodies.[91] In terms of passive voting rights, the two houses still differed greatly however. Due to demands from conservatives, wealth-based eligibility criteria still made it so that only around 4 percent of this electorate was allowed to stand for *Landsting* elections.[92] Nevertheless, the lack of wealth criteria to have active voting rights made the Danish upper house relatively liberal in comparison to its contemporaries. [93] The *Landsting*'s somewhat liberal profile changed when the constitution was revised in 1866. The revision afforded special voting rights to wealthier individuals and introduced a right of the government and monarch to appoint of a portion of the upper house's members.[94] Privileged voting rights were abolished in 1915.[95]

2.4.2 Abolishing the Landsting

A first proposal to abolish the bicameral system was tabled by the social democrats in 1912-1913. They nevertheless agreed to preserve the system in exchange for the introduction of universal suffrage and proportional representation in the lower house.[96] In the 1930's however, the continued existence of the *Landsting* was once again placed on the political agenda. Although the economic crisis of the 1930's did not have a strong polarizing effect in Denmark, anti-system rhetoric from fascists included calls to reform the upper house in line with neo-corporatists principles, stimulating talks on constitutional reform.[97] This prompted the social democrats to introduce their own proposal to abolish bicameralism in 1934. Their proposal was motivated by frustrations over long-lasting conflicts between the lower and upper house, caused by their differing political majorities interfering with effective governance.[98] Nevertheless, the

[90] Christiansen (n 32) 60, 70.
[91] ibid.
[92] ibid 68.
[93] Christiansen (n 34).
[94] Asbjørn Skjæveland, 'Unicameralism in Denmark: Abolition of the Senate, Current Functioning and Debate' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) 226 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=238> accessed 3 March 2025; Mikkel Flohr, 'The Populist Foundations of Democracy: A Conceptual History of "the People" [Folket] in the Constitutional Struggles in Denmark, 1830–1920' (2024) 65 European Journal of Sociology 1, 18–19.
[95] Flohr (n 94) 26.
[96] David Arter, 'One Ting Too Many: The Shift to Unicameralism in Denmark' in Lawrence D Longley and David M Olson (eds), *Two into One: The politics and processes of National Legislative Cameral Change* (Westview 1991) 81–82.
[97] ibid 86–89.
[98] ibid 89.

proposal would fail because the required referendum for constitutional reform did not meet turnout-standards.[99] After the second world war the minority government consisting of conservatives and liberals, embraced the abolishment of the *Landsting* to appease the social-democrats and social-liberals, whose support was needed to remain in power. Following a referendum that passed with a small majority the upper house was finally abolished in 1953.[100]

2.5 Sweden: Första kammaren

2.5.1 Historical background

The Swedish upper House called *Första kammaren* was introduced in January of 1867.[101] Before transforming into a two-chamber the country's parliament, known as the *Riksdag,* was a four-estate parliament. This four-estate parliament represented the four traditional classes: nobility, clergy, burghers and peasantry, and traces its roots back to 1435 when the *Riksdag'*s first parliamentary meeting was held.[102] Throughout the 15th to 18th centuries the estates convened on the initiative of the monarch to vote on royal proposals. Depending on how often the monarch called for meetings the political say of the *Riksdag* fluctuated heavily.[103] Following the deposition of Gustav IV Adolf in 1809, Charles XIII was instituted as the country's new king, after he had agreed to sign a new liberal constitution. The constitution limited the power of the monarch in favour of the *Riksdag* and was an important step in the shift from monarchical to parliamentary rule.[104] However, the formation of a new parliamentary system that was not rooted in social class, would not be completed until almost fifty years later.

In 1865 the estate of the nobility, agreed on a transformation from a four-estate parliament to a bicameral system designed by statesman Louis de Geer.[105] Henceforth, the parliament would be divided into a lower house called *Andra kammeren* and an upper house called *Första kammaren*. The reform was heralded by some liberals as an important democratic breakthrough. Nevertheless, it should be regarded as a compromise, given that the reform did not mean to change the pre-existing social order.[106] The new upper house was designed to be a

[99] Skjæveland (n 94) 228.
[100] ibid 229. It has been speculated that the higher turnout for this referendum could have been the consequence of the fact that royal succession was also on the ballot: ibid 229–230.
[101] Nilsson (n 32) 133–134.
[102] Eric Cyril Bellquist, 'Foreign Governments and Politics: The Five Hundredth Anniversary of the Swedish Riksdag' (1935) 29 The American Political Science Review 857, 857.
[103] Björn Asker, *Hur riket styrdes: förvaltning, politik och arkiv 1520–1920 [How the Kingdom Was Governed: Administration, Politics and Archives 1520-1920]* (Riksarkivet 2009) 65 <https://www.diva-portal.org/smash/record.jsf?pid=diva2:1878497> accessed 27 February 2025.
[104] Bellquist (n 102) 863; Asker (n 103) 65; Roger D Congleton, *Perfecting Parliament: Constitutional Reform, Liberalism, and the Rise of Western Democracy* (Cambridge University Press 2011) 386.
[105] Nilsson (n 32) 134.
[106] ibid.

counterweight against overly rash or "one-sided" decisions by the lower house and was intended to protect "the claims of education and capital".[107] Due to strict eligibility criteria and an indirect weighted election method that heavily favoured wealthy voters, the *Första kammaren* was mainly composed of members of the social upper class.[108] The *Första kammaren's* composition stood in stark contrast with that of the lower house which was mainly dominated by farmers.[109] As a consequence, the upper house had a far more politically conservative profile than the lower house.[110]

2.5.2 Abolishing the Första kammaren

In the early twentieth century this politically conservative upper house relied heavily on its veto powers to block various forms of suffrage reforms.[111] Swedish historian Björn Asker characterizes the *Första kammaren* of that time period as "on the whole […] not democratically minded".[112] Following the Russian revolution however, the upper house finally agreed to introduce universal suffrage in 1921.[113] The expansion of suffrage meant that the composition of both chambers became much more equal.[114] Combined with strong party loyalty, this reduced the political relevance of the *Första kammaren.*[115]

Calls for its abolishment started after the social democrats managed to stay in power because of their upper house majority, despite losing the lower house election of 1948 by partnering with the Communist party. The upper house election method additionally resulted in a majority for the social-democrats in that house, despite losing the popular vote.[116] This was perceived as illegitimate by other political actors and in later years the social-democrats were accused by the right-wing opposition of trying to hold on to an outdated political system just because it benefitted them.[117] When the social-democrats lost the 1966 upper house election which they

[107] ibid 135; Joakim Nergelius, 'The Rise and Fall of Bicameralism in Sweden, 1866–1970', *Reforming Senates* (Routledge 2019) 219 <https://library.oapen.org/bitstream/handle/20.500.12657/42882/1/9781000705690.pdf#page=229> accessed 27 February 2025.
[108] Though these were not necessarily noblemen: see Congleton (n 46) 388–389; Nilsson (n 32) 135.
[109] Nilsson (n 32) 136.
[110] Asker (n 103) 73.
[111] These included a proposal that would indirectly impact the upper house elections by addressing the graded voting system as well as the extension of suffrage to women. Nilsson (n 32) 136.
[112] Asker (n 103) 73.
[113] Congleton (n 104) 399, 402; Nilsson (n 32) 139.
[114] Nilsson (n 32).
[115] ibid 144.
[116] Bjorn von Sydow, 'Sweden's Road to a Unicameral Parliament' in Lawrence D Longley and David M Olson (eds), *Two into One: The politics and processes of National Legislative Cameral Change* (Westview 1991) 158–160.
[117] See Nergelius (n 107) 220.

contributed to the public's agreement with this criticism, they changed tune and agreed to abolish the bicameral system.[118] This ultimately led to the introduction of a unicameral system in 1970, without a long constitutional debate, though the question did receive some serious public attention.[119] Nowadays, the abolishment of the *Första kammaren* is a rarely discussed topic in Swedish scholarship.[120] Reflecting on Swedish bicameralism, Nilsson argues that it essentially functioned as a "transitional system", providing a passage from monarchical rule to modern democratic governance.[121]

2.6 Interim conclusion: comparing historical paths

In conclusion, the introduction of bicameralism in the Netherlands, Sweden and Denmark has notable similarities. In all these countries the establishment of the upper houses can be explained as a compromise between conservative and progressive players.[122] The introduction of bicameralism functioned in this sense as a bridge between a past marked by autocratic monarchical rule and a future of parliamentary democracy governed by majority rule.[123] The choice for bicameralism was in all cases motivated by a desire to either protect royal power or to at least temper a directly elected lower house.

The UK House of Lords' historical path is somewhat different. Although all four countries discussed had some sort of parliamentary assemblies during late medieval times, only the House of Lords managed to survive until the present day and was therefore not introduced to dampen the effect of suffrage expansions. It is nevertheless similar to the other upper houses discussed in that it has been - and still is - a markedly aristocratic institution that has needed to adapt to a newly democratised world.

As shown above, the new challenges to bicameralism posed by democratization only led to the abolishment of the *Landsting* and the *Första kammaren*. In both Denmark and Sweden, (perceived) party-political interests were a main driver behind these upper houses' abolishment. The transition to unicameralism was the outcome of widely supported political agreements.[124] Although bicameralism persists in the United Kingdom and the Netherlands, the country's

[118] ibid; more generally see: von Sydow (n 116) 186.
[119] Nilsson (n 32) 144; Nergelius (n 107) 223; von Sydow (n 116) 185.
[120] Nilsson (n 32) 143.
[121] ibid.
[122] Bijleveld and Verstegen (n 27) 3; Nilsson (n 32) 143–144.
[123] Nilsson (n 32) 143–144; Bettie Drexhage, 'De Eerste Kamer En Het Politieke Primaat van de Tweede Kamer [The Eerste Kamer and the Political Primacy of the Tweede Kamer]' (2014) 1769 NJB (Nederlands Juristenblad) 2346, 2348.
[124] Arter (n 96) 78.

upper houses remain frequently discussed institutions. Their continued existence however does not seem to be under direct threat.

Chapter III: Comparing formal powers

3.1 Introduction

In this chapter I will discuss the formal powers of the upper houses central to this thesis. The aim of this analysis is to shed light on the differences between the upper and lower houses legal competencies within this thesis' case study. This chapter will start with a discussion of the legislative powers of the of the House of Lords, *Eerste Kamer*, *Landsting* and *Första Kammaren* (para 3.2). This will be followed by an examination of their oversight powers (para 3.3). In paragraph 3.4 I will briefly discuss what these comparisons mean for their relative strength and the possible threat these upper houses can pose in relation to the lower house.

3.2 Legislative powers

3.2.1 Initiative powers

A first important legislative power is the right of initiative. In the United Kingdom, individual members of the House of Lords have the right to introduce legislation, which has been used frequently, though most often for uncontroversial legislation.[125] This right of initiative does however exclude money bills.[126] The Dutch Senate on the other hand, being created as a counterbalancing and merely scrutinising body, has never had the power to propose legislation and has always come second in the legislative process.[127] In Denmark the upper house was in principle designed to have equal competences to the Danish lower house[128] and did have the power to initiate legislation.[129] The same was true in Sweden where the constitution explicitly provided that the upper and lower house had equal competences.[130] This meant that both

[125] Erik TC Knippenberg, 'De Senaat: Rechtsvergelijkend Onderzoek Naar Het House of Lords, de Sénat, de Eerste Kamer En de Bundesrat [The Senate: A Comparative Legal Study of the House of Lords, the Sénat, de Eerste Kamer and the Bundesrat]' (Maastricht University 2002) 94–95 <https://cris.maastrichtuniversity.nl/en/publications/39b43120-e7f6-4a16-ae45-148adb0f91d8> accessed 17 January 2025.

[126] George Tsebelis and Bjørn Erik Rasch, 'Patterns of Bicameralism' in Herbert Döring (ed), *Parliaments and majority rule in Western Europe* (Frankfurt Campus Verlag 1995) 373 <https://pohiseadus.riigioigus.ee/system/files/inline-files/PMR-W-Europe.pdf#page=365> accessed 8 April 2025.

[127] See article 114 Grondwet voor het Koningrijk der Nederlanden 1815 [Basic Law of the Kingdom of the Netherlands of 1815] 2018; Witte (n 66) 55.

[128] Christel PF Vergauwen, 'Legal System of The Kingdom of Denmark Western Europe (A) E.E.C. Countries - Part I: Country Studies - Chapter Two' in Kenneth R Redden and Linda L Schlueter (eds), *Modern Legal Systems Cyclopedia* (2001) 1 <https://heinonline.org/HOL/P?h=hein.cow/mlsc0005&i=139> accessed 9 April 2025.

[129] Skjæveland (n 93) 227; also see article 43 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).

[130] See article 1 The Riksdag Act June 22, 1866, as amended up to and including the year 1953 (World Constitutions Illustrated, Hein online) as well as: Nergelius (n 107) 218–219.

individual members of the *Första kammaren* as well as a standing joint committee (and the government) had the power to introduce legislative proposals.[131]

3.2.2 Veto powers

Although the House of Lords has the right to initiate legislation, it lacks the power to veto legislation since the adoption of the 1911 Parliament Act.[132] The upper house does have the power to delay ordinary bills using a suspensory veto. If a bill has been passed in two consecutive sessions of the House of Commons that were at least a year apart a bill will become law without the approval of the upper house. This means the House of Lord's veto can only suspend ordinary legislation for one year until the House of Commons has passed a bill for the second time.[133] However, following the 'Salisbury Convention' of 1945 the House of Lords will not reject (read: delay) legislation if a bill relates to promises made in election programmes.[134]

The Dutch Senate on the other hand has an absolute veto power, having the second and also last vote on the passing of all legislation including constitutional amendments.[135] This means that legislation can only be passed if a majority of the *Eerste Kamer* votes in favour of the legislation's passing. There is no formal reconciliation mechanism if legislation is rejected.[136] In practice however, veto powers are rarely used.[137] This because in general upper house members subscribe to the idea that the lower house should enjoy primacy in the legislative process.[138] In recent years the traditional restraint that marked upper house conduct has slowly vanished. As the government could not automatically count on a majority in the upper house anymore, the upper house having strong party-political ties with the lower house minority, has especially used its budget powers to block government policy. This has necessitated the need for broad party support to ensure passing.[139]

[131] Harold Zink, *Modern Governments*, vol 1 (second edition, D Van Nostrand Co 1962) 527 <https://heinonline.org/HOL/P?h=hein.cow/mogovem0001&i=540> accessed 21 April 2025.
[132] There is one exception to this rule. Legislation that would alter the term of the House of Commons can be vetoed.
[133] Russell, *Reforming the House of Lords* (n 23) 138.
[134] Drexhage (n 41) 24.
[135] See articles 85 and 137(3) of the Dutch Constitution.
[136] Tsebelis and Rasch (n 126) 372.
[137] On average they are used about once or twice a year with the total number of legislative proposals being around 200-300: JW Remkes and others, 'Lage Drempels, Hoge Dijken: Democratie En Rechtsstaat in Balans: Eindrapport van de Staatscommissie Parlementair Stelsel [Low Thresholds, High Barriers: Balancing Democracy and Rechtssaat: Final Report of the Constitutional Committee Parliamentary System]' (Constitutional Committee 2018) 294 <https://dare.uva.nl/search?identifier=7a275546-8194-46ce-a673-216e43a89e83;startDoc=1> accessed 29 April 2025.
[138] van den Braak (n 68) 183.
[139] Boogaard (n 76) 241.

The Danish *Landsting* also used to possess an absolute veto power, including over constitutional amendments.[140] Only budgetary legislation was exempted from this veto.[141] The constitution did however provide the monarch with the nuclear option of dissolving the *Landsting* in case a bill had been adopted in identical form by the lower house in two consecutive terms.[142] In Sweden the *Första kammaren* similarly had an absolute veto being jointly responsible with the lower house and King for the enactment of legislation and amending the constitution.[143] The Swedish parliament had multiple joint committees. Before being tabled every bill would be submitted to one of these committees for recommendation.[144] Although in practice the chambers were generally able to come to a compromise, research has established that disagreements between the houses were much more common before the introduction of universal suffrage. In the period between 1867 and 1920 almost four times as many proposals were either amended or subjected to a common vote before they were passed by the upper house than in the period between 1921 and 1970.[145]

3.2.3 Amendment powers

When it comes to the right to amend legislation the House of Lords does possess the formal power to amend legislation.[146] In practice however, most amendments (98%) are made with the approval of the government.[147] The Dutch upper house does not possess any formal right to amend legislation, having the power only to approve or veto legislation that has been passed by the lower house. [148] In practice however, the upper house has found a way around its lack of amendment powers. If the majority of the *Eerste Kamer* has serious objections to certain aspects of a proposal it can delay the discussions on the bill until the lower house has passed a new

[140] Skjæveland (n 94) 227. Also see article 43 in conjunction with article 29 and article 94 of Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).
[141] Drexhage (n 41) 61.
[142] Article 22 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online). It should be noted though that according to the same article the monarch could dissolve the lower house at any time.
[143] Article 87 and 81 of The Instrument of Government June 6, 1809, as amended up to and including the year 1965, (World Constitutions Illustrated, Hein online).
[144] Richard C Spencer, 'The Swedish Pattern of Responsible Government' (1940) 21 The Southwestern Social Science Quarterly 53, 57.
[145] Nergelius (n 105) 222.
[146] Meg Russell, 'House of Lords Reform: Navigating the Obstacles' (Institute for Government, Benedict Institute for Public Policy Cambridge 2023) 6 <https://www.bennettinstitute.cam.ac.uk/wp-content/uploads/2023/03/House-of-Lords-reform-navigating-the-obstacles.pdf> accessed 29 April 2025; One exception to this right of amendment are money bills for which the House of Lords can only make recommendations. Anthony Mughan, 'Comparative Bicameralism: A Survey of Global Approaches' (2020) 3 U. Oxford Hum. Rts. Hub J. 117, 119.
[147] Norton, *Parliament in British Politics* (n 46) 42.
[148] Broeksteeg (n 82) 914 also see article 85 of the Dutch constitution.

proposal amending the contested provisions of the first proposal. This allows the upper house to pressure the government into altering legislative proposals without having to resort to the nuclear option of vetoing them.[149] The desirability of this de facto right of amendment remains contested in Dutch legal scholarship.[150] Nevertheless, it should be noted that it is used only sparsely.[151]

In Denmark the equality of powers between the upper and lower house seen above also extended to the amendment rights of the chambers. Following the Danish constitution both the *Folketing* and *Landsting* had the right to suggest amendments. If in response, the other house would introduce new amendments and no agreement could be reached, a joint committee would be assembled to an arrangement.[152] In Sweden too, the upper house could propose amendments to legislation.[153]

3.3 The upper house as check on the executive

Let us now turn to the checking powers of these upper houses. Given their 'secondary' nature, it is generally assumed that governments are principally responsible to the lower house as opposed to the upper house and that they can only be dismissed by the first.[154] In line with this thought, it is undisputed that only the House of Commons has the right to issue a vote of no confidence in the UK.[155] However, as Shell puts it "while the government is responsible to the Commons because it is ultimately removable by the Commons, it is in effect only *answerable* to the Lords".[156] This means that although the House of Lords has no say in government formation or removal, cabinet ministers are obligated to answer formal questions coming from the house.[157] The House is additionally entitled to appoint investigative committees, that can scrutinise executive action.[158]

[149] Wim Voermans, 'De Grondwet Artikel 85 - Toezending Wetsvoorstel EK [The Constitution Article 85 - Submission Legislative Proposal EK]' 2 <https://hdl.handle.net/1887/37909> accessed 8 March 2025.
[150] Van den Berg (n 65) 14–15.
[151] Voermans (n 149) 3; van den Braak (n 68) 183–184.
[152] Article 52 of the Danish Constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).
[153] cf. Drexhage (n 41) 60.
[154] ibid 25.
[155] Knippenberg (n 125) 105.
[156] Donald Shell, *The House of Lords* (Harvester Wheatsheaf, London 1992) as quoted by: ibid.
[157] ibid.
[158] see John Connolly, Matthew Flinders and David Judge, 'Reviewing the Review: A Three-Dimensional Approach to Analysing the 2017–2020 Review of the House of Lords Investigative and Scrutiny Committees' (2023) 29 The Journal of Legislative Studies 234.

In the Netherlands, ministers are responsible to both chambers of parliament.[159] It is unclear however whether the upper house can initiate a vote of no confidence as Dutch constitutional scholars disagree whether such a right exists. It is nevertheless generally argued that if it does, the upper house should exercise it with extreme restraint.[160] Since 1848, the Dutch upper house has had the right to be informed by the government of the enforcement and execution of legislation.[161] In that same year the *Eerste Kamer* was granted the right to initiate parliamentary inquiries.[162]

In Denmark, contrary to the Netherlands, the government used to be solely responsible to the lower house.[163] The Danish constitution did provide however that any member of the both the lower as upper house had the right to enquire explanatory statements from ministers if they obtained leave by their respective chambers.[164] Both houses additionally had the power "to appoint Commissions from amongst its members to examine matters of public importance."[165]

In Sweden, the equality between the lower and upper house meant that the government was equally responsible, both in a political and in a legal sense to both houses.[166] A constitutional provision regarding parliamentary confidence was lacking. Nevertheless, it was accepted that the *Första kammaren*, did not have an independent right to dismiss the cabinet.[167] Since the constitution did not contain any specific provision regarding parliament's confidence, it was

[159] Robert K Visser, 'In Dienst van Het Algemeen Belang: Ministeriële Verantwoordelijkheid En Parlementair Vertrouwen [In Service of the Common Interest: Ministerial Responsibility and Parliamentary Trust]' (Leiden University 2008) 181–182 <https://scholarlypublications.universiteitleiden.nl/access/item%3A2924260/download> accessed 24 April 2025; also see article 42 (2) of the Dutch Constitution.
[160] Drexhage (n 123) 2352; Laurens Dragstra, 'Staatsrechtelijke Positie Eerste Kamer (Ambtelijke Achtergrondnotitie) [Constitutional Position Eerste Kamer (Official Memo)]' 9–12 <https://www.eerstekamer.nl/id/vil7lkxkqjw1/document_extern/101214_staatsrechtelijke_positie/f=/vil7lm95a5zw> accessed 29 March 2025; RJB Schutgens, 'Een Motie van Wantrouwen in de Chambre de Réflexion? [A Vote of No Confidence in the Chambre de Réflexion?]' (2020) 181 Rechtsgeleerd Magazijn Themis 153; Visser (n 159) 67.
[161] Aticle 68 of the Dutch Constitution: Boogaard (n 76) 233.
[162] Article 68 of the Dutch Constitution: ibid.
[163] Ben A Arneson, *Democratic Monarchies of Scandinavia* (D Van Nostrand Co 1939) 42–43.
[164] Article 61 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).
[165] Article 45 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).
[166] Nergelius (n 107) 218–219; also see Spencer (n 144) 58.
[167] Joseph B Board, *The Government and Politics of Sweden* (Houghton Mifflin 1970) <https://cir.nii.ac.jp/crid/1130282271629453056> accessed 26 April 2025; as cited by: James N Druckman and Michael F Thies, 'The Importance of Concurrence: The Impact of Bicameralism on Government Formation and Duration' (2002) 46 American Journal of Political Science 760.

unclear however "whether the continuance of a Government depend[ed] on control of the Lower House alone or on a preponderance of votes in both Houses taken together".[168]

3.4 Interim conclusion: comparing formal powers

All in all, this chapter's findings can be condensed into the following table:

	UK: House of Lords	NL: *Eerste Kamer*	DK: *Landsting*	SE: *Första kammaren*
Power to initiate?	Yes (with the exception of money bills)	No	Yes	Yes
Power to veto legislation?	Suspensory veto (with the exception of money bills)	Absolute veto	Absolute veto (with the exception of money bills)	Absolute veto
Power to amend legislation?	Yes (with the exception of money bills)	De iure no, de facto yes	Yes	Yes
Independent right to trigger a vote of no confidence?	No	Unclear	No	No

We can see that the UK upper house has the least strong constitutional powers in comparison to its respective lower house. A middle category is formed by the Dutch and Danish upper houses. The most far-reaching constitutional powers belonged to the Swedish upper house, having both very similar powers to the lower house.[169]

These theoretical powers do not tell us all, however. The fact that an upper house has strong formal powers vis-à-vis a lower house, in itself does not explain the existence (or absence) of a political desire to abolish bicameralism. The opposite might actually be true; when an upper house lacks formal powers it may be prevented from performing a meaningful role, fuelling

[168] Board (n 167) 171; as quoted by: Druckman and Thies (n 167).
[169] Nergelius (n 107).

claims of its redundancy.[170] Additionally, this chapter has shown that the fact that an upper house possesses strong formal powers, does not mean it will use these powers. Moreover, the mere existence of an arguably too powerful upper house does not reveal why some countries resort to abolishment, while others such as the UK, simply choose to reform the upper house's constitutional powers (see para 2.2.2).[171] In the next chapters, I will therefore explore other factors that may explain why both the Danish and Swedish house were abolished while the Dutch an UK upper house survived.

[170] Russell, *Reforming the House of Lords* (n 23) 251.
[171] Cf. Fisk, 'Chapter 16' (n 28) 174.

Chapter IV: Upper house composition and institutional roles

4.1 Introduction

In this chapter I will explore the composition and the institutional roles taken on by the upper houses of the UK, the Netherlands, Denmark and Sweden, linking both aspects to the idea of institutional complementariness[172] and perceived legitimacy. The underlying idea in this regard is that an upper house that is too similar to the lower house is superfluous and therefore risks abolishment.[173] Additionally, both an upper house's composition method, as well as the roles it takes on influence its perceived legitimacy.[174] I will first examine the different upper houses' composition (para 4.2) followed by the more general constitutional roles that are/were ascribed to these bodies (para 4.3). This chapter will end with a brief conclusion (para 4.4).

4.2 Composition

4.2.1 The importance of composition

The complementariness of an upper house is to an important degree determined by the difference in its composition compared to the lower house.[175] Although differences in composition can be the result of different composition methods, having a distinct composition method does not automatically result in a uniquely composed upper house.[176] When assessing the complementariness of upper houses we should therefore not just examine the way in which members are appointed, but also whether the composition leads to a distinctively different make-up between the upper and lower house. This section therefore not only explores the appointment/selection method of the different upper house members but also the size, nature and distinct features of its members.[177]

However, upper house composition is not just important for upper house complementariness but also for a body's perceived legitimacy.[178] Seeing as the upper houses central in this thesis have an aristocratic origin, their legitimacy has been a continuously raised issue. Moreover, the

[172] This term to some degree mirrors Fisk's idea of "fit": Fisk, 'Status Quo, Abolition, or Reform: Examining Evolving Roles in Parliamentary Second Chambers' (n 28).
[173] Fisk, 'Chapter 16' (n 28) 192.
[174] Russell, 'Rethinking Bicameral Strength' (n 15) 375–376.
[175] Russell, *Reforming the House of Lords* (n 23) 250, 296.
[176] ibid 250–251.
[177] In that sense this assessment differs from Lijphart's idea of congruence, for which it is only of importance how the upper house is selected and whether it is designed to facilitate minority representation. Contrary to this paper's position, Lijphart did not believe that the size, term of office, or staggered nature of elections is important to either the strength or meaningfulness of the upper house. Lijphart (n 16) 192, 194.
[178] ibid 193.

willingness and ability to challenge lower house or government decision-making will depend on the perceived legitimacy of an upper house, which may impact abolishment efforts.[179]

4.2.2 The United Kingdom: House of Lords

The UK House of Lords has perhaps the most remarkable composition method of the upper houses discussed in this thesis, considering all of its members are unelected.[180] Another unique feature of its composition is that virtually all of the House's members are seated for life.[181] The House consists of both hereditary, life peers and Lords Spiritual. Since the 1999 House of Lords Act life peers are in the overwhelming majority, accounting for 718 out of 829 members as of April 2025.[182] These life peers have been appointed by the monarch, though in practice they have been selected by the prime minister.[183] The house also has 87 hereditary peers.[184] These are members that owe their right to sit in the House of Lords by their title. Upon their death or retirement their seat will not automatically transfer to their heir. Instead, a 'by-election' will be held in which the members of the House of Lords will elect a member from a bigger group of hereditary peers.[185] The house lastly seats 26 Lords spirituals, who are all bishops of the church of England.[186]

The unusual make-up of the House of Lords, combined with their life-time appointment (or right to sit), makes for a composition that is very distinct from the lower house. Although the appointment method of the house garners frequent criticism, the resulting uniqueness of the house can be said to contribute to its complementariness. [187] This is due in important part to the vast experience of house members accrued through their lifetime membership and previous careers.[188] What is generally less positively appreciated however is the House its size.[189] The

[179] See Russell, 'Rethinking Bicameral Strength' (n 15) 374.
[180] Borthwick (n 22) 20.
[181] With the exception of the bishops of the Church of England. ibid 22.
[182] 'Lords Membership - by Peerage - MPs and Lords - UK Parliament' <https://members.parliament.uk/parties/lords/by-peerage> accessed 17 April 2025; for the reference to this act see Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford University Press 2013) 68 <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199671564.001.0001/acprof-9780199671564> accessed 17 April 2025.
[183] Russell, 'House of Lords Reform' (n 146) 4.
[184] 'Lords Membership - by Peerage - MPs and Lords - UK Parliament' (n 182). As mentioned in paragraph 2.2.2: Pat Mcfadden and Baronness Smith of Basildon House of Lords (Hereditary Peers) Bill (n 57); 'House of Lords (Hereditary Peers) Bill Stages - Parliamentary Bills - UK Parliament' (n 57).
[185] Russell, 'House of Lords Reform' (n 146) 5.
[186] 'Lords Membership - by Peerage - MPs and Lords - UK Parliament' (n 182).
[187] Russell, *Reforming the House of Lords* (n 23) 250.
[188] Peter Dorey, 'Elected or Selected? The Continuing Constitutional Conundrum of House of Lords Reform' (2023) 94 The Political quarterly 402, 406.
[189] Richard Beamish, 'Reducing the Size of the House of Lords: Two Steps Forward, Two Steps Back' (*The Constitution Unit Blog*, 18 April 2019) <https://constitution-unit.com/2019/04/18/reducing-the-size-of-the-

House of Lords is the world's largest upper house and the only upper house that has more members than its respective counterpart.[190] As of April 2025, it has 829 members[191], whereas the House of Commons has only 650.[192] Another frequent criticism concerns the quality of the appointed life peers.[193]

4.2.3 The Netherlands: Eerste Kamer

The Dutch upper house is significantly smaller than the House of Lords boasting only 75 members, compared to a lower house with 150 members.[194] Unlike in the United Kingdom, members are elected, through indirect elections in which members of the provincial assemblies elect all upper house members for a period of four years (which is the same term as for the lower house).[195] The elections for provincial assemblies usually do not occur simultaneously with lower house elections. Taken together with the fact that since 1983 the upper house members are all elected at once, provincial assembly elections have turned into almost quasi-midterms, as many voters also account for national policy preferences in their voting behaviour.[196] This new election method has strengthened the political position of the upper house since the upper house now has a more recent 'democratic' mandate than the lower house for a substantial time of its term.[197]

Members of the *Eerste Kamer* generally only convene once a week and most of them have had long careers in which they have occupied prominent positions in government, academia and business. They usually still have multiple ancillary posts besides their chamber membership.

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house-of-lords-two-steps-forward-two-steps-back/> accessed 29 April 2025; Lord T Burns, 'The House of Lords Is Too Large: Party Leaders Must Put aside Short-Term Interests and Agree Plans to Reduce Its Numbers' (*The Constitution Unit Blog*, 25 June 2021) <https://constitution-unit.com/2021/06/25/the-house-of-lords-is-too-large-party-leaders-must-put-aside-short-term-interests-and-agree-plans-to-reduce-its-numbers/> accessed 29 April 2025.

[190] Sean Mueller, '17. Bicameralism' in Adrian Vatter and Rahel Freiburghaus (eds), *Handbook of Comparative Political Institutions* (Edward Elgar Publishing 2024) 263 <https://books.google.com/books?hl=nl&lr=&id=6q8pEQAAQBAJ&oi=fnd&pg=PA263&dq=mueller+17+bicameralism&ots=QjVc_1vLRI&sig=MPfIwaxtb2cElkuvtwe-yGX1es4> accessed 17 April 2025.

[191] 'Lords Membership - MPs and Lords - UK Parliament' <https://members.parliament.uk/parties/Lords> accessed 15 April 2025.

[192] See section 3 Parliamentary Constituencies Act 1986 <https://www.legislation.gov.uk/ukpga/1986/56> accessed 15 April 2025; Anya Somerville, Philip Gorman and Sarah Priddy, 'Number of Seats in the House of Commons since 1801' <https://commonslibrary.parliament.uk/research-briefings/sn02384/> accessed 15 April 2025.

[193] Russell, 'House of Lords Reform' (n 146).

[194] Article 51 of the Dutch constitution.

[195] Article 52 and article 55 (1) of the Dutch Constitution.

[196] Douwe Jan Elzinga, 'Moet Er Een Ander Tweekamerstelsel Komen? De Weeffout Uit 1983 Breekt Het Stelsel Nu Structureel Op' in Anne Bos and others (eds), *De Eerste Kamer. Jaarboek Parlementaire Geschiedenis 2015 [The Eerste Kamer. Year book Parlementary History 2015]* (Amsterdam: Boom 2015) 67 <https://repository.ubn.ru.nl/bitstream/handle/2066/300587/300587.pdf?sequence=1> accessed 16 April 2025.

[197] ibid 67.

These double roles can become problematic, especially if they concern lobby positions which frequently lead to conflicts of interest.[198] Nevertheless, the fact that many upper house members have ancillary positions is generally valued and believed to contribute to overall legislative quality.[199]

4.2.4 Denmark: Landsting

The Danish *Landsting* had a similar membership count as the Dutch upper house, comprising of 76 members with a lower house limited to 152 members.[200] The selection of *Landsting* members was somewhat unique. Members would serve 8-year terms.[201] After that time, one fourth of the new chamber would be elected by the outgoing members following the principle of proportionality. The other three quarters of the members would be indirectly elected by electoral colleges. These electoral colleges would in turn be elected by eligible voters over the age of 35 through proportional elections in the seven *Landsting* districts.[202]

After 1936, this election method resulted in an upper and lower house that were very similar in terms of political party affiliation.[203] One factor that contributed to the ultimate abolishment of the *Landsting* was the public perception of the house's members. They were generally thought to owe their seat to partisan favours, supporting the idea that upper house membership was reserved for party veterans. Although this image seems to have been exaggerated, it is true that many upper house members were former mayors who had been loyal to a particular party as well as journalists and union or industry group leaders.[204]

[198] PPT Bovend'Eert, 'Integriteit van Het Parlement. De Eerste Ervaringen Met de Gedragscodes Voor Kamerleden [Integrity of the Parliament. First Experiences with the Code of Conduct for Parlementarians]' (2022) 7 Nederlands Juristenblad 464, 470–471.
[199] Tom Barkhuysen, 'Dubbele Petten Af in de Eerste Kamer? [No More Two Hats in the Eerste Kamer?]' (2013) 663 NJB-kronieken 550, 550.
[200]Arneson (n 162) 60–61 also see articles 32 and 36 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).
[201] Article 39 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online
[202] ibid: also see articles 34 and 37 of the Danish constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online. The right to vote for the lower house was afforded to all those under the age of 25: 'Landstinget i den danske Rigsdag 1849-1953' (*Danmarkshistorien | Lex*, 25 March 2025) <https://danmarkshistorien.lex.dk/Landstinget_i_den_danske_Rigsdag_1849-1953> accessed 15 April 2025.
[203] 'Landstinget i den danske Rigsdag 1849-1953' (n 202).
[204] Inger Stokkink and Kees van Kersbergen, 'Waarom En Hoe de Deense Senaat Werd Afgeschaft [Why and How the Danish Senate Was Abolished]' in Anne Bos and others (eds), *Jaarboek Parlementaire Geschiedenis 2015* (Uitgeverij Boom 2015) 76.

4.2.5 Sweden: Första kammaren

The Swedish *Första kammaren* was notably larger than the Danish and Dutch upper house, boasting 150 members, compared to a lower house comprised of 230. [205] Prior to its abolishment upper house members were elected for eight-year terms, while lower house members served four-year terms. Members of the *Första kammaren* were indirectly elected through electoral colleges. The electoral colleges in turn were either formed by local county councils or in case of lack thereof by popular elections. They were spread over 19 constituencies which were divided into eight groups. Every year elections would take place in the constituencies that were part of one of those groups. [206] This meant that although the composition of the upper house changed every year, general continuity was ensured.[207]

Upper house members were generally older and more experienced than lower house members, though this did not prevent the gradual loss of the upper house's political power to the lower house.[208] While the aforementioned composition method may have been helpful for the realisation of rural and urban representation, it was arguably less suitable for the more urbanised society from the 1960's onwards. [209] It was however not on the basis of this argument[210], but on the supposed unfairness that many advocated for the house's abolishment (also see para 2.5.2). This perceived unfairness was mainly caused by the ultimate shortcoming of the system to produce a proportionally representative upper house, which allowed the social democrats to stay in power despite lacking the popular vote.[211]

4.3 Differing (and eroding) roles

4.3.1 Roles attributed to upper houses

Let us now look at the different roles that are/were attributed to the upper houses discussed in this case study. As we have seen in chapter 2 an important consideration for the introduction of the Dutch, Danish and Swedish upper house were the wish to have a majority tempering institution that could dampen the effects of suffrage expansions. The House of Lords, though not established with this idea in mind, served a similar function throughout the nineteenth

[205] Nergelius (n 107) 217.
[206] Zink (n 131) 521; also see article 6 and 8 of the Riksdag Act June 22, 1866, as amended up to and including the year 1953 (World Constitutions Illustrated, Hein online)
[207] Nergelius (n 107) 217.
[208] ibid 222.
[209] ibid 221–222.
[210] ibid 217.
[211] For reference, even though the social democrats received only 44.4 percent of the votes in the lower house elections of 1946, they managed to secure 56 percent of the seats in the upper house (1949). It was projected that they would not lose this majority for the foreseeable future despite lacking the popular vote: von Sydow (n 116) 160.

century. Following the process of democratization, the rationale for the existence of upper houses to some degree changed. The House of Lords and the *Eerste Kamer* are nevertheless nowadays still defended as institutions that can prevent overly rash legislation, enacted by lower houses that may be too concerned with fleeting, short-term issues and that can improve legislative quality.[212] To be able to perform these roles, upper house members do need to be able to maintain some distance to the party-politics of the lower house.[213] The expertise of upper house members as well as the relatively little media attention paid to them is also considered to contribute to this role.[214] An additional function that is often attributed to these houses is that they can serve as important checks in the constitutional system and prevent legislation that would encroach minority-rights.[215] Especially in the Netherlands, where constitutional review of parliamentary acts is banned, this role is regularly mentioned. [216]

Lastly, upper houses are sometimes also seen to represent regional interests. As mentioned in section 4.2.5 the Swedish upper house composition promoted the equal representation of urban and rural areas.[217] Both in the Netherlands and in Denmark regional representation does/did not seem to be an explicit function assigned to the upper house however, and regional links are/were only reflected through the indirect election of the upper house by regional organs.[218] In the UK regional representation has also not been a function of the upper house since it is in fact not the upper house but the lower house that is more closely linked to regional interests, due to the House of Commons' first-past-the-post election method.[219]

4.3.2. Erosion of functions

How well upper houses have been able to perform their desired role as a complementary legislative body has changed over time. In Denmark the idea of the *Landsting* as a chambre de réflexion[220] seemed to have failed, at least in part, because the upper and lower house members of the same party would deliberate together, making it hard to think of the upper house as a distinct chamber for reflection.[221] Additionally, other political instruments were gradually seen

[212] Remkes and others (n 137) 292-293.
[213] ibid 293.
[214] Russell, *Reforming the House of Lords* (n 23) 248–249.
[215] Remkes and others (n 137) 292–293; Russell, 'House of Lords Reform' (n 146) 3.
[216] Henk Kummeling and others, 'De gebroken belofte van de rechtsstaat: Rapport Staatscommissie rechtsstaat [The broken promise of the rechtsstaat: Report of State Commission rechtsstaat]' (Ministry of General Affairs 2024) 46 <https://www.staatscommissierechtsstaat.nl/documenten/rapporten/2024/06/01/index> accessed 29 April 2025.
[217] See Nergelius (n 107) 217.
[218] Drexhage (n 123) 2350.
[219] ibid.
[220] 'Landstinget i den danske Rigsdag 1849-1953' (n 202).
[221] Skjæveland (n 94) 229; Stokkink and van Kersbergen (n 204) 72.

to take over the tempering function of the upper house. One of these instruments was the *forlig*, which is an agreement constituting a broad compromise between different political parties. The increased occurrence of these large base political compromises diminished the need for a majority tempering upper house.[222] Another instrument was that of the referendum that had been introduced in 1915. Following this, legislative proposals could be subjected to a plebiscite if two fifth of the lower house voted to do so.[223] The referendum was by some considered to be a better protection for political minorities because it could be initiated by a minority of lower house members, arguably eliminating the need for the upper house to fulfil the role of constitutional counterweight.[224] Ultimately this meant the upper house was seen as redundant.

In Sweden, there had been plans to change both the composition method and reduce the formal powers (and the resulting perceived threat) of the upper house to appease opposing political factions. In the end however, the idea of two chambers that were selected through different methods proved too unappealing to the negotiating parties to consider the possible benefits of bicameralism.[225] All in all the promised added value of a reflective upper house that could provide continuity and prevent excesses, simply seems to have lost out against the wishes of having a parliament that could be as representative as possible. In this regard, the wish for expedient governance was also an important consideration.[226]

In the UK, it is interesting to note that despite historical scepticism against the upper house, the current Labour government does not seem intent on abolishing bicameralism. While the Labour party has promised to immediately address the appointment method of the house, its ultimate goal is 'only' to replace the House of Lords with a new house that would more closely represent regional and national interests.[227] This stance arguably confirms a general positive appreciation of the functions performed by the House, which is also reflected in British legal scholarship.[228]

In the Netherlands the upper house's reflective function has come under pressure in recent years because electoral volatility has caused the partisan make-up of the upper house to be increasingly different from that of the lower house. This has led to the necessary wheeling and dealing between the government and opposition parties in the lower house, assuming that the

[222] Stokkink and van Kersbergen (n 204) 78–79.
[223] ibid 77–78.
[224] Max Gordon, 'Spotlight on Denmark: Denmark's Constitution of 1953' (1954) 83 The Irish Monthly 92, 92.
[225] von Sydow (n 116) 183.
[226] Olle Nyman, 'The New Swedish Constitution' (1982) 26 Scandinavian Stud. L. 171, 178.
[227] Labour Party, 'Serving the Country [Labour Party Election Manifesto]' <https://labour.org.uk/change/serving-the-country/> accessed 29 April 2025.
[228] Cf. Russell, 'House of Lords Reform' (n 146) 3.

upper house opposition would follow the party line as set out in the lower house. This practice has been criticized because it essentially bypasses the upper house as a reflective and distinct organ and erodes its independence in favour of party-politics.[229] It also threatens the added value of the upper house as an extra constitutionality check.[230] The *Eerste Kamer* is nevertheless generally seen to be an added value to the legislative process and is in this way largely considered a complementary legislative body.[231]

4.4 Interim conclusion: upper house composition and institutional roles

In summary, in this chapter I examined the institutional complementariness and perceived legitimacy of the upper houses central in this case study. When looking at their composition method, we have seen that for different reasons both the Danish and the Swedish upper house composition methods were criticized, ultimately delegitimising the institution of the upper houses themselves. Simultaneously, they were increasingly seen as outdated entities, lacking a clear role within the constitutional system. The upper houses of the UK and the Netherlands on the other hand, have continued to (at least to some degree) prove their complementariness. Although the composition of both the House of Lords and the *Eerste Kamer* are also regularly criticized, they have seemingly managed to maintain their relevance through a more modern reinterpretation of their functions, emphasizing their role in improving legislative quality and as constitutional counterweights.

[229] Remkes and others (n 137) 296–298.
[230] Kummeling and others (n 216) 46.
[231] Though critiques remain common, see for example: Voermans (n 83).

Chapter V: Other possible factors of importance

5.1 Introduction

The previous chapters explored the difference in constitutional powers between the upper and lower houses central to this thesis, as well as the institutional complementariness of these houses. This chapter looks at other factors that may influence the survival of an upper house. These include status quo bias (para 5.2), constitutional structure (para 5.3), party-political considerations and upper house cooperation (para 5.4), and the financial costs of maintaining an upper house (para 5.5). This section will end with a brief conclusion (para 5.6).

5.2 Status quo bias

Abolishing an upper house constitutes a switch from a bicameral to a unicameral system. This means it requires a change of the constitutional status quo. Overall, such changes are harder to realise than the "original choice" for either a bicameral or unicameral legislature.[232] One reason for this is that abolishing an upper house, though it may count on the support of a wide range of political actors, is never strictly necessary whereas making an original choice is.[233]

In practice we see this leads to status quo bias. Status quo bias can be defined as a preference for inaction in the face of multiple options. It is caused by decision-makers' general aversion towards new designs, which will inevitably be surrounded by a degree of uncertainty. Consequently, political actors prefer to stick with a current constitutional arrangement and the possible benefits of constitutional change must be especially compelling for decision makers to be willing to depart from a present constitutional feature.[234] This effect is usually more pronounced when that feature has been part of the constitutional system for a longer period of time. What also may be important is if it has been maintained during earlier constitutional overhauls, since this can be seen as proof of long support and lasting value.[235]

The legislative inertia resulting from status quo bias is greater when it comes to constitutional amendments as opposed to normal legislative change. This is because of the relative importance attributed to constitutional norms and the assumption they are meant to be long-lasting.[236] Reforms that are considered of constitutional nature therefore lead to more intense debates and are more difficult to adopt. Even in the UK, where the legislature is not bound by an expressly

[232] Piccirilli (n 29) 71.
[233] ibid.
[234] Ozan O Varol, 'Constitutional Stickiness' (2016) 49 UCDL Rev. 899, 938–939.
[235] ibid 940–941.
[236] ibid 928–929.

written constitution, realising constitutional changes is therefore more difficult than passing ordinary legislative provisions.[237]

Status quo bias may explain why attempts to reform the House of Lords have proven more difficult than the abolishment of the upper houses in Sweden and Denmark, which were significantly newer institutions.[238] In this context we should not forget however that both Sweden and Denmark have had multi-chamber legislatures since the middle-ages (though perhaps on a more intermittent basis).[239] As we have seen, the Netherlands on the other hand, does not have a history of bicameralism that goes as far back and nevertheless retained the upper house. Although status quo bias may influence upper house survival, it therefore does not solely explain the differing outcomes in this case study.

5.3 Constitutional structure and embeddedness

Abolishing an upper house maybe even more challenging than implementing ordinary constitutional reforms. The reason for this is that moving away from bicameralism essentially requires states to completely overhaul the legislative system as currently designed. Given the central position of legislatures in the constitutional state, and their interconnectedness with other state powers, large changes like the abolishment of a chamber will affect the whole system of checks and political power.[240] Where systems that have been unicameral from the outset are in most cases fitted with other institutions to prevent majority tyranny, bicameral systems usually lean significantly on the upper house to perform this role. This means that the abolishment of bicameralism will most likely require decision-makers to implement new structures to prevent illiberal outcomes.[241] In Denmark for example the abolishment of the *Landsting* was paired with the loosening of the criteria for the initiation and quorum rules of referenda.[242] The referendum was in this way seen as an important instrument that could partially replace the upper house's majority tempering function.[243]

We can see in this sense a link between the complementariness of upper houses as discussed in section 4.3 and their survival. The more pronounced role an upper house fulfils, the more effort

[237] ibid.
[238] Cf. Dorey (n 188) 406–407.
[239] See paragraphs 2.4.1 and 2.5.1.
[240] Piccirilli (n 28) 271.
[241] ibid 274.
[242] See §42 (1) of the Danish constitution of 5 June 1953; 'Landstinget i den danske Rigsdag 1849-1953' (n 202); Stokkink and van Kersbergen (n 204) 77–78.
[243] It has been questioned whether this power to initiate a referendum can actually perform a functionally equivalent role to an upper house, see: Skjæveland (n 94) 230–231.

it will take to implement a functionally equivalent design.[244] Complementariness (or lack thereof) in that sense has a double role, impacting both the motivation to retain or abolish an upper house as well as the difficulty involved in redesigning constitutional arrangements that can serve a desired functionally equivalent role. In the Netherlands, where a ban on constitutional review prevents courts from ruling on the constitutionality of parliamentary acts, abolishing the upper house which serves as an extra constitutionality check, would for example require serious attention to how such a check can be meaningfully replaced.[245] This means that the more constitutionally embedded an upper house is, the more challenging it will be to abolish it.[246]

5.4 Party-political considerations and upper house cooperation

It should also not be forgotten that the abolishment of an upper house is in most cases dependent on the approval of the house itself. This introduces a difficulty in possible attempts to abolish bicameralism.[247] Where constitutional reform may be necessary to fix a defective working relation between the upper and lower house, realising a constitutional amendment usually precisely requires cooperation between the two houses.[248] Moreover, it is improbable that a sitting government that has a majority in the upper house will be motivated to see to its abolishment.[249] In the UK for example, conservative governments have had little incentive to abolish the House of Lords seeing it was politically tilted to its advantage.[250] On the other hand, an upper house can also empower political minorities, eliminating also their willingness to advocate for its abolishment.[251] In the Netherlands for instance, opposition parties have been happy to exert influence over political decision-making through the *Eerste Kamer*. As a result, much of the criticism on the upper house has been silenced.[252]

An additional complicating factor is that an upper house may be unlikely to consent to its own elimination, because it would mean that upper house members would have to agree to their own political disempowerment.[253] This need not be an unsurmountable obstacle. The abolishment of bicameralism in both Denmark and Sweden occurred with the consent of the countries'

[244] Piccirilli (n 29) 274.
[245] Cf. Adams and Janse (n 82).
[246] Piccirilli (n 29) 274.
[247] ibid 272.
[248] ibid 272, supra note 12.
[249] Albert, Baraggia and Fasone (n 24) 3.
[250] Dorey (n 188) 406–407.
[251] Varol (n 234) 934.
[252] van den Braak (n 68) 185.
[253] Albert, Baraggia and Fasone (n 24) 2; Varol (n 234) 921–922 Varol references the example of the Polish upper house to illustrate this point.

respective upper houses. In both countries party-political considerations played an important role in the abolishing of the *Landsting* and *Första kammaren.*

These cases show that constitutional barriers to upper house abolishment cannot be viewed in isolation of party politics and the degree to which party politics has percolated through to the upper house. Party-political considerations will be partly shaped by electoral preferences, informed by an upper house's perceived legitimacy.[254] In Sweden for example we have seen how changes in public opinion required the social democrats to change their position on the upper house and agree to its abolishment.[255] On the other hand, party-political incentives may also be more direct. For instance, in the case of Denmark a minority conservative government agreed to abolish the upper house to retain political power.[256]

5.5 Financial costs

Lastly, this section explores the possibility that the financial costs of maintaining an upper house may play a role in its abolishment. In the UK, there has been frequent criticism of the rising costs of the House of Lords.[257] Members can claim a 361 pounds fee per day attended, as well as additional compensation for travel expenses.[258] With the average peer claiming around 93.000 pounds a year[259], its members take home a considerable amount more per year than their Dutch counterparts, who are estimated to cost around 63.700 euros per member in the year 2025.[260]

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[254] Cf. Mueller, Vatter and Dick (n 19) 315–316.
[255] Nergelius (n 107) 220.
[256] Skjæveland (n 94) 229.
[257] 'Lords under Fire over Rising Expenses Bill as Peers Claim More than Average Worker's Salary' (*The Independent*, 23 February 2020) <https://www.independent.co.uk/news/uk/politics/house-lords-expenses-peers-salary-tax-free-payments-parliament-a9353281.html> accessed 10 April 2025; Owen Jones, 'This Broken House of Lords Doesn't Need Reform. It Needs Scrapping' *The Guardian* (31 May 2019) <https://www.theguardian.com/commentisfree/2019/may/31/house-of-lords-reform-scrapping-peer-claimed-allowances> accessed 10 April 2025.
[258] 'System of Financial Support' <https://www.parliament.uk/mps-lords-and-offices/members-allowances/house-of-lords/holallowances/system-of-financial-support-for-members-of-the-lords/> accessed 10 April 2025.
[259] Hereditary peers claim an average of £95,800 per year, whereas non-hereditary peers take home £92,300 on average. Michael Goodier, 'Silent Minority: 15 Peers Claimed £585k While Not Speaking in a Single Lords Debate' *The Guardian* (11 March 2025) <https://www.theguardian.com/politics/2025/mar/11/silent-minority-15-peers-claimed-not-speaking-lords-debate> accessed 10 April 2025.
[260] This includes a salary of 37.000 euro plus expenses. See 'Vergoedingen Eerste Kamerlid' <https://www.parlement.com/id/vh8lnhrrs0qp/vergoedingen_eerste_kamerlid> accessed 10 April 2025; Organisation Committee Eerste Kamer, 'CLV Raming voor de Eerste Kamer in 2024 benodigde uitgaven, evenals aanwijzing en raming van de ontvangsten [CLV Estimation necessary expenses Eerste Kamer, as well as directive and budget of revenues]' <https://www.eerstekamer.nl/behandeling/20230117/brief_van_de_huishoudelijke/document3/f=/vlzvpyfq0aye_opgemaakt.pdf> accessed 10 April 2025.

It is unlikely however that the cost of an upper house per se will be decisive for its survival. Ultimately, it is not about cost but about perceived value. The critiques aimed at the cost of the House of Lords for example do not seem to stand alone but are usually linked to other objections against the upper house, like its relatively large size and the rather passive understanding some peers seem to have of their duties.[261] Moreover, an upper house can be reformed to be more cost-effective. If the survival of the upper house is at stake it will most likely consent to such reforms. The House of Lords for example agreed to replace a previous expense regime that had become discredited in 2010.[262] It should be added to this that I have not encountered any mention that the cost of maintaining the *Landsting* and *Första kammaren* was a factor of importance in the decision to abolish them. Additionally, those that advocate for the abolishment of the Dutch *Eerste Kamer* do not seem to rely heavily on the house's cost as reason for its abolishment.

5.6 Interim conclusion

In conclusion, this chapter contained a brief exploration of other possible factors that may contribute to the survival or abolishment of an upper house. In section 5.2 I discussed the concept of status quo bias, concluding that although this bias may contribute to upper house survival it cannot be said to have been a determinative factor in this case study. Considerations pertaining to constitutional structure were additionally discussed. These were shown to impact both the willingness and difficulty that surrounds the choice of a transition to unicameralism. Furthermore, this chapter looked at the challenges pertaining to upper house cooperation in relation to such a transition. I have argued that party-political considerations and party discipline are of great importance to the question whether such cooperation is ensured or not. Lastly, section 5.5 of this chapter considered the possibility that the financial costs of maintaining an upper house may play a role in its continued existence. The cases explored in this thesis however do not seem to suggest that financial costs are decisive in this regard.

[261] Jones (n 257); Goodier (n 259); 'Lords under Fire over Rising Expenses Bill as Peers Claim More than Average Worker's Salary' (n 257).
[262] Polly Curtis, 'Daily Allowance to Replace Expenses for Lords' *The Guardian* (28 June 2010) <https://www.theguardian.com/politics/2010/jun/28/lords-expense-claims-daily-allowances> accessed 10 April 2025.

Chapter VI: Conclusion

The main aim of this thesis was to determine which constitutional elements have contributed to the survival of the upper houses of the UK and the Netherlands. To answer this question the upper houses of the UK and the Netherlands were compared to those of Sweden and Denmark before their abolishment. Chapter 2 showed that all these upper houses share a common history. They were all markedly aristocratic legislative bodies that were forced to respond to increasing calls for democratization in the late nineteenth and early twentieth centuries. Yet, it were only the UK House of Lords and the Dutch *Eerste Kamer* that managed to survive, whereas the Danish *Landsting* and Swedish *Första kammaren* were abolished.

To explain this difference in fates, chapter 3 examined the formal powers of these different upper houses in comparison to those of their respective lower houses. It was found that the Swedish upper house had the most far-reaching powers. The Dutch and Danish upper houses occupied a middle category, whereas the UK House of Lords (of today), is the least powerful. In themselves however these constitutional powers do not explain why the Swedish and Danish upper houses were abolished, while the House of Lords' powers were 'only' reformed.

Chapter 4 therefore discussed upper house complementariness and perceived legitimacy. Looking at the composition methods all four upper houses, it was found that each country had their own unique way for selecting upper house members. In both Denmark and Sweden this method resulted in a composition that lacked perceived legitimacy, which could not be compensated for by the distinctness of upper house members as in the UK. In the case of Sweden, this seems to have been one of the principal reasons for abolishment, whereas in Denmark the erosion of the house's reflection and minority protective functions were also important contributors. In the Netherlands and the UK on the other hand, the country's respective houses proved capable of showing complementariness at least to some extent by reinterpreting a "majority tempering" role into one of improving legislative quality and as constitutional check. In chapter 5, it was additionally argued that status quo bias may have been a contributing factor, and that constitutional embeddedness as well as political party-considerations played an important role in the abolishment or retention of the discussed upper houses.

These findings show that the survival of the upper houses central in this case study depended on the complex interplay between three factors, being: constitutional powers, institutional

complementariness and perceived legitimacy. The constitutional embeddedness[263] of bicameralism and party-political considerations pertaining to upper house abolishment were found to be intricately linked to these three factors. Future research could explore whether these findings hold true in other unitary constitutional monarchies like Canada and New Zealand or would even apply to the survival of bicameralism in general. Moreover, it could further address how the three determining factors identified in this case study interact.

All in all, this thesis concludes that the survival of a bicameral system depends on a puzzling balancing act, in which an upper house must prove it can be of added value without being perceived to be illegitimately hindering a directly elected lower house.[264] To quote Sieyes again: "if a second chamber dissents from the first, it is mischievous; if it agrees it is superfluous".[265] Notwithstanding the inherent tension in bicameralism however, the continued existence of the House of Lords and the Dutch *Eerste Kamer* show that it is possible to strike such a balance between mischief and superfluidity, provided that the institution of the upper house adapts to changing political realities. Thus, an aristocratic past marked by what Bentham would call a usefulness solely based on "authority-begotten and blind custom-begotten prejudice" can be overcome.[266] This ultimately requires an equilibrium to be found between constitutional powers, institutional complementariness and perceived legitimacy.[267] This conclusion suggests there is a future for bicameralism in the modern unitary state. Considering recent interest in bicameralism as a means to prevent democratic backsliding, this thesis provides encouragement to further explore the benefits of bicameralism in the twenty-first century.[268]

[263] Piccirilli (n 29).
[264] Cf. Sieyes as quoted in chapter 1: see Aroney (n 10) n 41.
[265] As quoted by: ibid.
[266] Jeremy Bentham, *Jeremy Bentham to His Fellow-Citizens of France, on Houses of Peers and Senates* (Robert Heward 1830) 39.
[267] ibid.
[268] Just and Charvát (n 13).

Bibliography

Scholarly works and online publications

Abizadeh A, 'Representation, Bicameralism, Political Equality, and Sortition: Reconstituting the Second Chamber as a Randomly Selected Assembly' (2021) 19 Perspectives on Politics 791

Adams M and Janse R, 'Verkiezingsblog #12: In het kielzog van de staatscommissie: de parlementaire democratie [Election blog #12: in the wake of the state committee: parliamentary democracy]' (*Nederland Rechtsstaat*, 8 March 2021) <https://www.nederlandrechtsstaat.nl/12-in-het-kielzog-van-de-staatscommissie-de-parlementaire-democratie/> accessed 4 March 2025

Albert R, Baraggia A and Fasone C, *Constitutional Reform of National Legislatures: Bicameralism under Pressure* (Edward Elgar Publishing 2019) <https://books.google.com/books?hl=nl&lr=&id=ME6rDwAAQBAJ&oi=fnd&pg=PR1&dq=+Constitutional+Reform+of+National+Legislatures+Bicameralism+under+Pressure&ots=XlrmxXORxN&sig=M8EfLJq7Jr8_bzJ6wwPU5qMhhLc> accessed 1 February 2025

——, 'Chapter 1: The Challenge of Reforming Bicameralism' in Richard Albert, Antonia Baraggia and Cristina Fasone (eds), *Constitutional reform of national legislatures: bicameralism under pressure* (Edward Elgar Publishing 2019) <https://www.elgaronline.com/edcollchap/edcoll/9781788978637/9781788978637.00006.xml> accessed 1 February 2025

Arneson BA, *Democratic Monarchies of Scandinavia* (D Van Nostrand Co 1939)

Aroney N, 'Four Reasons for an Upper House: Representative Democracy, Public Deliberation, Legislative Outputs and Executive Accountability' (2008) 29 Adelaide Law Review 205

Arter D, 'One Ting Too Many: The Shift to Unicameralism in Denmark' in Lawrence D Longley and David M Olson (eds), *Two into One: The politics and processes of National Legislative Cameral Change* (Westview 1991)

Asker B, *Hur riket styrdes: förvaltning, politik och arkiv 1520–1920 [How the Kingdom Was Governed: Administration, Politics and Archives 1520-1920]* (Riksarkivet 2009) <https://www.diva-portal.org/smash/record.jsf?pid=diva2:1878497> accessed 27 February 2025

Barkhuysen T, 'Dubbele Petten Af in de Eerste Kamer? [No More Two Hats in the Eerste Kamer?]' (2013) 663 NJB-kronieken 550

Beamish R, 'Reducing the Size of the House of Lords: Two Steps Forward, Two Steps Back' (*The Constitution Unit Blog*, 18 April 2019) <https://constitution-unit.com/2019/04/18/reducing-the-size-of-the-house-of-lords-two-steps-forward-two-steps-back/> accessed 29 April 2025

Bellquist EC, 'Foreign Governments and Politics: The Five Hundredth Anniversary of the Swedish Riksdag' (1935) 29 The American Political Science Review 857

Bentham J, *Jeremy Bentham to His Fellow-Citizens of France, on Houses of Peers and Senates* (Robert Heward 1830)

Bernoussi N and others, 'Report on Bicameralism' (Venice Commission 2024) CDL-AD(2024)007 <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)007-e>

Bijleveld N and others, *Reforming Senates: Upper Legislative Houses in North Atlantic Small Powers 1800–Present* (1st edn, Routledge 2019) <https://www.taylorfrancis.com/books/9780429323119> accessed 24 January 2025

Bijleveld N and Verstegen W, 'Reforming Senates in the Post-Revolutionary North Atlantic World: An Introduction' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=14> accessed 31 January 2025

Board JB, *The Government and Politics of Sweden* (Houghton Mifflin 1970) <https://cir.nii.ac.jp/crid/1130282271629453056> accessed 26 April 2025

Boogaard G, 'Mixed Democracy in the Netherlands' in Guiseppe Franco Ferrari, Reijer Passchier and Wim Voermans (eds), *The Dutch Constitution beyond 200 Years: Tradition and Innovation in a Multilevel legal Order* (Eleven international publishing 2018)

Borthwick RL, 'Methods of Composition of Second Chambers' (2001) 7 The Journal of Legislative Studies 19

Bovend'Eert PPT, 'Integriteit van Het Parlement. De Eerste Ervaringen Met de Gedragscodes Voor Kamerleden [Integrity of the Parliament. First Experiences with the Code of Conduct for Parlementarians]' (2022) 7 Nederlands Juristenblad 464

Broeksteeg JLW, 'Het Bestaansrecht van de Eerste Kamer [The Existential Justification of the Eerste Kamer]' [2014] Ars Aequi <https://repository.ubn.ru.nl/bitstream/handle/2066/134143/134143.pdf> accessed 8 March 2025

Burns LT, 'The House of Lords Is Too Large: Party Leaders Must Put aside Short-Term Interests and Agree Plans to Reduce Its Numbers' (*The Constitution Unit Blog*, 25 June 2021) <https://constitution-unit.com/2021/06/25/the-house-of-lords-is-too-large-party-leaders-must-put-aside-short-term-interests-and-agree-plans-to-reduce-its-numbers/> accessed 29 April 2025

Christiansen FJ, 'A Liberal Senate: The Danish Landsting of 1849' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/1/9781000705690.pdf#page=73> accessed 31 January 2025

'Compare Data on Parliaments' (*IPU Parline: global data on national parliaments*) <https://data.ipu.org/compare/> accessed 31 January 2025

Congleton RD, *Perfecting Parliament: Constitutional Reform, Liberalism, and the Rise of Western Democracy* (Cambridge University Press 2011)

Connolly J, Flinders M and Judge D, 'Reviewing the Review: A Three-Dimensional Approach to Analysing the 2017–2020 Review of the House of Lords Investigative and Scrutiny Committees' (2023) 29 The Journal of Legislative Studies 234

Cox GW, Dincecco M and Onorato MG, 'Window of Opportunity: War and the Origins of Parliament' (2024) 54 British Journal of Political Science 405

Curtis P, 'Daily Allowance to Replace Expenses for Lords' *The Guardian* (28 June 2010) <https://www.theguardian.com/politics/2010/jun/28/lords-expense-claims-daily-allowances> accessed 10 April 2025

de Graaf T, 'Oplossing Op Zoek Naar Een Probleem? Het Terugzendrecht van de Eerste Kamer Nader Verkend [Solution in Search of a Problem? A Right to Resubmission Explored in More Detail]' (Afscheidssymposium mr. A. Broekers-Knol, 6 June 2019)

Dorey P, 'Elected or Selected? The Continuing Constitutional Conundrum of House of Lords Reform' (2023) 94 The Political quarterly 402

Dragstra L, 'Staatsrechtelijke Positie Eerste Kamer (Ambtelijke Achtergrondnotitie) [Constitutional Position Eerste Kamer (Official Memo)]' <https://www.eerstekamer.nl/id/vil7lkxkqjw1/document_extern/101214_staatsrechtelijke_positie/f=/vil7lm95a5zw> accessed 29 March 2025

Drexhage B, 'De Eerste Kamer En Het Politieke Primaat van de Tweede Kamer [The Eerste Kamer and the Political Primacy of the Tweede Kamer]' (2014) 1769 NJB (Nederlands Juristenblad) 2346

Drexhage B, *Bicameral Legislatures: An International Comparison* (Ministry of the Interior and Kingdom Relations, Directorate of Constitutional Affairs and Legislation 2015)

Druckman JN and Thies MF, 'The Importance of Concurrence: The Impact of Bicameralism on Government Formation and Duration' (2002) 46 American Journal of Political Science 760

Elzinga DJ, 'Moet Er Een Ander Tweekamerstelsel Komen? De Weeffout Uit 1983 Breekt Het Stelsel Nu Structureel Op' in Anne Bos and others (eds), *De Eerste Kamer. Jaarboek Parlementaire Geschiedenis 2015 [The Eerste Kamer. Year book Parlementary History 2015]* (Amsterdam: Boom 2015) <https://repository.ubn.ru.nl/bitstream/handle/2066/300587/300587.pdf?sequence=1> accessed 16 April 2025

Fisk D, 'Status Quo, Abolition, or Reform: Examining Evolving Roles in Parliamentary Second Chambers' [2013] Presentation at the 2013 Midwest Political Science Association Annual Conference

——, 'Chapter 16: Altering the Status Quo: Examining Second Chamber Reform and Anti-Corruption Efforts under Parliamentary Bicameralism' in Tiffany D Barnes and Emily Beaulieu (eds), *Handbook on Gender and Corruption in Democracies* (Elgar Online 2024) <https://www.elgaronline.com/edcollchap/book/9781803923246/book-part-9781803923246-25.xml> accessed 24 January 2025

Flohr M, ‘The Populist Foundations of Democracy: A Conceptual History of “the People” [Folket] in the Constitutional Struggles in Denmark, 1830–1920’ (2024) 65 European Journal of Sociology 1

Frame W, ‘The House of Lords 1911-49’ in Clyve Jones (ed), *A Short History of Parliament* (The Boydell Press 2009)

Gamper A, ‘Legislative Functions of Second Chambers in Federal Systems’ (2018) 10 Perspectives on Federalism 117

Given-Wilson C, ‘The House of Lords, 1307-1529’ in Clyve Jones (ed), *A Short History of Parliament* (The Boydell Press 2009)

Goodier M, ‘Silent Minority: 15 Peers Claimed £585k While Not Speaking in a Single Lords Debate’ *The Guardian* (11 March 2025) <https://www.theguardian.com/politics/2025/mar/11/silent-minority-15-peers-claimed-not-speaking-lords-debate> accessed 10 April 2025

Gordon M, ‘Spotlight on Denmark: Denmark’s Constitution of 1953’ (1954) 83 The Irish Monthly 92

Heller WB and Branduse DM, ‘The Politics of Bicameralism’ in Kaare W Strøm, Shane Martin and Thomas Saalfeld (eds), *The Oxford Handbook of Legislative Studies* (Oxford University Press 2014)

‘House of Lords (Hereditary Peers) Bill Stages - Parliamentary Bills - UK Parliament’ <https://bills.parliament.uk/bills/3755/stages> accessed 6 March 2025

Jackson K, ‘The Abolition of The New Zealand Upper House of Parliament’ in Lawrence D Longley and David M Olson (eds), *Two into One: The politics and processes of National Legislative Cameral Change* (Routledge 1991)

Jackson VC, ‘Comparative Constitutional Law: Methodologies’ in Michel Rosenfeld and András Sajó (eds), *The Oxford handbook of comparative constitutional law* (Oxford University Press 2012) <https://books.google.com/books?hl=nl&lr=&id=uP3VWeTMnxsC&oi=fnd&pg=PA54&dq=comparative+constitutional+methodology+vicki+jackson&ots=or-3XX5l0z&sig=ov4vB9r8RamdlQWjIvnf9UVNIwI> accessed 9 January 2025

James M, Scott E and Tudor S, ‘History of the House of Lords: A Short Introduction (Library Note)’ <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0020/LLN-2017-0020.pdf>

Jones O, ‘This Broken House of Lords Doesn’t Need Reform. It Needs Scrapping’ *The Guardian* (31 May 2019) <https://www.theguardian.com/commentisfree/2019/may/31/house-of-lords-reform-scrapping-peer-claimed-allowances> accessed 10 April 2025

Just P and Charvát J, ‘Second Parliamentary Chambers as Safeguards against Democratic Backsliding? Case Study of Czech and Polish Senates’ (2022) 13 Eastern Journal of European Studies 164

Karapetian G, ‘Waarom Bestaan de Tweede En Eerste Kamer Uit 225 Leden? Een Grondwetshistorische Verkenning [Why Do the Tweede and Eerste Kamer Consist of 225 Members? A Historical Constitutional Exploration]’ [2022] Ars Aequi 50

Knippenberg ETC, ‘De Senaat: Rechtsvergelijkend Onderzoek Naar Het House of Lords, de Sénat, de Eerste Kamer En de Bundesrat [The Senate: A Comparative Legal Study of the House of Lords, the Sénat, de Eerste Kamer and the Bundesrat]’ (Maastricht University 2002) <https://cris.maastrichtuniversity.nl/en/publications/39b43120-e7f6-4a16-ae45-148adb0f91d8> accessed 17 January 2025

Koopmans JW, ‘De Vergadering van de Staten-Generaal in de Republiek Voor 1795 En de Publiciteit’ (2005) 120 Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden 379

Kummeling H and others, ‘De gebroken belofte van de rechtsstaat: Rapport Staatscommissie rechtsstaat [The broken promise of the rechtsstaat: Report of State Commission rechtsstaat]’ (Ministry of General Affairs 2024) <https://www.staatscommissierechtsstaat.nl/documenten/rapporten/2024/06/01/index> accessed 29 April 2025

Labour Party, ‘Serving the Country [Labour Party Election Manifesto]’ <https://labour.org.uk/change/serving-the-country/> accessed 29 April 2025

‘Landstinget i den danske Rigsdag 1849-1953’ (*Danmarkshistorien | Lex*, 25 March 2025) <https://danmarkshistorien.lex.dk/Landstinget_i_den_danske_Rigsdag_1849-1953> accessed 15 April 2025

Lijphart A, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (2nd ed, Yale university press 2012)

Lord RH, ‘The Parliaments of the Middle Ages and the Early Modern Period’ (1930) 16 The Catholic Historical Review 125

‘Lords Membership - by Peerage - MPs and Lords - UK Parliament’ <https://members.parliament.uk/parties/lords/by-peerage> accessed 17 April 2025

‘Lords Membership - MPs and Lords - UK Parliament’ <https://members.parliament.uk/parties/Lords> accessed 15 April 2025

‘Lords under Fire over Rising Expenses Bill as Peers Claim More than Average Worker’s Salary’ (*The Independent*, 23 February 2020) <https://www.independent.co.uk/news/uk/politics/house-lords-expenses-peers-salary-tax-free-payments-parliament-a9353281.html> accessed 10 April 2025

Madison J, ‘The Federalist Papers, No. 62’ (1788) 27 Independent Journal, February <https://akhilamar.com/wp-content/uploads/2022/01/Federalist-No.-62.pdf> accessed 31 January 2025

Maudsley RH, ‘The House of Lords’ (1960) 15 University of Miami Law Review 174

Mueller S, ‘17. Bicameralism’ in Adrian Vatter and Rahel Freiburghaus (eds), *Handbook of Comparative Political Institutions* (Edward Elgar Publishing 2024)

<https://books.google.com/books?hl=nl&lr=&id=6q8pEQAAQBAJ&oi=fnd&pg=PA263&dq=mueller+17+bicameralism&ots=QjVc_1vLRI&sig=MPfIwaxtb2cElkuvtwe-yGX1es4> accessed 17 April 2025

Mueller S, Vatter A and Dick S, 'A New Index of Bicameralism: Taking Legitimacy Seriously' (2023) 29 The Journal of Legislative Studies 312

Mughan A, 'Comparative Bicameralism: A Survey of Global Approaches' (2020) 3 U. Oxford Hum. Rts. Hub J. 117

Muthoo A and Shepsle K, 'The Constitutional Choice of Bicameralism' [2007] Munich Personal RePEc Archive 1

Myers AR, *Parliaments and Estates in Europe to 1789* (Harcourt Brace Jovanovich 1975)

Nergelius J, 'The Rise and Fall of Bicameralism in Sweden, 1866–1970' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/1/9781000705690.pdf#page=229> accessed 27 February 2025

Nilsson T, 'The Swedish Senate, 1867–1970: From Elitist Moderniser to Democratic Subordinate' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/1/9781000705690.pdf#page=229> accessed 9 May 2025

Norton P, 'Adding Value? The Role of Second Chambers' (2007) 15 Asia Pacific Law Review 3

——, *Parliament in British Politics* (2nd ed., Palgrave Macmillan 2013)

——, 'Resolving the Conundrum of Second Chambers' (2023) 10 Journal of International and Comparative Law 1

Nyman O, 'The New Swedish Constitution' (1982) 26 Scandinavian Stud. L. 171

Oddens J, 'Senates and Bicameralism in Revolutionary Europe (c. 1795–1800)' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=28> accessed 31 January 2025

Organisation Committee Eerste Kamer, 'CLV Raming voor de Eerste Kamer in 2024 benodigde uitgaven, evenals aanwijzing en raming van de ontvangsten [CLV Estimation necessary expenses Eerste Kamer, as well as directive and budget of revenues]' <https://www.eerstekamer.nl/behandeling/20230117/brief_van_de_huishoudelijke/document3/f=/vlzvpyfq0aye_opgemaakt.pdf> accessed 10 April 2025

Palmer G, 'The Constitutional Significance of the Abolition of the Legislative Council in 1950' (2017) 15 New Zealand Journal of Public and International Law 123

'Parliament Act 1911' <https://www.parliament.uk/about/living-heritage/evolutionofparliament/houseoflords/house-of-lords-reform/from-the-

collections/from-the-parliamentary-collections-the-parliament-act/parliament-act-1911/> accessed 23 April 2025

Pekonen O, 'Rejecting the Upper Chamber: National Unity, Democratisation and Imperial Rule in the Grand Duchy of Finland, 1860–1906' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019)

Perceval RW, 'The Origin and Development of the House of Lords' (1953) VII Parliamentary Affairs 33

Piccirilli G, 'Concluding Chapter-Bicameralism as a Normative Choice in the Tension between Its Reform and Its Passing' in Richard Albert, Antonia Baraggia and Cristina Fasone (eds), *Constitutional Reform of National Legislatures* (Edward Elgar Publishing 2019) <https://www.elgaronline.com/abstract/edcoll/9781788978637/9781788978637.00024.xml> accessed 1 February 2025

Ran H, *Comparative Matters*, vol 1 (Oxford University Press 2014) <https://academic.oup.com/book/8033/chapter/153418064> accessed 24 January 2025

Remkes JW and others, 'Lage Drempels, Hoge Dijken: Democratie En Rechtsstaat in Balans: Eindrapport van de Staatscommissie Parlementair Stelsel [Low Threshholds, High Barriers: Balancing Democracy and Rechtssaat: Final Report of the State Commission Parliamentary System]' (State Commission 2018) <https://dare.uva.nl/search?identifier=7a275546-8194-46ce-a673-216e43a89e83;startDoc=1> accessed 29 April 2025

Rijksvastgoedbedrijf, 'Koning Willem II verlaat de Eerste Kamer [King Willem II leaves Eerste Kamer]' (*Central Government Real Estate Agency*, 23 December 2021) <https://www.rijksvastgoedbedrijf.nl/actueel/nieuws/2021/12/23/koning-willem-ii-verlaat-de-eerste-kamer> accessed 17 April 2025

Riker WH, 'The Justification of Bicameralism' (1992) 13 International Political Science Review / Revue internationale de science politique 101

Russell M, *Reforming the House of Lords: Lessons from Overseas* (Oxford University Press 2000)

——, 'What Are Second Chambers For?' (2001) 54 Parliamentary Affairs 442

——, 'A Brief History of the House of Lords' in Meg Russell (ed), *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford University Press 2013) <https://doi.org/10.1093/acprof:oso/9780199671564.003.0002> accessed 5 March 2025

——, *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford University Press 2013) <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199671564.001.0001/acprof-9780199671564> accessed 17 April 2025

——, 'Rethinking Bicameral Strength: A Three-Dimensional Approach' (2013) 19 The Journal of Legislative Studies 370

——, ‘Attempts to Change the British House of Lords into a Second Chamber of the Nations and Regions: Explaining a History of Failed Reforms’ (2018) 10 Perspectives on Federalism 269

——, ‘House of Lords Reform: Navigating the Obstacles’ (Institute for Government, Benedict Institute for Public Policy Cambridge 2023) <https://www.bennettinstitute.cam.ac.uk/wp-content/uploads/2023/03/House-of-Lords-reform-navigating-the-obstacles.pdf> accessed 29 April 2025

Sartori G, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes* (New York University Press 1994)

Schutgens RJB, ‘Een Motie van Wantrouwen in de Chambre de Réflexion? [A Vote of No Confidence in the Chambre de Réflexion?]’ (2020) 181 Rechtsgeleerd Magazijn Themis 153

Schutgens RJB and Sillen JJJ, ‘Lage Drempels, Hoge Dijken. Democratie En Rechtsstaat in Balans. Een Bespreking van de Belangrijkste Aanbevelingen Uit Het Rapport van de Staatscommissie Parlementair Stelsel’ (2019) 3 Rechtsgeleerd Magazijn Themis 118

Simpson A, ‘On the Identification and Definition of Microstates’ (2022) 74 Journal of International Affairs 67

Skjæveland A, ‘Unicameralism in Denmark: Abolition of the Senate, Current Functioning and Debate’ in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=238> accessed 3 March 2025

Somerville A, Gorman P and Priddy S, ‘Number of Seats in the House of Commons since 1801’ <https://commonslibrary.parliament.uk/research-briefings/sn02384/> accessed 15 April 2025

Spencer RC, ‘The Swedish Pattern of Responsible Government’ (1940) 21 The Southwestern Social Science Quarterly 53

Stokkink I and van Kersbergen K, ‘Waarom En Hoe de Deense Senaat Werd Afgeschaft [Why and How the Danish Senate Was Abolished]’ in Anne Bos and others (eds), *Jaarboek Parlementaire Geschiedenis 2015* (Uitgeverij Boom 2015)

Svoren P, ‘Comparing Upper Chambers Across the World’ [2024] The Office of the Convenor of the Crossbench Peers, Kings College London <https://www.kcl.ac.uk/policy-institute/assets/kpri/comparing-upper-chambers-across-the-world.pdf> accessed 9 May 2025

‘System of Financial Support’ <https://www.parliament.uk/mps-lords-and-offices/members-allowances/house-of-lords/holallowances/system-of-financial-support-for-members-of-the-lords/> accessed 10 April 2025

Tsebelis G, *Veto Players: How Political Institutions Work* (Princeton University Press 2002) <http://dl1.icdst.org/pdfs/files/6d8d92cca1297038bb269af8b892ab87.pdf> accessed 1 February 2025

Tsebelis G and Rasch BE, ‘Patterns of Bicameralism’ in Herbert Döring (ed), *Parliaments and majority rule in Western Europe* (Frankfurt Campus Verlag 1995)

<https://pohiseadus.riigioigus.ee/system/files/inline-files/PMR-W-Europe.pdf#page=365> accessed 8 April 2025

Van den Berg JTJ, 'De Eerste Kamer, of: De Zin van Rivaliteit [The Eerste Kamer, or: The Point of Rivalry]' (Valedictory lecture, Universiteit Leiden, 2006) <https://scholarlypublications.universiteitleiden.nl/access/item%3A2728274/download> accessed 2 March 2025

van den Braak B, 'The Vitality of the Dutch Senate: Two Centuries of Reforms and Staying in Power' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=186> accessed 2 March 2025

——, *De Eerste Kamer, 1996-2021: tussen nuttig en overbodig [The Eerste Kamer, 1996-2021: between use and uselessness]* (Boom 2023)

van der Burg MJ, 'Nederland Onder Franse Invloed: Cultuurtransfer En Staatsvorming in de Napoleontische Tijd, 1799-1813 [The Netherlands under French Influence: Tranfer of Culture and Statebuilding in the Napoleontic Era, 1799-1813]' (PhD Thesis, Universiteit van Amsterdam 2007)

Varol OO, 'Constitutional Stickiness' (2016) 49 UCDL Rev. 899

Vercesi M, 'What Kind of Veto Player Is the Italian Senate? A Comparative Analysis of European Second Chambers' (2017) 22 Journal of Modern Italian Studies 604

Vergauwen CPF, 'Legal System of The Kingdom of Denmark Western Europe (A) E.E.C. Countries - Part I: Country Studies - Chapter Two' in Kenneth R Redden and Linda L Schlueter (eds), *Modern Legal Systems Cyclopedia* (2001) 1 <https://heinonline.org/HOL/P?h=hein.cow/mlsc0005&i=139> accessed 9 April 2025

'Vergoedingen Eerste Kamerlid' <https://www.parlement.com/id/vh8lnhrrs0qp/vergoedingen_eerste_kamerlid> accessed 10 April 2025

Verstegen W, 'The Senate and the "Social Majority": Joannes Theodorus Buys (1826–1893) and a 'Meritocracy'in the Netherlands (1848–1887)' in Nikolaj Bijleveld and others (eds), *Reforming Senates* (Routledge 2019) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=159> accessed 2 March 2025

Visser RK, 'In Dienst van Het Algemeen Belang: Ministeriële Verantwoordelijkheid En Parlementair Vertrouwen [In Service of the Common Interest: Ministerial Responsibility and Parliamentary Trust]' (Leiden University 2008) <https://scholarlypublications.universiteitleiden.nl/access/item%3A2924260/download> accessed 24 April 2025

Voermans W, 'Eerste Kamer vervult te veel een politieke rol [Eerste Kamer fulfills a too political role]' (*Universiteit Leiden*, 15 January 2025) <https://www.universiteitleiden.nl/in-de-media/2025/01/eerste-kamer-vervult-te-veel-een-politieke-rol> accessed 4 March 2025

——, ‘De Grondwet Artikel 85 - Toezending Wetsvoorstel EK [The Constitution Article 85 - Submission Legislative Proposal EK]’ <https://hdl.handle.net/1887/37909> accessed 8 March 2025

von Sydow B, ‘Sweden’s Road to a Unicameral Parliament’ in Lawrence D Longley and David M Olson (eds), *Two into One: The politics and processes of National Legislative Cameral Change* (Westview 1991)

Waldron J, ‘Bicameralism and the Separation of Powers’ (2012) 65 Current Legal Problems 31

Waling G and Ottenheim N, ‘Waarom Nederland in 1848 geen revolutie kende [Why the Netherlands did not have a revolution in 1848]’ (2020) 133 Tijdschrift voor Geschiedenis 5

Wielenga F, *Geschiedenis van Nederland [A History of the Netherlands]* (Boom 2012) <https://download.boekhuis.nl/9789024452811_fragm-docb.pdf> accessed 1 March 2025

Witte E, ‘Members of the Senate in the Southern Netherlands (Belgium) between Restoration and Revolution (1815–1831)’ in Nikolaj Bijleveld and others (eds), *Reforming Senates* (2020) <https://library.oapen.org/bitstream/handle/20.500.12657/42882/9781000705690.pdf?sequence=1#page=56> accessed 3 March 2025

Zink H, *Modern Governments*, vol 1 (second edition, D Van Nostrand Co 1962) <https://heinonline.org/HOL/P?h=hein.cow/mogovem0001&i=540> accessed 21 April 2025

Legal texts

Danish Constitution of the 5th June, 1915, With the Amendments of the 10th September, 1920 (World Constitutions Illustrated, Hein online).

Grondwet voor het Koningrijk der Nederlanden 1815 [Basic Law of the Kingdom of the Netherlands of 1815] 2018

Mcfadden P and Smith of Basildon B, House of Lords (Hereditary Peers) Bill [HL Bill 49]

The Instrument of Government June 6, 1809, as amended up to and including the year 1965, (World Constitutions Illustrated, Hein online)

The Riksdag Act June 22, 1866, as amended up to and including the year 1953 (World Constitutions Illustrated, Hein online)

Parliamentary Constituencies Act 1986 1986 (C 56)