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BICAMERALISM GENESIS IN EUROPEAN CULTURE

In this article studied the problem of the formation of bicameralism in European countries is investigated. The main stages of the formation of bicameralism and parliamentarism in particular are structured. The peculiarities of the genesis of «parliamentarism» in the Ancient World, Middle Ages, New and Newest History are analyzed. Some regularities have been established between the tradition of «parliamentarism» in Europe and their contemporary socio-economic and political levels of development. Considerable attention was paid to the analysis of the ideas of parliamentarism (and bicameralism) in the writings of prominent philosophers, lawyers, political scientists, sociologists, and public figures who had a significant influence on the development of democratic traditions in their countries and in the world as a whole. The main reasons for the formation of a bicameral parliament in certain countries of Europe and the world are determined.

Keywords: parliament, parliamentarism, bicameralism, political system, state, democracy, people.

Of all the democratic and social values, parliamentarism held to the important place. This is a general democratic institution that characterizes almost all political systems of the world. From which depends the economic, social and political welfare of the states.

In order to understand the phenomenon of parliamentarism it is necessary to plunge into a historical retrospective and to answer the question why and for what bicameralism arose? What it's importance? What served as a prerequisite for his development?

We will analyze the historical sources and scientific works of scientists to answer the above questions.

To begin, consider the etymology of the term «Parliament» – in Latin «parlare», which means «speak». The literal translation does not reflect the true meaning and calling of parliament and parliamentarians. At the parliament people do not just say, but the

most important national decisions are taken in parliament, and this process is being implemented by representatives of the people.

Under the term «Bikameralizm» refers to the structure of the parliament (and sometimes other representative bodies), in which it consists of two chambers.

The Institute of bicameralism, its role in the system of distribution of branches of power, the influence on the formation of social relations and the history of origin studied by many scientists of the past and present, foreign and domestic. Among them: S. Gusarev, V. Zhuravsky, M. Kozyubra, O. Kopylenko, M. Kostytsky, V. Kostytsky, M. Onishchuk [1], A. Pogorelov, V. Shapoval [2], Yu. S. Shemshuchenko [3], Aristotle [4], T. Hobbes, D. Locke, T. Gobs, J. J. Russo, G. Hegel, S.-L. Montesquieu, F. Voltaire, Plato, P. Hall, R. Taylor, S. Steinmo, D. Ickenberry, E. Immergut and others.

It is believed and we are in favor of this statement that: «Parliament and parliamentarism form an integral part of the attributes of a democratic rule of law and serve as indicators of the development of civil society, legal awareness and political culture» [3, p. 151].

The importance of the idea of parliamentarism lies in the fact that it involves the involvement of citizens in the management of the state, through the formation by themselves representative bodies. The ability to make a collegial decision that spread throughout the country through delegated representatives of society was from the very beginning perceived by peoples.

The first origins of this idea date back to the ancient period, when the state appeared and the state institutions began to arise. In the article, we will focus on the most important stages of the formation and development of the aforementioned idea in Europe.

The first stage – ancient Greece and Rome. Under the constitution of King Solon (VI century BC), the supreme authority of state power in Greece was considered the Athenian people's assembly – ecclesia, in which all the levels of the free population participated [3, p. 151].

At meetings held at least four times a year at the theater of Dionysus, they resolved the most important issues of domestic and foreign policy. Based on the analysis and preserved works of philosophers, most historians argue that true democracy, that is, democracy, originated and gained the greatest development in

Greece. In support of historical reasoning, it is fair to note that participation in the National Assembly had the opportunity to accept all the Athenian citizens who reached the age of majority (20 years), without limitation the property qualification [5]. Moreover, despite the fact that the agenda of the meeting was known in advance, every citizen had the right to make any proposal to raise any issue not foreseen for the meeting, or even a bill. If more concrete, at the meetings the following cases were solved: questions of war and peace; listened to embassies and entered into agreements on unions; regularly listened to reports of officials about their activities and elected to higher positions in the state; considered important court cases; discussed allocations for military needs, fleet construction and public facilities, food supply; awarded or deprived individuals of civil rights and. Finally, addressed a variety of issues in the current life [5].

It should be noted that by affirming the democratic form of the political organization of society in ancient Greece, thinkers and state-makers laid the foundation for the provision of broad human rights, the strengthening of state institutions and, at the same time, placed high responsibility on citizens for their decisions and behavior. The current perception of democracy (permissiveness), diametrically opposed to the true call for this form of political organization of society.

For example, we have already mentioned that everyone present at the people's meeting could make a proposal or a bill. After that, the bill or proposal was thoroughly discussed. Then after the speech of the author of the bill in his defense, the people's assembly appointed a commission from the people's judges to study the appropriateness of adopting a new law. The discussion of the bill took place in the form of a judicial process. The final decision was passed by the people's assembly. But even after the adoption of the new law, the author could be prosecuted on charges of having proposed a law that contravened the democratic constitution and existing laws throughout the year. Against him violated a special lawsuit, which was called «the graph paranomon» (a complaint against the law). In the event of a fair recognition of a claim, the author was threatened with a sentence of up to the deprivation of his civil rights. These precautionary measures were directed against attempts to make laws with demagogic arguments weakening the democratic system [5].

In our view, one of the greatest threats to undermine democracy in the world is the forgotten tradition of responsibility for decisions or actions. An indicator of democratization of society is the parliament and parliamentary responsibility for the decisions which were made by them. In parallel with the People's Assembly, there was a council of «four hundred». The formation of this council reminds us of today's majoritarian electoral system. In the fillets, which were divided into the Athenian state elected representatives to this council. The main calling of the council was to exert a restraining influence on the people's meeting. With wide legislative and other powers, the council of four hundred served the upper house of parliament.

The council of four hundred could block the decision of the people's assembly, send the bill to a re-discussion with the introduction of their proposals and remarks.

Such structuring of state institutions was introduced by an outstanding political figure, thinker and poet, a man who understood the complexity of the socio-political situation King Salon. Due to him the first manifestations of bicameralism were born.

Ironically, the first origins of bicameralism are found in ancient Greece, but modern Greece has a unicameral parliament. At the same time, analyzing the experience of countries that succeeded in bicameralism, or evolved from unicameral to a bicameral parliament, these countries can indeed be called democratic and leading in terms of economic and political development. Bicameralism contributes to the participation of representatives of territorial communities in the adoption of national decisions.

It seems unfair to recognize ancient Rome as the second homeland of bicameralism. Despite the fact that the first mention of Parliament reflected in the writings of ancient Greek philosophers, the Roman culture was inextricably linked with Greek. Due to the geographical proximity of these countries, their cultures moved and mutually complemented each other. Therefore, we decided not to separate the Roman republic in a separate period of the formation of parliamentarism in Europe.

After the exile of King Tarquini the Pride and the establishment of the Roman Republic, the prerogatives of the royal power were divided between two officials elected annually, which were originally called praetors, and then consuls.

By the way, most states in the world were experiencing autocracy, tyranny, monarchism and other forms of usurpation of

power in the hands of one person. According to human nature, man tends to justice and preservation of natural rights, without the delegation of his orders to the king, emperor or leader. At this turning point, people are increasingly aware of the importance of the parliament and the need for delegation of power to a collegiate body formed on an electoral basis.

Similarly, in Rome, the period of the republic is characterized by the strengthening of the role of parliament and the realization of true democracy, which is characterized by a democratic form of political organization of society.

Beginning in the fourth century. B.C. In Rome, there were two types of people's gatherings – centurion and tribunes. First were main. They approved the laws and elected consuls, pretorians, censors and other officials, who were in charge of war and peace. It was also used to judging for the state treason [3]. The Senate acted as one of the most influential collegial bodies of the Roman Republic. Senators were appointed by the elected people's assemblies authorized by the censors. In the field of the Senate were the most important cases of state governance [3]. As in ancient Greece, in contrast to the Senate, there were people's assemblies. Traditionally, he obeyed the People's Assembly, but if the Senate thought that certain decisions «did not meet the interests of Rome», then declared them unauthorized. In this case, we also observe obvious signs of bicameralism and the creation of a system of checks and balances in the upper house of power.

Continuing the opinion of M. V. Kostytsky, who believes that psychology and legal consciousness of the people are inextricably linked with the form of government and the political organization of society, we can conclude that the peoples of the ancient countries had a high level of legal consciousness.

In addition, when analyzing history, it is important to properly evaluate not only specific historical events, but also personalities that have influenced the development of history. Thus, the arise of bodies similar to the Parliament in Athens – the People's Assembly and the Council of Five hundred, and the Roman Empire – the Senate, by their appearance in many respects are obliged to the works of prominent Greek thinkers – Plato, Aristotle and others. All these scientists saw the ideal of a state system in combination of different forms of government. Aristotle is the founder of the idea of a «mixed state», which should unite the positive features of democracy,

aristocracy and monarchy. He called this form a state «politics». The idea of a «mixed state» was popular and influenced the formation of the concept of separation of powers – the legislative, executive and judicial [5, p. 193].

The second stage – substantially distant from the first, it's the days of feudalism. In the XII century In Spain, on the basis of a representative body acted corpses (royal assemblies), and later in France – the general states. They were not a legislative body but an advisory body. Here in the middle of the XIII century. Louis IX conducted a judicial reform and created the Supreme Court Chamber, it became known as «Parliament». The term subsequently settled in Europe, but was used to name not judicial, but representative legislative bodies [3]. It consisted of the appointed by the king of clergymen, knights, legists – graduates of the law universities, whom actively supported the royal power. Initially, the kings participated in the meetings of the Paris Parliament, but then stopped attending them [6].

The reforms of Louis IX did not strengthen democracy, but rather were aimed at increasing the authority of the royal power and strengthening the central administration. Such a system of governance radically denies the existence of an effective parliament. Therefore, in the history of parliamentarism, this period is not often mentioned. However, in order to avoid bias, we analyzed it and found the attraction of the French people to bicameralism. It is not necessary to identify the desires of a simple people and the will of the ruling elite.

The third stage – it is characterized as the stage of the true birth of parliamentarism in the form as we see and understand it today. His homeland was England.

Gaining victory over the king and the barons, in 1265 a coalition of city dwellers and knights, convened the first in the history of England constituent assembly. Exactly in ten years they were called parliament [3]. By defending human, natural and civil rights, the people of England could not even imagine that at this time, they lay the foundations of the future of their country and the basis of the activities of the power branches of Europe.

Since 1295 the so-called «model parliament» has begun its activity – a legislative assembly. In the middle of the fourteenth century people of England chose for themselves the bicameral structure of the parliament. The House of Lords and the House of Commons were formed. Since then, the names of the chambers have not changed.

Undeniably, the fact that bicameralism passed the evolutionary path of development in England. Some believe that in England, the bicameral model existed from the very beginning of the parliament – this is a false idea. History shows that the formation of parliament, and subsequently bicameralism, is a consequence of the evolution of citizens' legal consciousness.

It is the high level of legal consciousness that made the people of England defend their rights with the help of democratic state institutions.

Thus, it was in England that for the first time found the practical embodiment of the idea of parliamentarism in its modern sense. It is about the representative nature of the parliament, its activity on a permanent basis, bicameral structure, and most importantly – recognition by the parliament of the function of lawmaking [3].

The fourth stage – characterized by the transition from monarchy to a more democratic, republican form of government, from the impotence of the people – to «freedom for people» and «equality before the law». This stage is called the stage of bourgeois-democratic parliamentarism. Its beginning in the seventeenth and eighteenth centuries at the period of bourgeois-democratic revolutions. As a result, there is a significant expansion of the number of «parliamentarized» countries and the growing role of parliamentarians in public life [3].

The model and idea of the parliamentarism of England and France overcomes the ocean and reaches the American continent. Fathers of the US constitution, decided to give legislative power to the Congress of the United States.

At this stage, a peculiar feature is the theoretical justification of the idea of parliamentarism in the context of the concept of separation of powers, the doctrine of national sovereignty and social contract, the rule of law in the regulation of social relations, etc. The leading role here has been played by French, English and German scholars and educators: J. Locke, T. Hobbes, J. J. Russo, G. Hegel, S.-L. Montesquieu, F. Voltaire and others [3].

Concluding the above-mentioned material, we believe that the level of development of parliamentarism reflects the level of civilization of society.

In underdeveloped states, the idea of parliamentarism is generally unpopular, and there is an increase in the power of one person (the monarch, the president, the emperor etc.), the ruling party, or the poorly functioning of these structures as independent institutions.

In civilized countries, on the contrary, there is a tendency for a stable and consistent development of parliamentarism.

We also pointed to the fact that the speed of civilization development, directly depends on the psychology and legal awareness of the people of the country.

We describe several basic stages of the formation of bicameralism, which took place in world history. Placing in the historical retrospect, we became convinced that bicameralism is the key democratic institution that expresses the will of the people of a particular country. Where unicameral parliament was introduced, there was a risk of an imbalance of power branches and increased the possibility of usurping power by one person or party and as a consequence of the overthrow of democracy.

By drawing parallels between the past and the present, the logical conclusion is – the countries that have started parliamentarism have been successful since time immemorial, because the most effective state is one that functions in harmony with national interests.

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Генезис бікамералізму в європейській культурі

Досліджено проблему становлення бікамералізму в країнах Європи. Визначено основні етапи розвитку бікамералізму та парламентаризму. Проаналізовано особливості генезису парламентаризму періодів Стародавнього світу, Середньовіччя, Нової та Новітньої історії. Окреслено співвідношення між традицією парламентаризму в країнах Європи й сучасним рівнем їхнього соціально-економічного та політичного розвитку. Розглянуто підходи до висвітлення ідей парламентаризму (бікамералізму) в працях видатних філософів, юристів, політологів, соціологів, державних діячів. З'ясовано передумови утворення двопалатного парламенту в окремих країнах Європи та світу.

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