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Can Czech senators advocate constituency interests without the formal power to do so?

Jan Hruška ^a and Jakub Čapek ^b

ABSTRACT

Our study aims to enrich the existing literature on bicameralism and territorial representation, which traditionally associates territorial representation in upper chambers with federations or heterogeneous, decentralised states. Despite this accepted view, territorial interests may also be promoted by the upper chambers of small unitary countries. In our case study of Czech bicameralism, we examine (1) whether an upper chamber can advocate the interests of territories even in a relatively small and centralised country without significant minorities, and (2) more importantly, how members of an upper chamber can do so when they lack the formal powers for such a role. Using content analysis of semi-structured interviews with senators, we found that some senators did adopt the unintended role of territorial representation. They primarily used their influence in informal processes, however, they also used some formal powers not originally designed to promote the interests of constituencies/territories, such as drafting annexes to bills. Thus, our findings demonstrate the possibility of the spontaneous development of upper chambers and the exercise of an unintended role even without possessing formal powers.

KEYWORDS

bicameralism; constituency advocacy; elite interviewing; territorial representation; second chamber; upper house

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1. INTRODUCTION

Advocating the interests of particular groups of people is an inherent part of a democratic system of governance. Lower organisational units within public administrations seeking to promote their interests at the level of central government are common in many political systems. These efforts have been documented since the middle of the twentieth century, often by looking at the highest units of multilevel governance such as the US Congress or the chambers of European parliaments (see, e.g., Browne, 1977; Searing, 1985; Tichenor & Harris, 2002). In the American context, this has been studied since the mid-twentieth century (see, e.g., Farkas, 1971; Freeman & Nownes, 1999; Jensen, 2019). In European countries, research began later and is more fragmented due to the many different political systems. Some authors take a more general approach to the issue and provide a basis for a deeper analysis (Bombardini & Trebbi, 2020;

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Grossman & Helpman, 2001; Potters & Winden, 2000, 1992). This basis has been built upon by other authors when researching the advocacy of local governments in their respective states or at the level of the European Union as a whole (see, e.g., Helland, 2008; Michel & Stein, 2015).

The traditional way of assuring the representation of territorial interests is to establish an upper chamber of parliament. Burgess (2006, p. 204) and Swenden (2011) confirm the strong correlation between (quasi-)federalism and bicameralism. On the other hand, Watts (2010, p. 34) points out that federal upper chambers should not be taken as an automatic sign of federation (see Barrios-Suvelza (2014, p. 16) for the ongoing debate about the relationship between federalism and bicameralism).

At the same time, the role of representing territorial interests is not exceptional even among upper chambers in unitary countries (Gamper, 2018; Russell, 2001a). However, as Passaglia points out (2018), this arrangement (alongside federations) is characteristic of 'regional states' – large and/or decentralised countries such as France, Italy and Spain.¹ In other words, the appropriateness of having an upper chamber that represents territorial interests is particularly relevant in federal states and those with significant regional diversity.

In contrast, it has traditionally been assumed that there is no need for territorial interests to be represented by upper chambers in small, unitary, centralised or homogeneous states. Since territorial upper chambers are designed to represent subnational units and their interests in the national decision-making process (Palermo, 2018), they are therefore not envisaged in countries without strong subnational units. Wiecech (2020, pp. 54–56), making a case against a territorial upper chamber in Poland, explains that unitary and (ethnically, linguistically and religiously) homogeneous countries often lack significant regional identities or diverse interests, making the justification for a territorial upper chamber questionable. Such countries, according to Wiecech (2020), may not benefit from an upper chamber representing regional interests.

Passaglia (2018) also argues that small, unitary, and homogeneous countries may not need a territorial upper chamber and that such upper chambers are much more common in federal or regional states. He notes that both population and geographical size seem to matter. Of the twelve most populous countries in Europe, ten have a bicameral parliament. Bicameralism is a pattern that characterises most of the countries with more than thirty million inhabitants. A similar observation applies to geographical size (Passaglia, 2018, p. 8). According to Passaglia, the link between the form of the state (federalism/decentralised unitary state/centralised unitary states) and the pattern of parliament (bicameralism with regional upper chamber/unicameralism) thus clearly exists (2018, p. 10).

The same rationale is contained in Lijphart's original theory of consensus and majoritarian democracy. While for heterogeneous and divided societies Lijphart assumes, within the framework of the consensus democracy, strong upper chambers representing the relevant interests (ethnic, linguistic, religious, etc.), for the majoritarian democracy characterised by a homogeneous society Lijphart assumes an asymmetric (and thus not territorial) bicameralism or unicameralism (1984).

Several requirements have to be then fulfilled to enable an upper chamber to give voice to sub-state interests in parliament (see Popelier, 2019). The most important prerequisite (apart from the composition of the upper chamber itself and the respective election/selection method) for an upper chamber to defend the interests of territorial units is commonly considered to be that the upper chamber has clearly defined powers for this task. According to Russell (2001a, pp. 109–110), these may include: 'special powers over legislation which affects the territories, special procedures for voting along territorial lines, additional debates in the upper chamber on territorial matters, committees with territorial responsibilities, providing access for members of sub-national assemblies to speak in the national parliament and providing reporting routes for upper chamber members to sub-national assemblies'. While Kysela explains that an upper chamber may represent originally unintended interests and spontaneously adopt a new role,²

he also adds that the chamber needs to have the appropriate powers to perform such a role (2004, p. 125).

However, the aim of our paper is to show that the upper chamber in a relatively small and unitary country without significant minorities can also represent the interests of territories, even though it may not have the powers to do so. In this way, we seek to develop the existing theory of bicameralism, which, for quite logical reasons explained above, does not envisage such upper chambers. Our case study focuses on the upper chamber of the Parliament of the Czech Republic – the Senate. By its nature, our work is a case study that analyses the least likely case (which was chosen precisely because of its deviant nature (see Lijphart, 1971, p. 692)) with the potential to complement the existing theory of bicameralism.

Popelier (2019) explains that ‘the choice [of] bicameral rather than unicameral systems is empirically correlated with four variables: federalism or devolutionary arrangements; a large population; size; and the presence of a stable democracy’. However, Czech bicameralism does not meet any of these conditions. According to Watts (2003), upper chambers are more successful in voicing territorial interests if an institutional link between senators and sub-national parliaments exists. No such link exists in Czechia (see below). Still, contrary to the existing literature on territorial upper chambers and despite the fact that the Czech constitutional order does not envisage it, the people’s (and potential senators’) perspectives (see Hruška & Balík, 2024) suggest that the Czech upper chamber may, at least to some extent, fulfil the role of representing territorial interests.

Therefore, we seek to answer the following two research questions: (1) can the role of territorial representation actually be performed by the Czech upper chamber (or, on the contrary, is this merely the false perception of various actors)? And, more importantly, (2) how and with what tools do the Senate and individual senators perform such a role, given that the Senate does not have constitutional powers in this regard?

2. HOW UPPER CHAMBERS MAY REPRESENT TERRITORIAL INTERESTS

In this section, we discuss the theoretical ways through which upper chambers can represent territorial interests, and we apply this theoretical framework to the Czech Senate. This part of the paper then drives the subsequent content analysis of the interviews, whereby the codes used in the analysis are derived from this section.

As we have mentioned, a key prerequisite for an upper chamber to effectively represent territorial units is the possession of clearly defined powers (Popelier, 2019). There are several tools by which an upper chamber can advocate for the interests of territorial units. As we demonstrate in our paper, members of upper chambers may also employ other tools, either unenvisaged or not clearly defined.

2.1. Legislative influence

Traditionally, an upper chamber is part of the legislative branch and therefore participates in the legislative process. It can advocate for the interests of territories by passing laws. Most upper chambers are not restricted in passing bills, but some territorial upper chambers may be strengthened in the legislative process if bills specifically relate to territories (see below). Furthermore, an upper chamber may have legislative initiatives through which it can address issues of concern to territories. Either individual upper chamber members, groups of members or the chamber as a whole may possess this power. In European countries, however, it is not common for upper chambers to have such power. If they do, they do not use it often and leave the legislative initiative to the government (Broeksteeg & Knippenberg, 2006, p. 220). Countries where an upper chamber has legislative initiative include Spain, Poland and France. Especially in Spain, the

senate is used to push through regional initiative laws (see, e.g., Sanjaume-Calvet & Paneque, 2023). However, most of such efforts are unsuccessful.

The Czech Senate approves bills, but its proposals for change or its vetoes can be overridden by the lower chamber in most cases (a majority of all members is needed). On the other hand, the majority of legislative modifications proposed by the Senate are respected by the lower chamber ('Legislativní činnost Senátu Parlamentu ČR', 2024). The Senate only has legislative initiative as a whole. It is therefore necessary to pass a proposal for a bill in the Senate first. This results in a rather limited use of this power – only around 2% of legislative proposals come from the Senate (Novotný, 2020, p. 123). Even when the Senate proposes a bill, it is not certain that it will be debated in the lower chamber. It is common practice for the lower chamber to be overwhelmed by a large number of bills, with government proposals or proposals of the lower chamber itself having a greater chance of being considered (Wintr, 2022). On the other hand, to a certain extent, both of these methods (even though with limitations) theoretically allow the Senate and senators to advocate for the interests of their constituencies.

2.2. Powers over territorial legislation

Within the share of the legislative process that the upper chambers have, some hold specific powers over 'territorial legislation' allowing them to directly influence regional policies. As explained by Russell (2001a, p. 110), this may represent a fairly strong power that the upper chamber possesses, and not only in relation to the regions. Popelier (2019), referring to Gamper (2018, pp. 122–123), even links the existence of substantial veto power in matters affecting the interests of regions/states and the successful promotion of territorial interests in an upper chamber.

For instance, the German Bundesrat holds an absolute veto over bills affecting the work of the Länder. This veto extends to approximately 60% of all legislation because the Länder have responsibility for implementation in the policy areas where the federal government has the power to legislate. Another is the Romanian Senate. Romania is quite an unusual example of bicameralism, in which the two chambers have the final say on different issues. The Romanian Senate then acts as a decision-making chamber on issues of local territorial administration and self-government (Selejan-Gutan, 2016, pp. 84–85). The Czech Senate, however, does not hold any specific powers over territorial legislation.

2.3. Influencing the budget

Members of an upper chamber can help their respective state/region by trying to secure funding for it from the government budget. Politicians often spend financial resources which are intended to benefit their constituents in return for their political support, either in the form of campaign contributions or votes. Such practices are called a pork barrel (see e.g., Chen, 2010; Tóth et al., 2022, p. 473). Typical examples of this practice in the case of an upper chamber can be found in the US Senate, which has direct powers to influence the budget.

In the Czech context, however, such practices have been seen only in the lower chamber, which has historically allocated significant financial resources to regions and localities (see Hána, 2013; Němec & Dvořáková, 2020). The Czech Senate, in contrast, is completely excluded from budget decision-making. It does not participate in the approval of the national budget or the final accounting. Therefore, unusually for an upper chamber, the Senate cannot use this classical power, which serves to advocate for territorial interests. In contrast, the Polish Senate, which is often compared to its Czech equivalent, can influence the national budget (Granat, 2019, pp. 215–216).

2.4. Debates and committees

In addition to formal powers, members of an upper chamber can advocate for regional interests through less formal channels. One common method is the establishment of committees focused

on territorial issues (Russell, 2001a), which not only bring in specialised experts but can also generate media attention on local issues (Akirav, 2022). By involving experts, committees can provide detailed recommendations that often carry more weight in political discussions. By its very nature, the work of a committee is also more likely to attract the press, and regional interest may therefore get into the media spotlight.

The Czech Senate has a subcommittee on regions in transition, which deals with issues such as education and economic development in those regions. Rather than having such powers institutionalised, the members of other upper chambers may work in other informal channels such as debates inside and outside the Senate or raising a region's problems in plenary sessions.

2.5. Informal tools

Politics is not always about formal powers and competence (see, e.g., Akirav, 2022; Christiansen & Neuhold, 2012). Politicians, by their very nature, wield a degree of informal influence; this is not clearly established in statutes, but it exists nonetheless. The informal aspects of politics have been of interest to political scientists for a long time, although research on the subject is still limited and focuses mostly on constitutional actors other than upper chambers (e.g., Bernick, 1979; Grimaldi, 2023).

One informal tool senators may use is communication in its various forms (Akirav, 2022). A senator may build relationships with regions, municipalities, ministries or officials and knows when to approach them. Senators can also take an advantage of the media to compensate for a lack of formal power as Vinson demonstrates in the case of US junior senators (2011, 2017). Senators may use these channels to set an agenda important for their constituencies. They may also employ the authority and respect that goes with their office. Of course, senators may use their influence ad hoc to lobby other actors of the political system who hold particular powers relevant for their constituencies' interests. As Akirav (2022) demonstrates, legislators may use such informal strategies when their ability to use formal powers (such as to propose laws) is restricted.

In the Czech case, this topic has been partly discussed by Kruntorádová (2013), who, through interviews with mayors, described the so-called regional patrons. Those are members of the parliament who often informally represent the interests of regions. However, Kruntorádová does not explain what informal tool senators use. One of the aims of our research is thus to identify the potential informal tools used by senators. We expect these to be used extensively in situations where actors lack formal powers. This is certainly the case for Czech senators (if they wish to represent their constituencies), who have little formal power to represent their constituencies as we have shown above.

3. THE CZECH SENATE AND ITS POTENTIAL ROLE(S)

The Czech Republic did not establish an upper chamber of parliament for the purpose of representing the interests of regional groups and the Czech Senate has no formally established powers to do so. Although senators are elected from 81 small single-member constituencies, these are often artificially delineated and, in many cases, do not correspond to any existing division of the country; sometimes they even extend across several regions (see Table A3 and Figure A1 in the Appendix in the online supplemental data and Antoš, 2013).³

The upper chamber was set up without a territorial remit because, as a relatively small and unitary country without significant minorities⁴ (Frank, 2020, p. 52), Czechia had no need for regional (or any other specific) interests to be represented at the national level. This is documented by the results of regional elections, which show that the regional elections are strongly nationalised – regional elections serve the parties of national politics to lock horns again, while the success of regional parties is very limited (Folvarčný et al., 2023). This would not be possible

if strong regional identities existed.⁵ The decision not to create a regional upper chamber in the Czech Republic is thus in line with the theory of bicameralism described above. Moreover, this decision was made at the time of the disintegration of Czechoslovakia, when any further decentralisation was perceived negatively. For these reasons, the Czech upper chamber is supposed to play only a stabilising and revising role (Kysela, 2004, p. 54; Passaglia, 2018, pp. 22–23; Syllová et al., 2020) based on the principle of the horizontal separation of power (Loewenstein, 1969; Russell, 2001b). The Senate can be overruled by the lower chamber when adopting ordinary legislation, but it cannot be overruled when it comes to changes to the Constitution, changes to electoral systems, approval of international treaties and some other acts. It also approves the appointments of judges of the Constitutional Court nominated by the president.

Notwithstanding the formal position, the fact that senators are elected in single-mandate constituencies apparently creates the impression among some voters (and some senators as well) that the Senate is in fact composed of representatives of constituencies whose interests senators are expected to defend (Hruška & Balík, 2024). The natural desire of senators to seek re-election at the end of their term in office also contributes to this. They know that it is the voters of their constituency who will decide whether or not they retain their post. Therefore, it is in the interests of senators to promote the interests of their constituency as best they can and to address problems affecting their voters. This argument was made by Petr Pithart, former prime minister and president of the Senate, according to whom, after three years of the Senate's existence, local interests had accumulated in the institution (1999, p. 12). Pithart (2016) is very critical of this trend and points out that regional matters mean the Senate does not have enough time to adequately perform its primary role.

Kysela has noted that upper chambers may acquire a role originally unintended, in which members may represent certain interests implicitly (in Czechia, because of the way senators are elected and constituencies delineated). As Kysela explains, this is 'a situation in which members of the upper chamber, in fact, predominantly represent a particular social interest, without this being taken into account when the chamber was designed' (2004, p. 125).

There is further evidence of the spontaneous regionalisation of the Czech Senate. Even though the Senate constituencies do not always correspond to territorial units, many candidates present themselves as the representatives of their constituencies when campaigning (and afterwards), although, according to Malcová (2012), candidates often make promises they cannot keep in office. The fact that Senate constituencies are often named after county capital towns may also play a role here. Voters may get the impression that the senator represents the county after which the Senate constituency is named (even though the constituency borders may not correspond to the county boundaries). Nevertheless, it remains a question whether and how senators advocate for the interests of the territorial units within which they were elected to the Senate given that this is not their designated role.

4. DATA AND METHODS

As appropriate to meet our research objective, our method was to use elite interviewing and subsequent content analysis. Elite interviewing is well suited for research that aims to understand the perceptions of a narrow, elite group of people. Also, political science is seeing a reviving interest in the study of parliaments via one-on-one interviews with legislators (see Steiman & Suhay, 2023). When conducting elite interviewing, the biggest obstacle to research tends to be access to the elites themselves. We therefore consider one of the strengths of our research to be that we were able to secure access to senators relatively easily.

As our research was to be qualitative, we did not aim to create a fully representative sample with whom to conduct semi-structured interviews. However, we aspired to include in the sample

senators with various characteristics, that could potentially influence their responses. We considered the diversity of the sample in the following areas: political affiliation; experience in the Senate; partisan vs. nonpartisan; backbenchers vs. members of the Senate presidency or committee chairpersons; and type of constituency (1. rural vs. urban constituency, 2. constituency with natural borders corresponding to an administrative unit, e.g., a county vs. constituency with artificial borders).⁶ Although we interviewed only current senators, which is a certain limitation of our research, some senators in our sample have been elected to the Senate several times (see Table A1 in the Appendix in the online supplemental data). Given their long senatorial term of office (6 years), the responses of such senators also reflect the past functioning of the upper chamber as well.

To achieve this diversity, we first selected senators and contacted them or their assistants by email. In most cases, we met with a positive response and arranged an interview date. Although we were turned down in a few cases, we were always able to approach an alternative senator with the same or similar characteristics. Thus, for the most part, our sampling cannot be described as simple opportunity sampling. We did not have a predetermined number of senators to interview; we planned to carry on interviewing to the point of saturation. While conducting the last interviews, we found we were not learning anything new and agreed that we had reached a point of saturation at which continuing the interviewing no longer served any purpose. We had interviewed 14 senators out of a total of 81.

During the interviews, the senators were questioned, among other things, about the reason for standing for the Senate, their view of the Senate's role in territorial representation, their relationship to their constituencies, their ability to advocate for constituency interests in the Senate and the specific tools that they, as senators, could use to advocate for their constituencies. Other questions explored senators' relationships with political parties, their views on the other roles of the Senate and the Senate's legitimacy and visibility.⁷

The interviews were conducted from April to July 2023 in face-to-face meetings either in the senators' offices in the Senate building itself or in the senators' constituency offices. Prior to each interview, all respondents signed an informed consent form in which, among other things, we guaranteed the anonymity of their answers.⁸ The interviews lasted around 30 min and were recorded. Each interview was followed by a debriefing session, during which we informed the respondents about our more specific research aims (before the interviews we informed the senators only about the general topic of the interview – the position of the Senate). In the event that information related to the research subject came up during the debriefing, this information was written down in the form of a note and, after receiving the respondent's consent (that was always provided), was attached to the interview transcript. However, such notes were few.

The interview transcripts were subsequently subjected to qualitative content analysis. The theory described in the second section offered grounding for both interview questions and expected codes that describe the ways in which members of the upper chambers can represent the interests of their constituencies. On the other hand, little is known about how senators who are not formally empowered to do so can represent their constituencies. This is why our strategy is abductive. The first step was to identify all the parts of the interview transcripts that were relevant to answering the research questions. Then, after studying the transcripts and with the support of theory, codes describing different findings were created (see Table A2 in the Appendix in the online supplemental data). Subsequently, both expected and unexpected codes were categorised and assigned to all statements identified in the first step. We then focused on the explanation and meaning of the codes found and their interrelationships. To strengthen the reliability of the results, coding was performed independently by the two authors. There were no significant inconsistencies in coding – the intercoder agreement score was 91.7%.

5. ANALYSIS AND RESULTS

5.1. Advocacy of constituency interests by senators

It is clear from our analysis of the interviews that, for some senators, advocating for the interests of their own constituency is their main aim or even the very reason for running for the Senate. This is illustrated, for example, by a quote from Senator 11: 'I ran for office with the goal that as a politician I would be able to influence, help citizens, help the towns and villages in the region.' Senator 7, when asked about the reasons for their candidacy, identified the need of their region to have a good representative in the Senate:

I wanted to end my career as mayor [prior to running for the Senate], which I had pursued since the 90s. And the fellow mayors said, 'No, we need you because it would be a waste not to use you, okay?' [...] And then, the mayors decided they wanted to have a representative in the Senate.

At the same time, it should be noted that not all senators perceive the Senate's role in territorial representation.⁹ During the interviews a whole spectrum of views on this issue were expressed. At the other end of the spectrum from the above quote were senators who believed that representing constituency interests is even detrimental to the work of the Senate, as it distracts senators from other work while creating a potential conflict of interest. This is well illustrated by the testimony of Senator 9. The problem may be:

that senators forget that they are not there as representatives of their municipalities, but as representatives of the Republic in general. [...] the laws do not only apply to Ostrava or Brno, or to some one-horse town, but to the whole country. So sometimes it is a problem to convince some colleagues to actually look at the issue from this perspective.

Senator 4 then said:

I don't think it's entirely the case that they should be ombudsmen of their constituencies or even their towns or their municipalities or their counties. That sometimes strikes me as a little bit out of place because, of all the professions here, mayors are the most numerous in the Senate. And some of those debates, when it comes to a subject close to them, are endless, because they see it from the perspective of their municipality, their town, and so on, so it's sometimes quite difficult.

Nevertheless, most senators stand close to the middle of the imaginary spectrum, perceiving the representation of the interests of their constituency as one of the roles compatible with the other roles of the Senate. This point was also made by senators who recognise that advocating for the interests of individual constituencies is not meant to be the purpose of the Senate. The motivation for doing so may be different. The close relationship senators often have with their constituency (living or working there) certainly plays a role. However, aside from those senators who perceive advocating for the interests of their constituency as their purpose, many senators take a pragmatic approach. In interviews, some senators made it clear that working for the constituency was important because of re-election. The interviews also revealed that it was up to senators to determine the extent to which they devote time and energy to activity relating to constituency advocacy and how they set aside time for other Senate work.

According to the senators themselves, the majoritarian electoral system in single-member constituencies causes strong personalities to succeed in elections. As a result, senators perceive their mandate as more legitimate and feel more independent in their work, especially compared to MPs who are more dependent on their political parties. As a result, senators can (if they wish) concentrate more on individual work for their constituency.

The different approaches to constituency representation described may consequently influence the perception of the different tools that can be used to advocate for constituency interests and the legitimacy of different strategies. For instance, Senator 9 pointed out that senators have very limited, specific options to advocate for the particular interests of their constituency. In the view of this senator, candidates running for the Senate often make unrealistic promises in their campaigns that they cannot deliver, and this is a major problem. However, this perception was rather exceptional within our sample.

Senator 2's statement illustrates a potential conflict of interest that can arise:

There are bills that may affect a specific issue in my region. And there, one suddenly gets into a bit of a conflict of interest. But in such case, I have to say, in my opinion, that the general interest, the principle that I am defending, would take precedence over helping to build a road in my constituency, or something like that.

However, most senators in our sample did not point out this potential conflict of interest or did not seem to perceive the situation described as a conflict of interest. On the contrary, it appears from the interviews that most senators would perceive the scenario described as a legitimate way to advance the interests of their constituency. Interviews with long-standing senators, as well as other sources (Pithart, 1999, p. 12), suggest that the described 'regionalisation' of the Senate is not a phenomenon unique only to the current Senate, but is likely to be a long-term trend.

The analysis of the interviews shows that the nature of the constituency in which the senator was elected may influence how the senator's mandate is perceived. The more distant from Prague (and therefore from the Senate building), the harder it is to fulfil multiple alternative Senate roles. Senators are thus forced to make a choice – to spend more time in Prague or, conversely, in their constituency. It might seem that the more distant a senator's constituency is from Prague, the more likely he or she is to advocate for the constituency's interests as the constituency is further away from the centre of power. Some senators did give answers along these lines. However, our sample also included senators whose constituencies were far from Prague but who did not focus much on advocating for the interests of their constituency. Vice versa, we also interviewed senators from Prague who were actively helping their constituencies.

Instead, the nature of the constituency seems to be more influential – at least based on our interviews. If a constituency is urban (in Prague, Brno, Ostrava), it has less need to be represented. Senators interviewed explained that a given city (or part of it), which also comprises a senatorial constituency, has a more extensive administrative apparatus, which has more possibilities to solve various problems. Such a constituency, which corresponds to a single city or its part, can also speak with the clear voice of its mayor. Conversely, for rural constituencies, the need for a unified overarching voice and for effective communication is greater. However, this description is far from the norm – in interviews, even senators from large cities described how they routinely advocated for the interests of their constituency, even though it might have been a part of the capital city.

Our analysis also examined whether the nature of a constituency's delineation affects the advocacy of constituency interests. That is, whether the approach of senators from constituencies with natural borders (typically corresponding to former counties) was different from those from constituencies whose borders are artificial and merge multiple areas with no natural continuity.¹⁰ Analysis of the interviews does not suggest that the nature of constituency boundaries has an effect on how much senators advocate for the interests of their constituency. However, the nature of the constituency's borders may influence whether a senator advocates for the interests of the entire constituency. According to the statements of several senators, it is easier to be active in the centre of a constituency, whereas representing the periphery can sometimes be difficult, especially

when the periphery is not a natural part of the constituency's territory (e.g., it lies behind a historical or administrative border of the region or county).

Senator 14's constituency is made up primarily of two counties but also includes a smaller territory from a different region. They described how the central part of the constituency (the two counties) has little in common with the smaller periphery located in the neighbouring region:

I have, of course, also communicated about some traffic policies and that sort of thing in the other part of my constituency [a peripheral part of a constituency lying in a neighbouring region], right, but I need to spend more time on that because I do not know that part of the constituency in detail.

Thus, the statement above and other interviews indicate that senators did not renounce advocacy for the interests of their entire constituency. However, they admitted that when smaller peripheral parts that do not naturally belong to the rest of the constituency are attached to a constituency with otherwise natural borders, they are often less familiar with such peripheries and find it harder to form relationships there.

Senator 11, on the other hand, stated that they sometimes advocated for the interests of a territory that was part of a different (neighbouring) Senate constituency but was also a natural part of the territory that makes up their constituency. Such cases, in which a senator represents the interests of a territory that is not technically part of their constituency, may occur especially when some naturally coherent territory (historical, demographic, administrative) has been artificially divided into several senatorial constituencies.

Thus, our analysis of the interviews indicates that, because of the different perceptions of the senatorial role and work by individual senators, the interests of some constituencies may be advocated for much more strongly than the interests of other constituencies. Also, the artificially created borders of many constituencies may cause unequal representation of different parts within individual constituencies.

5.2. What it means to advocate for constituency interests and how to do it

As has already been described in the theoretical part of this paper, the Czech Constitution does not envisage a role of the Senate as representing the constituencies. Many senators in our sample were aware of this, even though they reported they were trying to perform this role. Senator 6, when asked whether they thought that the Senate's role should be to represent the constituencies at all, replied:

Well, generally no, because you will not find anything like that in the Constitution. The Constitution is clear about what the Senate's powers are. Therefore, there are only powers of one, each senator, so there's no defined role in relation to the constituency. So it is more about individual creativity, I would say. It is about the circumstances of that constituency's needs and, of course, the activity or the ingenuity of the senator.

It is apparent from this statement, as from other interviews, that representation of the interests of constituencies is rather informal, and some individual creativity is assumed. However, it is not exclusively so. As we will show later, some senators also described formal powers that may serve in advocating for the interests of constituencies.

Nevertheless, more senators, as did Senator 6, described the use of tools not defined by law. First and foremost, senators rely on their authority and influence, thanks to which they can either directly interact with public authorities (state agencies, governmental departments, ministers etc.) or play the role of a mediator. The informal tool that senators use in this case is thus communication. Senator 5 describes it aptly:

There is no specific power to order a state agency or some bureau to do this or that. So, it's more the significance or authority of the position. Maybe people approach someone and that bureau or agency doesn't answer them. So, if a senator steps in, it may get more attention after all. That is why I compare it to the ombudsman role. Because the ombudsman, the national human rights defender, does not have any specific powers either, apart from drawing attention to something, issuing a report or asking state agencies to do something.

The senator's work on supporting their own constituency is illustrated in even greater detail in the interview with Senator 6:

- Senator: Most of the time it's the municipalities, it's the mayors who need the authorities to take into account some exceptional circumstances that they have in their municipality and not insist on some rules that are general and do not consider the local circumstances. Municipalities often fight for different subsidies, right? When it came to sewerage systems, I helped a lot. Or reconstruction of schools and things like that. So, when somebody comes up with an initiative, I try to help them, to help everybody, right?
- Researcher: How do you actually do that? Apart from approving bills, that is obvious.
- Senator: Look, I'll go to the relevant state agency that has the authority to decide on these things and try to find support for it there.
- Researcher: Don't you think those particular mayors could go there themselves?
- Senator: They could, but frankly ... if you're a senator, you get to that agency faster.
- Researcher: So, is it about some kind of influence or position or ... ?
- Senator: What they say – that senators are sort of ombudsmen – is actually true because, after all, you're more likely to be accepted, aren't you, by those agencies and bureaus, including ministers, of course. And they will listen to you. My experience is that if it is possible, at least a little, they will help you. But if they can't, they don't. Again, we, senators, are not omnipotent, and we're not autocrats. Our executive powers are zero; that's important to keep reminding ourselves.

Such tools are more suited to solving ad hoc issues and problems than developing long-term strategies for representing a constituency. In this regard, the behaviour of senators is well illustrated by a statement by Senator 11:

I use all the powers that are available. That is, when municipalities or towns have problems, when citizens have problems, I contact ministers or I contact civil servants so that I can help those people, so that I can help the region. Just now, I wrote to the minister of finance that I think there is a problem with the 'Green Savings Programme' [a subsidy] and that he should look into it because we would – my county in particular would – be cut back on the subsidy, so he should try to do something about it. I found that out just this morning. These are things I'm trying to address immediately.

However, one important formal power that several senators mentioned during the interviews helps senators during their lobbying. According to the Senate's Rules of Procedure (paragraph 12), senators have the right to request explanations and information from members of the government, heads of administrative agencies and local government bodies, and these actors are obliged to comply with the senators' requests within 30 days. As multiple senators in our sample noted, it was common to invoke this section when communicating with the public administration. According to senators interviewed, the relevant authorities almost always complied with the request. Thus, this power, backed 'only' by the Senate's Rules of Procedure, further strengthens the informal influence that senators have due to their position.

The specific use of this tool was described, for instance, by Senator 13:

... that informal authority allows a senator to go to the appropriate place, if necessary, with the person who needs to resolve a problem and to ask there again for an explanation of why this and not that happened; why the road goes this way and not that way; and why the car wash was built here when it is 20 metres from the apartment buildings and it is very noisy. When a senator goes there as well, they as a senator have an impact on how responsibly and seriously those concerned then approach the solution of the problem. And then the one crucial thing – I don't know the number of the relevant paragraph – is that a senator has the right under the Rules of Procedure to learn from ministries and other public authorities within 30 days why things are the way they are. That's a very powerful tool you can use to force those who don't want to act within the legal time limits or who don't want to act at all.

Senators not only lobby the state authorities but also communicate within their own constituencies. They can often play the role of mediator or lobby for a particular agenda related to the constituency. For example, Senator 10 stated that they were trying to help establish a protected natural area within their constituency. In this case, the senator was lobbying internally in their constituency, talking to mayors, explaining the circumstances behind creating a protected area and trying to allay any concerns. As in the case of lobbying the state administration, senators are backed by one formal power, which two senators pointed out. That power is the priority right of a senator to speak at a meeting of the council of any municipality.¹¹

Another way that senators communicate is to set the agenda and, by this means, draw attention to the specific needs of their constituency. As senators often said during interviews, they use various tools to do that, from speaking at the Senate plenary to organising various cultural events such as exhibitions, either in the constituency or in the Senate building itself.

Moving on to purely formal powers, senators can advocate for the interests of their constituencies by participating in the legislative process, although it is quite rare for a bill to affect a specific constituency. Nevertheless, our analysis of the interviews revealed at least two ways senators can legislatively promote their constituencies' interests. First, there are situations where the situation in their constituency serves as an inspiration for the senator. It is not a problem unique to their constituency, but through their constituency's experience, they are trying to address the issue legislatively. While the resulting solution is a law that applies to the whole country, it also addresses the problematic situation in the senator's constituency.

Senator 2 gave a specific example:

I have encountered terrible cases of domestic violence in my region. Based on those cases that were occurring there, I was able to introduce the principle of violence against a close person into the Criminal Code for the first time.

Senator 4 offered another example:

A citizen from my constituency wrote to me. We have a problem with car wrecks that cannot be removed under the current legislation. So, I took it up, even though I had not been very familiar with the issue. It took a couple of years, and it was not just my work, far from it, but also the work of the Chamber of Deputies, and also the Ministry of Transport. Well, we managed to make changes there, so I think that the link [solving the constituency's problems] was clear and direct.

Because the Senate as an institution holds the competency, an individual senator must get the support of a majority of the Senate to use the legislative initiative. An alternative option is to cooperate with ministry or lower chamber representatives and initiate legislation there. Therefore, the contribution of senators may not be always apparent – in this regard, the simple statistics

on the Senate proposals may not accurately capture the actual impact of senators. Nevertheless, examples provided by the senators during the interviews suggest that in both cases, this process takes a lot of time.

The second option described during interviews is to try to influence the situation in a particular constituency through amendments to bills forwarded to the Senate to be approved. The interviews show that this is mostly not directly about laws themselves but other related regulations (although one senator gave the example of the law on military compounds, where they tried to advocate for the interests of their constituency that has a military compound in it while passing the bill in the Senate). The best description in this respect was given by Senator 14, who pointed out that the interest of individual constituencies can be advocated by passing various implementing rules and other annexes to laws, which sometimes list specific buildings, areas and other things, to which the law applies or which, on the contrary, constitute an exception to the law:

There are enumerated things, like implementing decrees for certain laws – it's about those enumerated buildings. For instance, when the 'Simplified building procedure' was discussed, we [senators] knew the constituency's most pressing problems. And if some bureaucrat from some office in Prague is supposed to look out the window at the Vltava River and decide ... he just doesn't know what it looks like in that region. These are the specific things that we [senators] can do. And in those annexes, for example, the individual places were listed. And this is just a typical case ... Just today, when discussing these individual buildings, some colleagues were basically lobbying for a heat pipeline somewhere in the Brno region. So, it is done [advocacy for the constituency interests] by changes in the law.

In such cases, senators do not need to use legislative initiative. They have the opportunity to influence the law and the related implementing rules and other annexes by amending the law when passing bills in the Senate. However, any amendments must subsequently be approved by the lower chamber, although the majority of legislative modifications proposed by the Senate are approved by the lower chamber.

It is worth looking at the nature of the issues senators try to address while advocating the interests of their constituencies. There are clearly a range of issues. However, it is interesting to note that senators do not just focus on major issues of importance to the entire constituency (e.g., building important infrastructure) but also on particular matters involving individual people and their problems. The interviews suggest that many senators, when acting within their constituencies, engaged in micro-management as they dealt with ad hoc individual issues of all kinds. An illustration of this is the testimony of Senator 2:

For example, right now I'm dealing with a case where there was a company that got into trouble with a subsidy. And we think that the interpretation of the law by the ministry was not right. Or I have a disabled person who has got into a very difficult situation, and again, we think that the interpretation of the law should have been different. So, I'm dealing with the ministries, trying to point that out to them.

A different example of senatorial micromanagement, when a senator goes beyond what is expected of them while working for their constituency, is shown by the reported actions of Senator 12:

Senator: There are problems regarding dentistry in our country; there is a lot of talk about it. And I found a way to one initiative, to certain clinics in our region. But the dentists have to be there and they have to meet the conditions. As it was in the past, because not everything in the past was bad, there were preventive dental check-ups, and those children were healthy. We need a healthy generation. So now I am working on this in our region.

- Researcher: And what exactly is your role as a senator in what you describe?
 Senator: The facilitator, the manager of the whole thing. Mediator between the dentists, between the school, the children and the parents.

Another related point is that several senators in our sample described running a free legal clinic in their office, through which they try to help individuals and businesses from their constituency.

Other options for representing the interests of constituencies were cited during the interviews. For instance, one senator mentioned the role of creating business opportunities for the region's companies when travelling abroad for state visits. Another senator described how the limited funds available to each senator for consultancy and expert work could be used to promote the interests of the constituency. For example, this senator had used these funds to prepare a feasibility study and other documents related to the establishment of the protected natural area in their constituency already mentioned, which they were helping to create.

6. CONCLUSION AND DISCUSSION

In this paper, we aimed to show that even in a relatively small, unitary, centralised state without significant minorities (i.e., not federation or regional states), an upper chamber can advocate for territorial interests. This happens even though the upper chamber in question is not equipped to do so and senators have little formal power to play such a role. And it also happens despite the fact that senators are directly elected (not delegated by a sub-state unit) and thus represent party interests, which, according to several authors (Cerro, 2013; Palermo, 2018; Russell, 2003), may often be an obstacle to a functioning territorial representation through the upper chambers. The findings of this least probable case study thus broaden the existing theory of bicameralism, which had mainly associated territorial upper chambers with federations or regional countries (Palermo, 2018; Passaglia, 2018) and thus had not assumed the existence of such an upper chamber in countries such as the Czech Republic (Wieciech, 2020).

Secondly, our work also shows how important it is not only to rely on powers and legal anchoring when evaluating upper chambers, but also to take into account the self-perception of members of the institution. This has been pointed out before for political institutions in general by Saward (2010), according to whom representation can (and does) extend beyond the mere existence of an electoral mandate. In other words, actors' understandings of an institution and its role matter very much. However, this is still often not considered in research on political institutions. It is even more important for upper chambers than it is for other institutions, as upper chambers can perform a wider range of roles in the political system than other constitutional institutions. Moreover, these roles, as was previously suggested by Kysela (2004, p. 125) and as we have now empirically demonstrated, can arise spontaneously and can even change over time.

By showing how important it is not only to rely on formal powers, our findings also confirm that the conceptual approach to bicameralism should be three-dimensional, i.e., taking into account perceived legitimacy when assessing upper chambers (see, e.g., Mueller et al., 2023; Štrus & Brezovnik, 2023; Vercesi, 2017), as originally proposed by Russell (2013). The perceived legitimacy should be, however, understood not only in terms of the evaluation of an upper chamber's specific actions and powers (Russell, 2013, pp. 374–377) but more broadly in terms of what roles members of the upper chamber see as justified to perform in general and what role upper chambers may therefore take on. At the same time, senators' perceptions of their role and the agenda they pursue may affect the legitimacy of the institution in the eyes of the general public.

Our ambition is not to assess whether upper chambers in relatively small, unitary, centralised and homogeneous countries are legitimate and should exist. More importantly, we argue that

territorial chambers in such a context can be perceived positively (not only by senators but also by the general public (Hruška & Balík, 2024)), which contradicts the existing literature that has suggested that such chambers are rather redundant (Wiecech, 2020). That is a vital point, especially in the case of small countries with upper chambers because, as Popelier (2019) points out, in many small countries (Sweden, Denmark, Iceland, Finland and Croatia), upper chambers have been abolished due to a lack of need and their low legitimacy. According to Popelier (2019), the dilemma (whether or not to have an upper chamber) is solved if territorial division allows a combination of representation with differentiation. On the other hand, it should be remembered that other principles also justify the existence of upper chambers (Riker, 1992; Russell, 2001b).

Furthermore, our work demonstrates that when political actors consider the exercise of a certain role legitimate but lack the competence to do so, they can use other more informal instruments or formal powers not originally designed for such a role. As vital seems to be the self-understanding and will of actors (senators, in our case), as well as their creativity. On the other hand, as the interviews showed, statutory definitions still create a certain barrier that constrains actors. A good example is the allocation of money – it is a very important power through which (not only) senators can help their constituencies very effectively. Czech senators do not participate in devising the budget and so cannot help their constituencies through the pork barrel. However, they have come up with alternative ways to help their constituencies financially. These include arranging funding from other sources, negotiating terms for various subsidies by lobbying, helping companies to gain subsidies by consulting an issue in legal clinics offered by senators or even using the limited budget of the senator's office. So, if senators really want to go the extra mile and advocate for the interests of their constituencies (even if they are not expected to and do not have the ordinary powers to do so), it is possible.

The system described of (often informal) representation of territorial interests certainly includes some negatives. When practices do not align with statutes, there is a risk of power abuse, corruption and diminished accountability. Informal procedures without clear legal oversight may potentially lead to manipulation by special interests, undermining public trust in democratic institutions (Johnston, 2021, pp. 523–526; Radcliffe, 2009). This raises the question of whether it would not be advisable to change the institutional system in line with established practice, i.e., formally creating a territorial upper chamber. However, this would run up against the aforementioned problem of artificially delineated borders of senatorial constituencies. A potential change would not only have to consist of giving the Senate new formal powers but would have to necessarily involve a total transformation of the upper chamber, its electoral system and the country's regional structures as well.

Furthermore, as the interviews clearly showed, advocacy of constituency interests is relatively common, but it is not necessarily the expected job of a senator. Not every senator understands their role and the role of the Senate in this way. Therefore, not all senators represent their constituencies. In practice, this can lead to uneven representation across the country, creating an imbalance and potential inequality between constituencies and regions. In addition, there may also be a problem of unequal representation within individual constituencies, where peripheral parts that are not a natural part of the constituency core may be disadvantaged. This is a consequence of the fact that, given the Senate's unforeseen role of representing the interests of territories, Senate constituencies have often been created in a way that makes meaningful (and just) advocacy of interests significantly more difficult. This is similar to the issue of amalgamation of municipalities, where the problem of representation of the centre and periphery is also often discussed. The authors stress that the geographical origin of elected politicians plays an important role and that the peripheries are often under-represented, which may have negative consequences for them, such as a lower electoral turnout or decreased political efficacy (see, e.g., Jakobsen & Kjaer, 2016; Voda & Svačinová, 2020).

We are aware that our work has certain limitations, among others, due to the qualitative method used and the focus on a single case. While we consider the findings to be important for both bicameralism theory and for the theory of territorial representation, it would be desirable in the future to (1) investigate how effective the described informalised way of representing regional interests actually is and (2) explore whether the described phenomenon can also be found in other originally non-regional upper chambers.

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DATA AVAILABILITY STATEMENT

Data available on request due to privacy/ethical restrictions.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author(s).

ETHICS STATEMENT

Respondents signed an informed consent before the interviews. The Masaryk University Ethics Committee decided that the study would require no ethical approval.

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NOTES

1. This is not necessarily always achieved – for example, because of the electoral system or local realities (see, e.g., Coakley, 2014; Russell, 2001a, 2018). According to several authors, the representation of territorial interests by the upper chambers is also weakened when the upper chamber is directly elected. In such cases the political (partisan) dimension prevails over the territorial one (Cerro, 2013; Palermo, 2018; Russell, 2003).
2. There are, of course, upper chambers whose role is not to represent territorial interests. These can either represent other interests, or simply fulfil a control role based on the principle of the horizontal separation of powers within the legislative branch (Riker, 1992; Russell, 2001b; Tsebelis & Money, 1997).
3. The Czech political system has three levels – national, regional and local. The Parliament of the Czech Republic operates at the national level, while the regional and municipal levels are represented by councils. The regional level divides the country into 14 regions. Regions vary in population size (from 0.3 to 1.4 million inhabitants). They are also diverse in geographical area. Before the introduction of regions, the country was divided into 76 counties. These were not self-governing, as is the case with regions, but units of state administration headed by a county office. The counties were abolished at the creation of the regions, and the competencies of the county authorities were transferred to other levels of state administration. Some senatorial constituencies are

congruent with counties, though these are in the minority (see Table A3 in the Appendix in the online supplemental data).

4. Similarly to other countries, there are certain differences between regions that are reflected in election results (see e.g. Bernard et al., 2014; Malcová, 2012). However, these differences do not form any long-term cleavages (except for social-economical one). The Czech Republic does not have significant regional, religious, linguistic or racial minorities, which are traditionally represented in upper chambers based on the territorial representation. The state itself appears decentralised with more than 6250 municipalities, although most of them have fewer than 500 inhabitants and suffer from a lack of financial resources and limited staff capacity.
5. Czech regions are purely administrative units with artificially designed borders that do not correspond to any historical division of the country. The fact that the regions do not even attempt to influence national politics is also evident from their legislative initiative. Since their establishment in 2000 (i.e. after the creation of the Senate in its current form), they have submitted a total of 141 legislative proposals, which is only 3.5% of all proposals submitted to the Chamber of Deputies (Hájek, 2024, p. 9).
6. See Table A1 in the Appendix in the online supplemental data.
7. The complete list of questions is given in the Appendix in the online supplemental data.
8. For this reason, the names of the senators and any other identifying information are not included. In the article, direct quotations from the senators are referenced by numbers.
9. Representing constituencies is only one of several alternative roles that the Czech Senate can perform.
10. See Table A3 in the Appendix in the online supplemental data.
11. The same applies to members of the lower chamber of government – it is not a specific power of senators.

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