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Justification of Bicameralism in the USA:

A Historical – Analytic Study

**Dissertation Submitted in Partial Fulfillment of the Requirements for
Master's Degree in Literature and Civilization**

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Dedication

Alhamdulillah, I praise and thank *Allah* SWT for His greatness and for giving me the strength and courage to complete this paper after a long studying journey.

This work is dedicated to my *parents Tedjani BEDOUI, Saida*

For their endless love, support and encouragement.

To my beloved husband *Mohamed Taher LAOUINI* and

My children, *Siradj* and *Sawadj*.

You have made me stronger, better and more fulfilled than I could have ever imagined.

I love you to the moon and back.

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To,

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My sons are the apples of my eyes, *ASSIL, AHMED AMINE*.

All my family, who support me.

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We would like to declare that any errors or mistakes are solely ours, thus we accept to take full responsibility.

Abstract

Bicameralism is a system of legislature in which representation is allocated to two Houses of parliament, usually the upper and lower chambers. According to the United States' constitution, this power is vested in the both chambers the House of representatives and the Senate. This dissertation attempts to conduct a historical-descriptive analysis to investigate on the one hand, the extent to which the principles of this system could reserve the smaller States' rights in representation, and its significance to reinforce the equality between the branches of the legislative power on the other. In order to conduct such analysis, two hypotheses have been formulated: the first attempted to highlight the importance of the senate power that has been allocated by the constitution to reserve the smaller States' rights in representation. The second sought to examine the extent to which bicameralism has succeeded in mirroring the balance among the three governmental powers. In order to investigate the validity of our hypotheses, we decided to gather our data from documentary sources, using the techniques of the historical and descriptive-analytical methods. The findings of the study have revealed that Bicameralism has a significant role in maintaining checks and balances among the different branches and preventing the dominance of larger the States on the smaller ones.

Keywords: Bicameralism, Constitution, Checks and Balances System, Congress

List of Abbreviations and Acronyms

U.S.A	The United State of America
G.B	Great Britain
U.K	The United Kingdom
MPs	Members of Parliament
PM	Prime Minister
ERA	Equal Rights Amendment

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General Introduction

Background of the study

Bicameralism is a system of government in which the legislature comprises two Houses. The modern bicameral system dates back to the beginning of constitutional government in 17th-century England and to the later 18th century on the continent of Europe and in the United States. The word bicameral is derived from the Latin: "bi" (meaning two) and "camera" (meaning chamber). The British Parliament, a bicameral system, has been the model for most parliamentary systems around the world (Bulmer, 2017).

This dissertation studies the US bicameralism, which describes the two-house legislative system, the House of Representatives and the Senate that make up the U.S. Congress. Therefore, it underlines that bicameralism prohibits the concentration of power in one person or institution; instead, it uses systems and tools to keep the powers distributed in a balanced way among a number of branches (Brannen, 2005).

Statement of the Problem

The Founders of the U.S. established a bicameral legislature in order to create a separation of powers. At the constitutional convention, larger and smaller states began to dispute over which should wield more power at the federal level. As a compromise called "The Great Compromise," Roger Sherman, a delegate from the colony of Connecticut, proposed bicameralism. In this way, smaller states got equal representation with larger states with each having two senators. At the same time, the House of representatives assigns members of Congress proportional to the population (KENTON, 2021). So, what are the solid justifications and evidence behind making the US establish the bicameral political system?

Research Questions

In order to understand more about this topic, we have decided to raise a set of questions:

- What are the justifications and foundations of the bicameral system in America?
- What is the functional relationship between the two chambers and between them and the US government within the framework of parliamentary work?

Hypotheses Formulation

To search for the responses of the research questions, we find it logical to formulate these hypotheses:

1. Giving great power to the Senate can reserve the smaller states' rights in representation.
2. Reinforcing the system of bicameralism in the US can establish an effective mechanism of checks and balances system among the three separated divisions of governments.

Aim of study

This study aims to investigate the reasons behind establishing the bicameral system in America, by showing the strength of this system in US's political life. It also seeks to highlight the power that the constitution has given to the Congress in order to maintain the rights of smaller states and establish equality among the three separate branches. In addition, it examines the idea that this dualism in the American system is justified as an application of the principle of checks and balances. In short, our study heads towards the justification of the fact that the bicameral system in the US is appropriate to avoid hasty and harsh legislation, and to secure liberties and the rights of the smaller states.

Significance of the Study

The decision by the Framers of the Constitution to create a bicameral legislature was not based solely on their notion of what would constitute a good law-making body; it was also based on practical political considerations. The Framers reasoned that a two-chamber legislature provided a significant benefit: the means of checking and controlling possible abuses of

legislative power. James Madison, one of the Founding Fathers of the US, stressed the importance of bicameralism: “two different bodies of men who might watch and check each other” (Hamilton, Madison & Jay, 2005). In addition, the U.S. bicameral system arose from a desire to have a balanced system within the legislative branch and to address a disagreement over how states would be allocated representation (Ansolabehere, Snyder, & Ting, 2003).

Research Methodology

This section encompasses two main constituents: the choice of the method, the corpus subject to our analysis, such as the Magna Carta, the Declaration of Independence, the Articles of Confederation and the US Constitution

Choice of the Method

Since this study is concerned with the historical analysis of the justification of bicameralism in the US, we find it wise to incorporate the techniques of three methods: the historical, the descriptive and analytical methods. The historical method attempts to trace the origin and the progress of the bicameral system. It provides a general scope of the historical framework of America the country of our case of study. Equally important, the use of descriptive-analytical techniques can help us select and analyze the gathered Corpora. Eventually we stand on the chosen methods as the most suitable approach to answer our research questions.

Corpus Selection and Analysis

In order to get comprehensive answers to our questions, and to test the validity of our hypotheses, we decided to gather our data or corpora from documentary sources, which are located in official document, which are the Magna Carta, the Declaration of Independence, the Articles of Confederation and the US Constitution. Of course, the aim is to measure the extent of the bicameralism in the political system and to examine the importance of the checks and balances system and whether it safeguards the smaller states' rights and makes balance among the government power. In short, the selected corpora analyses tend to test whether our hypotheses, which claim that the bicameralism is the appropriate political choice for the US to

reinforce the success of the checks and balances system among the three separated powers of the government, are true or false. .

Structure of the Thesis

The study is organized into three chapters. The first chapter traces back the roots of representation in the U.S, and the historical development of its political life. It starts with the conflict between the colonies and Great Britain, which has led the American States to gain their independence. It also provides documentary sources, which are seeking for the reasons behind establishing an independent political system. The second chapter introduces the development of the parliamentary system, which began with the origin of the parliament. Then it moves to affirm that the Magna Carta is the cornerstone of bicameralism. Since Britain was the colonizer of the US; the research tackles with an overview about the UK political system as an example of a bicameral system .Furthermore, it gives a glimpse of parliaments around the world. The last chapter focuses on presenting the findings and discussion relevant to the justification of the US bicameralism.

Definition of Term

Bicameralism: The practice of dividing the legislative, or lawmaking power of government into two chambers (Brannen, 2005).

Unicameralism: The practice of placing the legislative, or lawmaking, power of government in one chamber (Brannen, 2005).

Federalism: A principle of government under which independent states join to form a central government to serve their collective needs (Brannen, 2005).

Checks and Balances: The specific powers in one branch of government that allow it to limit the powers of the other branches (Brannen, 2005).

Congress: The legislative, or lawmaking, branch of the federal government. Congress has two chambers, the Senate and the House of Representatives (Brannen, 2005).

Founding Fathers: General term for the men who founded the United States of America and designed its government. The Term includes the men who signed the Declaration of Independence in 1776 and the Constitution of the United States in 1787 (Brannen, 2005).

Ratification: The process of formally approving something, such as a treaty, constitution, or constitutional amendment (Brannen, 2005).

CHAPTER ONE

The Roots of Representation in the USA:

A Historical Overview

Chapter One: The Roots of Representation in the USA: A Historical Overview

Introduction

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Introduction

This chapter engages in a historical overview about the roots of representation in the U.S.A. It is organized into four (04) sections. The first section explores the dispute between the colonies and Great Britain and sheds light on the main events, which led to the War of Independence. Those events series of taxes, coercive acts, and convening the first, and the second continental Congresses. All of the struggles that faced the colonies allowed them to declare their independence in 1776 through an official document named "The Declaration of Independence". This chapter studies that declaration by examining its four (04) sections, which are the Preamble, the Declaration of Natural Rights, the List of Grievances, and then the Resolution of Independence by the United States. The final section of this chapter focuses on analysis of the Articles of Confederation, which are the first step towards creating the first constitution. This final part also focuses on the main reason that moved the country from Unicameralism to Bicameralism.

1.1. The Dispute between the Colonies and Great Britain

In the early phases of colonial development, a striking feature was the lack of controlling influence by the English government. All colonies except Georgia emerged as companies of shareholders, or as feudal proprietorships stemming from charters granted by the Crown. The fact that the king had transferred his immediate sovereignty over the New World settlements to stock companies and proprietors did not, of course, mean that the colonists in America were necessarily free of outside control. Under the terms of the Virginia Company charter, for example, full governmental authority was vested in the company itself. Nevertheless, the crown expected that the company would be resident in England. Inhabitants of Virginia, then, would have no more voice in their government than if the king himself had retained absolute rule (Hamby, 2011).

Europeans viewed the colonies as their property. They existed in order to serve their home nation. The colonies produced crops and goods that could then be shipped back to their mother country in order to enrich those who lived there. The colonies also existed, in their view, as a place where goods could be sold. The colonies were expected to remain loyal to their mother country, and submit to any decisions made on their behalf by their mother country. Colonies were controlled by governors, which were appointed by the crown. These governors had a great deal of authority within the regions they were responsible for. In this way, the crown maintained their authority in a colony. The governor appointed all judges, and other officials within the colony. Many colonies also had a legislator, which was made up of elected officials. These legislatures made recommendations to the governor, but had no real power (DK, 2016).

In 1760, a new king came to power in Great Britain named King George III. George III used the powerful British Navy to wage war with France. These wars brought the British Empire vast new territory, including all of Canada, as well as all the land in North America east of the Mississippi River. This war, which greatly enlarged the territories of Great Britain, proved to be very costly and nearly bankrupt the national treasury. As a result, King George III was in desperate need of raising funds to keep his government operating. To do this, he looked to the colonies in the Americas (Hamby, 2011).

1.2. War of Independence

More serious in its repercussions was the new British revenue policy. London needed more money to support its growing empire and faced growing taxpayer discontent at home. It seemed reasonable enough that the colonies should pay for their own defense. That would involve new taxes, levied by Parliament at the expense of colonial self-government (DK, 2016).

1.2.1. Series of Taxes

The first step was the replacement of the Molasses Act of 1733, which placed a prohibitive duty, or tax, on the import of rum and molasses from non-English areas, with the Sugar Act of

1764. This act outlawed the importation of foreign rum; it also put a modest duty on molasses from all sources and levied taxes on wines, silks, coffee, and a number of other luxury items. The hope was that lowering the duty on molasses would reduce the temptation to smuggle the commodity from the Dutch and French West Indies for the rum distilleries of New England. The British government enforced the Sugar Act energetically. British warships in American waters were instructed to seize smugglers, and “writs of assistance,” or warrants, authorized the king’s officers to search suspected premises. Both the duty imposed by the Sugar Act and the measures to enforce it caused consternation among New England merchants. They contended that payment of even the small duty imposed would be ruinous to their businesses. Merchants, legislatures, and town meetings protested the law. Colonial lawyers protested “taxation without representation,” a slogan that was to persuade many Americans they were being oppressed by the mother country. Later in 1764, Parliament enacted a Currency Act “to prevent paper bills of credit hereafter issued in any of His Majesty’s colonies from being made legal tender.” Since the colonies were a deficit trade area and were constantly short of hard currency, this measure added a serious burden to the colonial economy. Equally objectionable from the colonial viewpoint was the Quartering Act, passed in 1765, which required 54 colonies to provide royal troops with provisions and barracks (Hamby, 2011).

1.2.1.1. The Stamp Act

A general tax measure sparked the greatest organized resistance. Known as the “Stamp Act,” it required all newspapers, broadsides, pamphlets, licenses, leases, and other legal documents to bear revenue stamps. The proceeds, collected by American customs agents, would be used for “defending, protecting, and securing” the colonies. Bearing equally on people who did any kind of business, the Stamp Act aroused the hostility of the most powerful and articulate groups in the American population: journalists, lawyers, clergymen, merchants and businessmen, North and South, East and West. Leading merchants organized for resistance and formed nonimportation associations. Trade with the mother country fell off sharply in the summer of

1765, as prominent men organized themselves into the “Sons of Liberty” secret organizations formed to protest the Stamp Act often through violent means. From Massachusetts to South Carolina, mobs, forcing luckless customs agents to resign their offices, destroyed the hated stamps .Militant resistance effectively nullified the Act. Spurred by delegate Patrick Henry, the Virginia House of Burgesses passed a set of resolutions in May denouncing taxation without representation as a threat to colonial liberties. It asserted that only their own representatives could tax Virginians, enjoying the rights of Englishmen. The Massachusetts Assembly invited all the colonies to appoint delegates to a “Stamp Act Congress” in New York, held in October 1765, to consider appeals for relief to the Crown and Parliament. Twenty-seven representatives from nine colonies seized the opportunity to mobilize colonial opinion. After much debate, the Congress adopted a set of resolutions asserting that “no taxes ever have been or can be constitutionally imposed on them, but by their respective legislatures,” and that the Stamp Act had a “manifest tendency to subvert the rights and liberties of the colonists” (DK, 2016; Locks, Mergel , Lasseter , Roseman, & Spike, 2013)

1.2.1.2. The Boston Massacre

Parliament in Great Britain had lost the battle over the Stamp Act. However, they were determined to assert their control over the colonies. In 1766, they passed a new decree that reaffirmed their right to pass laws regarding the colonies. The next year they passed a number of new taxes, including a tax on glass, lead, paper, and tea .The colonies were again outraged, and many refused to pay them. In order to enforce these new tax laws, British officials requested military troops to aid them .These military troops outraged the colonists. On March 5, 1770, a small group of colonists in Boston was taking out their frustration with the troops by taunting them and throwing snowballs at them. In retaliation, these soldiers opened fire, killing four of the Bostonians. This event became known as the Boston Massacre the incident was dramatically pictured as proof of British heartlessness and tyranny (Trevino, 2019).

1.2.1.3. The Boston Tea Party

The tax on tea that Parliament had passed greatly affected the tea business in the colonies. The price of tea in the Americas increased, making it more difficult for tea growers, producers, and shippers to survive. In order to insure that British companies would not be hurt by this new tax, Parliament passed a law that exempted British companies from having to pay the tax. This meant that these companies could sell their tea cheaper, almost guaranteeing that companies based in the Americas would go out of business (McGraw-Hill, 2004).

1.2.2. The Intolerable (Coercive) Acts

The Intolerable Acts, which are Impartial Administration of Justice Act, Massachusetts Bay Regulating Act, Boston Port Act, Quartering Act, and The Quebec Act (DK, 2016).

Firstly, Impartial Administration of Justice Act, which enabled the governors, appointed by the Monarch to try the settlers in other colonies or even to be deported to England if he doubted that local juries colonies would stand beside the offenders. Second Massachusetts Bay Regulating Act; This act intended to regulate the government of the province of the Massachusetts Bay in New England. It issued that members of local judicial would from then on be selected, and appointed by the royal governors. Additionally, this act required that all settlers to have approval of the royal governor before they could hold any type of meeting. Third act is Boston Port Act; this act was passed as a response to the Massachusetts community for their severe protest against the Boston Tea stamp. Three act had three types of punishment: financial, economic, and administrative. The financial punishment required the Boston community to pay the price of the dumped tea. The economic one replaced Boston port with Marblehead as the official port of entry for the Massachusetts colony. Concerning the third sanction, it moved the capital of Massachusetts to Salem. In addition to those acts , the Quartering Act , in which The settlers considered this act as humiliating since it allowed English royal troops to stay in houses or empty buildings if barracks were not available. In other words; a Quartering Act required local authorities to find suitable quarters for British troops, in private homes if necessary . The

last one is the Quebec Act. The Quebec Act granted civil and religious freedom to Catholics living in Quebec. Of course, the colonists themselves have continuously been deprived of these types of civil and religious rights. It passed at nearly the same time, extended the boundaries of the province of Quebec south to the Ohio River. In conformity with previous French practice, it provided for trials without jury, did not establish a representative assembly, and gave the Catholic Church semi-established status. By disregarding old charter claims to western lands, it threatened to block colonial expansion to the North and Northwest; its recognition of the Roman Catholic Church outraged the Protestant sects that dominated every colony (DK, 2016; Hamby, 2011).

1.2.3. First Continental Congress

The First Continental Congress, which was comprised of delegates from the colonies, met in 1774 in reaction to the Intolerable Acts, a series of measures imposed by the British government on the colonies in response to their resistance to new taxes. Because of the Intolerable Acts, colonists in the Americas become increasingly convinced that they needed to take more steps that are aggressive in order to protect themselves, and their liberty. On September 5th, 1774 56 delegates were sent from each of the 13 colonies; Only Georgia failed to send a delegate; to meet in Philadelphia as representatives of The First Continental Congress. The list of delegates included many prominent colonial leaders, such as Samuel Adams of Massachusetts, and two future presidents of the United States, George Washington and John Adams. For the first time in history, the 13 colonies were working as a group, and not as individual colonists, to show a combined authority to Great Britain. The First Continental Congress passed resolutions stating that the British Parliament did not have the right to pass laws in the colonies, and only had the right to regulate trade between the colonies and Great Britain. They further resolved that by December of the same year they would cease importing any goods from Great Britain, and that by September of the following year, they would cease exporting any goods to Great Britain (Trevino, 2019).

The Continental Association immediately assumed the leadership in the colonies, spurring new local organizations to end what remained of royal authority Led by the pro-independence leaders. They drew their support not only from the less well to do, but also from many members of the professional class (especially lawyers), most of the planters of the Southern colonies, and a number of merchants. They intimidated the hesitant into joining the popular movement and punished the hostile; began the collection of military supplies and the mobilization of troops; and fanned public opinion into revolutionary ardor (Friedenwald, 1985).

1.2.4. The Second Continental Congress

After the end of the first continental Congress on October 26, delegates hoped that they would not need to meet again at least anytime soon, but the British were not listening to the demands of the American colonists. On May 10, 1775, the Second Continental Congress assembled, for the first time. Despite the fighting at Lexington and Concord and many members of Congress were not yet prepared to break away from Great Britain. The delegates met at the state house in Philadelphia Pennsylvania, which later became known as independence hall, delegates of all 13 colonies were represented and included legendary historical figures like John Hancock Benjamin Franklin Thomas Jefferson and John Adams. The delegates chose Hancock as president of the Second Continental Congress (Marsh, 1941) The Second Continental Congress began to govern the colonies. The major actions taken after the second continental Congress was to authorize printing of money and set up a post office with Franklin in charge; It established committees to communicate with Native Americans and with other countries; Most important, It created the Continental Army on June 14, 1775 to fight against Britain in a more organized way. On John Adams's recommendation, the Congress appointed a man named George Washington to be the army's commander. Washington had gained fame for his military success during the French and Indian War and had later served as a representative in the Virginia House of Burgesses. (McGraw-Hill, 2004)

In the following month of July two famous documents were approved the *Olive Branch Petition* and the *Declaration of The Causes and Necessity of Taking up Arms* on July 5th 1775 delegates adopted *the olive branch petition* to be sent to king George III of England drafted by Thomas Jefferson and John Dickinson. *The petition* explained that the colonists wanted peace with Great Britain and once again, the delegates asked the king to protect their rights and either give them free trade and taxes equal as British citizens, or the laws and taxes placed on the colonies by the British parliament be repealed. *The petition* was approved on July 5th, and taken to London by William Penn later that month. The king was less than gracious, especially in light of the battle of Bunker's Hill. He refused to receive *the Olive Branch Petition*. Instead, he prepared for war, hiring more than 30,000 German troops to send to America and fight beside British troops. While John Dickinson was drafting the Olive Branch Petition, he was also on a committee with Thomas Jefferson that was drafting *The Causes and Necessities of Taking Up Arms*. Adopted by Congress just two days before the Olive Branch Petition, The declaration on the cause is a necessity of taking up arms was approved on July 6th, 1775. The document outlined the reasons why the delegates felt it was necessary to take military action against the British government. The king's response he issued the proclamation of rebellion on August 23rd, 1775. He declared that American colonists were engaging in open and avowed rebellion. He then ordered the British army to exert their utmost endeavors to suppress such rebellion and to bring the traitors to justice. Battles between the American and British armies continued to wage in the following months as the days wore on there were increasing calls for complete independence from Great Britain. On July 4th, 1776 *The Declaration of Independence* was approved by delegates of the Second Continental Congress as the war progressed. The efforts of the delegates of the Second Continental Congress deeply affected the course of American history and create a democratic government for the American people (Locks, Mergel , Lasseter , Roseman, & Spike, 2013).

1.3. The Declaration of Independence

The Declaration of Independence is the most important document. It was released from committee and read into the records of the Continental Congress on July 4, 1776. It consists of four parts: The preamble, or introduction, states that people who wish to form a new country should explain their reasons for doing so. The next two sections list the rights the colonists believed they should have and their complaints against Britain they considered as the body sections. The final section proclaims the existence of the new nation approved by Signers of the Declaration (McGraw-Hill, 2004).

1.3.1. The Preamble

The preamble is first section, it show why the Continental Congress drew up the Declaration. Moreover, explain that at various times in history it has been necessary for one body to separate itself from another. When this occurs, it is "decent" that the reasons for the separation be stated. (Locks, Mergel , Lasseter , Roseman, & Spike, 2013)

1.3.2. The Declaration of Natural Rights

The Declaration of Natural Rights is the second part, The Declaration of Independence states what Jefferson and many Americans thought were universal principles. It begins with a description of traditional English political rights. The Declaration of Natural Rights lists the rights of the citizens. It goes on to explain that, in a republic, people form a government to protect their rights. The Declaration refers to these rights as *unalienable rights*. The word unalienable means non-transferable. An unalienable right is a right that cannot be sur-rendered. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness” (Jefferson, 1776).

1.3.3. The List of Grievances

The List of Grievances is the third section of the Declaration lists the colonists' complaints against the British government. Notice that King George III is singled out for blame. The Declaration goes on to list the many grievances Americans held against the king and Parliament. The crimes of George III included "cutting off our trade with all parts of the world" and "imposing taxes on us without our consent." Americans, the Declaration says, had "Petitioned for Redress" of these grievances. These petitions, however, were ignored or rejected by Britain (McGraw-Hill, 2004).

1.3.4. The Resolution of Independence by the United States

The Resolution of Independence by the United States is the final section declares that the colonies are "Free and Independent States" with the full power to make war, to form alliances, and to trade with other countries. The Declaration ends by announcing America's new status. Now pledging "to each other our Lives, our Fortunes, and our sacred Honor," the Americans declared themselves a new nation. Approved by Signers of the Declaration. The signers, as representatives of the American people, declared the colonies independent from Great Britain. Most members signed the document on August 2ⁿ, 1776. (McGraw-Hill, 2004)

1.4. The Articles of Confederation

In June 1776, the Continental Congress declared independence after the thirteen colonies has sight it. They needed to create a government to run their new country, the Continental Congress committee created the Articles of Confederation in 17. (Corbett, et al., 2014)

John Dickinson produced the "Articles of Confederation and Perpetual Union" in 1776. The Continental Congress adopted them in November 1777, and they went into effect in 1781, having been ratified by all the states (Hamby, 2011).

The Articles of Confederation contain a preamble, thirteen articles, a conclusion, and a signatory section. The preamble declares that the states "agree to certain articles of Confederation and perpetual Union

The Articles of Confederation were a reaction to the British government's actions leading to the American Revolution. The colonists' experience with British rule saw the executive as having too much power and believed that power should lie with their local assemblies. Because of this, the states adopted The Articles of Confederation that limited the power of the governor (McGraw-Hill, 2004).

The Articles of Confederation gave the government very limited power and there were some massive flaws these flaws were fully exposed in 1786 when Daniel Shays led an armed revolt against the government of Massachusetts in response to taxation. At that time, the national government had no power to raise an army; it was up to the Massachusetts militia to stop the rebellion. Other states began to see what was going on in Massachusetts and realized that the government needed to change because they did not want a rebellion like that in their state (Corbett, et al., 2014) .

So, in February of 1787 55 delegates from 12 states, met in Philadelphia ,excepted Rhode Island refused to send anyone, to amend the Articles of Confederation in order to deal with insurgencies like the one in Massachusetts and provide greater stability in the United States. Many of the all-stars from the time were at the Constitutional Convention including George Washington who served as the president of the convention, James Madison from Virginia, Benjamin Franklin who was the oldest delegate at 81 years old and newcomer Alexander Hamilton. After arriving in Philadelphia, the attendees decided to create a new framework for a national government, that framework became the United States Constitution, and the Philadelphia convention became known as the Constitutional Convention of 1787. One of the first decisions the delegates had to make was how the government would be structured. And how the people would be represented? (Corbett, et al., 2014)

The first proposal was called the Virginia Plan, written by James Madison. The Virginia plan created three branches of government: the legislative branch or Congress, the executive branch the president and the judicial branch with the court system. Each branch would have specific responsibilities and each of the branches would be able to check the others to make sure they did not take too much power. Congress would be bicameral, meaning it would have two Houses. Both Houses would have proportional representation or representation based on the state's population; the more people living in a state the more Representatives that state would have in Congress; Virginia had the largest population at that time. Therefore, their plan favored large states, small states or states with smaller populations feared they would have no voice in the government under the Virginia Plan. Therefore, two weeks after the Virginia plan was presented, William Paterson presented the New Jersey Plan. this plan kept the three branches of government but said the Congress would be unicameral; meaning it would have one House and there would be equal representation every state would have the same number of votes regardless of size. After several weeks of debate, Roger Sherman of Connecticut presented the great compromise also known as the Connecticut compromise. This compromise kept the three branches of government and focused on representation in Congress. They proposed a bicameral legislature with a House of Representatives and a Senate; the House of Representatives would have proportional representation as the Virginia Plan suggested and the Senate would have equal representation like the New Jersey plan suggested. This compromise settled the debate between large and small states by giving both proportional and equal representation (Corbett, et al., 2014; McGraw-Hill, 2004; Locks, Mergel , Lasseter , Roseman, & Spike, 2013).

Conclusion

This chapter attempted to provide an historical overview of the roots of representation in the USA. It focus on the disagreement between the colonies and colonists. This dispute led to the war of independence. In addition, this chapter showed the most important factors that led to this war especially the series of taxes and the intolerable Acts. Furthermore, it expose the two steps that led to the declaration of independence. Those steps are the first and the second continental Congress. Then, it talked briefly about the declaration of independence. The final step in the chapter one was talking about the Articles of confederation focusing on the turning point from Unicameral to bicameral system.

CHAPTER TWO

The Development of The Parliamentary system

Chapter Two: The Development of the Parliamentary System

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Introduction

The second chapter studies the development of the parliamentary system. The first title takes the origins of the parliament over the world in general. Then, it sheds light on the British parliament, which originated from the early Anglo- Saxon kingdoms. Also, this chapter talks about the cornerstone of the British constitution which is the Magna Carta. Moreover, it attempts to make an overview about the UK political system through talking about the parliament and its two Houses: The House of Lords and the House of Commons. The last title of this chapter deals with giving examples of parliaments of some countries around the world.

2.1. The Origin of Parliaments

The word Parliament comes from the Latin word "parliamentum" and the French "parker" that means, "to speak". In fact, 'there is evidence that gathering of leaders to discuss and decide matters of importance and citizens' assemblies was held in ancient Mesopotamia (modern-day Syria and Iraq) as far back as 2500 BC (DUNN, 2005).

The first parliaments date back to the Middle Ages. In 930, the first assembly of the Alþingi was convened at Þingvellir in Iceland, becoming the earliest version of a formalized parliamentary system (Gunnarsdóttir & Jónsdótti, 2004; THOMPSON, 1953).

Many ancient cultures featured a gathering of leaders to discuss and decide matters of importance. Some of the first assemblies, which had elements similar to those of modern parliaments, were held in ancient Greece and Rome. The Athenian and Roman parliaments were characterised by deliberative, consultative, and judicial assemblies of different forms. Hence, ancient Greece and Rome entered the annals of history as the cradle of democracy (A short history of Parliament, 2022).

Two elected Consuls, who acted on the advice of the Senate the council of elders, ruled the Roman Republic, which was founded around 509 BC. The Senate comprised 300 members from wealthy and noble families. Various assemblies, who represented the nobles and common people, approved laws. These assemblies did not write new laws but met to vote on laws and elect officials. Moreover, since 500 BC the ancient Greeks established an Ecclesia - Assembly - that met on the Pnyx, a hill in central Athens, Greece. The Ecclesia met 40 times a year and was attended by male citizens who had completed their military training. Decisions were taken by a show of hands, or voting with stones or pieces of pottery (A short history of Parliament, 2022).

2.2. The British Parliament

In Britain, the parliament that works today is very different from how it worked when parliamentary life began over 700 years ago. Charles James Fox remarked that our constitution was not made, in a day, Evolution but was the result of „gradual and progressive wisdom (Bond, 1966).

The origins of the British Parliament can be discerned at least five centuries earlier, in the days of the early Saxon kingdoms, at the very beginning of The Britain national history. The Saxons were a wild war Uke race but when they landed in England. These invaders respectively came from the Angles/ Schleswig, the Saxons /Holstein, and the Jutes /Jutland. They brought with them the beginnings of most of the institutions under which the countries is governed today. The Saxons brought a great deal of freedom. The power of a king or chief was very much limited. They governed themselves by an assembly. It was an assembly of all the freemen— the "folk moot"—that chose the king or leader. It was in the "folk moot" that all grave matters were discussed and decided. Their slogan was "No man dictated; he might persuade but he could not command". Not only did these assemblies decide local questions, but formed courts of justice. As the kingdoms grew too large for all the freemen to assemble, the place of the "folk moot" was taken by the Assembly of the Wise Men, or the Witan (C E. ISBEL, 1975).

There were two instruments of government, two forms of assembly, the Witan and the moots: Firstly, Witenagemot - the Witan- the Witan. It is common to use the vernacular ‘witan’, literally ‘wise men’, for late Anglo-Saxon assemblies, since this word is frequently used to express the meaning of 'meeting of the wise men'. The Witan comes from the Anglo-Saxon phrase Witan Gemot. The membership in The Witan was not a permanent but it was made up of advisors and nobles who met when the Monarch called them. Although the Witan had no power to make laws, the Monarch was careful to consult the assembly because they relied on the support of the nobles to rule. In 1066, William the Conqueror invaded Britain. William ruled with the help of a much smaller but permanent group of advisers known as the Curia Regis – the King's Council. It consisted of noblemen and church leaders that were appointed by the King. They were not elected and so did not formally represent anyone. Like the Witan, which it replaced, the Curia Regis only offered advice at the King's request and did not have to act on this advice. The King sometimes consulted a larger group of nobles and churchmen known as the Magnum Concilium - Great Council. Over time, the Great Council evolved into the House of Lords. Returning now to the moot, the moots were local assemblies held in each county and shire to discuss local issues and hear legal cases. These were made up of local lords, bishops, the sheriff and four representatives from each village. The practice of local representatives making decisions for their community eventually led to the creation of the House of Commons (A short history of Parliament, 2022; Bond, 1966; Maddicott, 2010).

2.3. The Magna Carta

Magna Carta, meaning ‘The Great Charter’, is one of the most famous documents in the world. It established for the first time as peace treaty between the King and the rebel barons. Its principle that everybody, including the king, was subject to the law. In that respect, it provided a new framework for the relationship between the King and his subjects. Magna Carta contained sixty three(63) clauses when it was first granted. Most of the sixty three (63) clauses granted by King John dealt with specific grievances relating to his rule. However, buried within them were a

number of fundamental values that both challenged the autocracy of the king and proved highly adaptable in future centuries (Maddicott, 2010).

In the early 13th century in the reign of King John, (1199-1216) cruelty and injustice were the order of the day. King John of England waged a long and drawn-out war with France, which was largely funded by taxing the feudal barons. Under feudal law, the King granted the barons land—fiefdoms. In exchange, he demanded money and troops. This meant the barons had to impose taxes on the people in their fiefdoms. The King's use of the justice system to suppress his opponents had also caused widespread discontent (A short history of Parliament, 2022). In 1215, the barons rebelled, fed up with King John's demands and his failure to consult them. Thus, relations between the King and these powerful advisers became a struggle for control. Stephen Langton, the Archbishop of Canterbury and all the great nobles met at Runnymede in 1215, and King John was forced to agree to a Great Charter – Magna Carta in Latin –, which limited the Monarch's authority. Its important terms were that no tax was to be taken without the consent of the Great Council, and no one was to be imprisoned without a fair trial by his equals. Down through the years these rights have been jealously guarded. The Acts of Parliament has confirmed this document thirty-two times (C E. ISBEL, 1975). In England 1215, this was the first time the English Monarch formally recognized that their subjects had proper legal rights, such as the right not to be condemned without a trial. Magna Carta gave the barons and bishops the right to be consulted before new taxes could be levied (Maddicott, 2010; THE STORY OF PARLIAMENT, 2015).

2.4. The UK Political System an Overview

The United Kingdom political system is a parliamentary democracy, but it has a special political system. The UK has a hereditary constitutional Monarch serving as head of state. The monarch is also known as 'the Crown'. S/he does not have any political power. S/he does not make laws, only has to sign the new one. Also she cannot say "No". The queen meets the leader of the biggest political party who is the Prime Minister and they discuss policy. The public acts of

the monarch are performed upon the advice of ministers or according to established convention. The monarch assents to legislation unless advised to the contrary by ministers. Unlike the devolved administrations of Wales, Northern Ireland and Scotland, England has no separate government of its own. Legislation for England is passed by the United Kingdom Parliament in Westminster, London. The UK Parliament can legislate for the UK as a whole and for any parts of it separately (THOMPSON, 1953).

- **Definition of Parliament** is the legislature and the supreme legal authority in the UK, which can create or end any law. Parliament consists of:
 - the sovereign in Parliament
 - The appointed or hereditary House of Lords
 - The publicly elected (Members of Parliament) House of Common (Maddicott, 2010).

2.4.1. The House of Commons

The House of Commons is the lower, but politically most significant, branch of the British Parliament, which comprises 651 elected MPs: 524 for England, 38 for Wales, 72 for Scotland and 17 for Northern Ireland. The principal functions of the House are to make national law by passing Acts of Parliament, authorize government expenditure, scrutinize government policies and debate current political issues. It sits for five days a week for much of the year, and has a maximum legal term of five years, at the end of which a general election should normally be called. Most Members of Parliament (MPs) represent political parties. They are elected from a choice of candidates by a simple majority system in which each person casts one vote. The candidate with the most votes then becomes the MP for that constituency. In addition to supporting his or her political party in Parliament, MP is also supposed to look after the interests of all the constituents whether they were chosen. Generally, a political party must win an overall majority in a general election in order to form a government and have its leader become Prime Minister. General elections must be held every five years on the first Thursday in May, as

required by the Fixed Term Parliaments Act 2011. (Some Traditions and Customs of the House of Commons, 2010).

2.4.2. The House of Lords

The House of Lords is the second chamber or upper House, less politically significant of the UK Parliament. It is independent from, and complements the work of, the elected House of Commons. The Lords shares the task of making and shaping laws and checking and challenging the work of the government. It acts as a revising body; examines bills which are sent from the Commons; discusses a range of matters for which the Commons lacks time, proposes amendments to bills, over sees European Community legislation; serves as a final court of appeal for most parts of Britain, and normally sits for four days a week for a little over half a year. It comprises some 1,200 non-elected members or peers, of whom about 300 attend regularly. There are two types of Lord in the House of Lords: Spiritual Lords are members of the clergy, and Temporal Lords are divided into hereditary or life peers. The first is Hereditary peers are those whose title is inherited. The second is Life peers, who form the biggest proportion of the House of Lords, are appointed by the sovereign on the recommendation of the Prime Minister, or by an independent body – the House of Lords Appointment Commission. Their title cannot be inherited (House of Lords Briefing, 2011) .

2.5. An Overview of Parliaments around the World

Many countries around the world were influenced by the British Westminster system of parliament. Some were originally British colonies that directly copied the Westminster system for their own parliaments; others have adapted the model for their own country (A short history of Parliament, 2022).

2.5.1. The Parliament in Canada

Canada's parliamentary system is open and democratic. It offer the opportunity for people to give their input and it is designed to make sure proposals for laws, which are carefully

considered. Canada gained independence in 1867, after a history of both French and British colonization. Canada's Parliament consists of three parts: the Queen, the Senate and the House of Commons. They work together to make the laws for the country. Canada has a bicameral parliament, which is made up of a House of Commons to which members are elected and the Prime Minister appoints a Senate to which members (Guide to the Canadian HOUSE OF COMMONS, 2005).

2.5.2. The Parliament in India

Since 1952, India has had a President and a parliament with two chambers. India's Houses of parliament are the Lok Sabha, to which members are directly elected, and the Rajya Sabha to which the legislative assemblies of India's states and territories elect members (A short history of Parliament, 2022).

2.5.3. The Parliament New Zealand

From 1854 until 1951 the New Zealand Parliament consisted of a Governor (or Governor-General), an elected House of Representatives and a Legislative Council appointed by the government. In 1951, the Legislative Council was abolished (A short history of Parliament, 2022).

Conclusion

The second chapter studied the evolution of the parliamentary system. The first title talked about the origin of the parliaments over the world returning to middle Ages. Then, it moved to shed light on the British parliament, which originated from the early Anglo- Saxon kingdoms. In addition, this chapter highlighted the cornerstone of the British constitution, which was the Magna Carta that was considered as the first step to inventing the parliament. Moreover, it made an overview about the UK political system through talking about the parliament and its two

Houses: The House of Lords and the House of Commons. Finally, the last title of this chapter gave examples of parliaments of some countries around the world.

CHAPTER THREE

Finding and Discussion

Chapter Three: Finding and Discussion

Introduction

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Conclusion

Introduction

The Bicameralism system is a government system with two separate divisions within the legislative branch of government that Congress of the United States. In this perspective, the third chapter provides the practical component of the study. This calls us to use historical, descriptive and analytical techniques to investigate the reasons behind establishing the bicameral system in America, by showing the strength of this system in US's political life. It also seeks to highlight the power that the constitution gives to the Congress in order to conserve the rights of smaller states and make equality among the three separate branches. As a matter of fact, this chapter aims to it examines the idea that the bicameral system is justified as an application of the principle of checks and balances. The Bicameralism system is a government system with two chambers

Method

This present study stands principally on historical, descriptive and analytical techniques of research.

3.1. Examination of the American Political System

The United States spent eight long years of fighting for independence from 1775 to 1783. By 1789, the Founding Fathers had set about constructing a government which built on the cardinal conviction of revolutionary-era republicanism: that no central authority empowered to coerce or discipline the citizenry was permissible, since it merely duplicated the monarchical and aristocratic principles that the American Revolution had been fought to escape (Ellis, 2000).

The United States is now the oldest enduring republic in world history, with a set of political institutions and traditions that have stood the test of time. They knew that they did not

want to establish another country that was ruled by a king, so the discussions were centered on having a strong and fair national government that protected individual freedoms and did not abuse its power. When the new constitution was adopted, the U.S. The Federal Government is made up of three branches: legislative, executive and judicial (Bauman, 2011).

The structure of the infant government of the United States called for three separate branches, to ensure a separation of powers, which is effective; the citizens' rights are protected. Each branch of this has its own system as powers and responsibilities, including working with the other branches. This is often referred to "checks and balances," system which prevents any part of the government from wielding too much political power. This would ensure that no one branch would ever become too powerful because the other branches would always be able to check the power of the other two. These branches work together to run the country and set guidelines for it. The legislative branch is described in Article 1 of the U.S. Constitution. It is known as the U.S. Congress, which is divided into two chambers, the House of Representatives and the Senate. The executive branch is described in The second Article of the Constitution begins, "[t]he executive power shall be vested in a President of the United States of America." The Executive Power is the branch to enforce the laws made by Congress. The leaders of third branch of the U.S government are the President and Vice President. The President works closely with a group of advisors, known as the Cabinet. The third brunch of the U.S. government is the judiciary which is detailed in Article III of the Constitution , "The judicial power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." This means the Supreme Court is the only federal court created by the Constitution. Congress has the sole authority to create federal courts underneath the Supreme Court (Bauman, 2011; Brannen, 2005).

3.2. Analysis the Role of the U.S Constitution in the Political System

A constitution means established precedents or fundamental principles that are followed to govern a country. Every independent state has a constitution, which is its fundamental law according to which the domestic laws are framed. It is the supreme law (Brannen, 2005).

The American political system is clearly defined by basic documents. The Declaration of Independence of 1776 and the Constitution of 1789 form the foundations of the United States federal government. The Declaration of Independence establishes the United States as an independent political entity, while the Constitution creates the basic structure of the federal government. The Constitution is a series of articles and essays published in 1787-1789. It Written in 1787, ratified in 1788, and in operation since 1789, the United States Constitution is the world's longest surviving written charter of government being over two centuries old, the shortest in the world , having just seven articles and 27 amendments .The first 10 amendments are collectively known as the Bill of Rights. Its first three words – “We the People” – affirm that the government of the United States exists to serve its citizens (Vermeule, 2011).

The first 10 amendments were in effect part of the original constitutional settlement, there have only been 17 amendments in almost 230 years. The 27th Amendment took over 200 years to achieve ratification, having been originally proposed at the same time as the 10 that make up the Bill of Rights but having only reached ratification in 1992. The last new and substantive amendment was in 1971, almost half a century ago. One of the major reasons for this relative immutability is that the Constitution is a very difficult instrument to change. Article 5() of the Constitution sets out two mechanisms for amending the Constitution, although only the first of these has ever been used and most Americans have no knowledge whatsoever of the second. The first process requires that a proposed amendment have to secure a two-thirds vote of members present in both Houses of Congress. Then three-quarters of the state legislatures have to ratify the proposed change (this stage may or may not be governed by a specific time limit). As an

indication of how challenging this process is, consider the case of the Equal Rights Amendment (ERA). This was first written in 1920. The proposed amendment was introduced in Congress unsuccessfully in every legislative year from 1923 until it was finally passed in 1972. Various attempts since 1982 to revive the amendment have all failed. The second process requires two-thirds of the 50 states to demand that Congress convenes a constitutional convention. The 'Founding Fathers' feared that, if the federal government were to become oppressive, Congress would be unlikely to call a convention to correct matters and therefore, to protect the people's freedom, they provided that a convening power should instead be vested in the states (Elliott, 1985).

The Constitution is so short, old and so difficult to change, for it to be meaningful to contemporary society, it requires interpretation by the courts and ultimately it is the Supreme Court, which determines what the Constitution means. There are very different approaches to the interpretation of the Constitution with the two main strands of thought being known as *originalism* and the *Living Constitution* (Bauman, 2011).

Originalism is a concept regarding the interpretation of the Constitution that asserts that all statements in the constitution must be interpreted based on the original understanding "at the time it was adopted" (Brandon J. Murrill & Legislative Attorney, 2018). Living Constitution is a concept, which asserts that the Constitution should be interpreted, based on the context of current times and political identities. Instead of seeking to divine the views of the drafters of the document, it claims that they deliberately wrote the Constitution in broad terms so that it would remain flexible. This approach tends to be supported by liberals (Whittington, 2000).

The Constitution gives The House members strong incentives to anticipate bicameral agreements and constitutional stage dynamics when allocating power. A constitutional theory clarifies the requirements of Article I, Section 7, which says that to become laws, bills have to be passed by a House majority, a Senate majority, and presidential approval. In case of a

presidential veto, the letter needs to be overriding by two-thirds of the House and the Senate. Affect power allocation decisions made under Article I, Section 5. Article 1, Section 5 says, “each House may determine the rules of its proceedings” (Locks, Mergel , Lasseter , Roseman, & Spike, 2013).

3.3. Investigating the Impact of Bicameralism Legislature

The U.S. Constitution saw the legislature as the most important branch of their state governments because they possessed most of the powers formerly held by the governor and it is the branch in government that makes the laws. That was outlined under Article I of the U.S. Constitution. It begins, “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” (Section 01, Article I).

Historically, legislatures contained one or two chambers. A legislature with one chamber is called unicameral, and a legislature with two chambers is called bicameral. The root of these words is the Latin word *camer*, which means “chamber.” The convention of 1787 proposed that America’s legislature, called Congress, be bicameral. One chamber would be called the House of Representatives, and the other would be called the Senate. Thus makes The United States a classic example of a federal system with a bicameral legislative system. Moreover Article I establishes the duties and responsibilities of the Legislative branch, including passing laws, declaring war, and levying taxes. As well as several supporting agencies, including the Library of Congress and the Congressional Budget Office. The Legislative branch is Housed in the U.S. Capitol in Washington (Ginsberg & Hill, 2019).

Through the “Great Compromise” of July 16, 1787, it was decided that House seats would be apportioned by population and directly elected by the people, and that each state would have at least one representative. The Senate would be composed of two senators from each state

elected by the state legislatures and thus indirectly by the people; in 1913, that changed so that senators would be directly elected by the people of each state (Crash , 2022).

Congress carries the “power of the purse,” which is the ability to tax and spend public money for the national government. However, it also means that Congress can block activity by refusing to authorize public funding for an agency, program or entity (Crash , 2022).

The Constitution gave Congress much broader powers, which is mentioned in Article 1 Section 8. Than the legislature that existed under the Articles of Confederation. It has two chambers, the House of Representatives and the Senate. Congress’s legislative authority may be divided into two broad categories: enumerated powers and implied powers (United States Constitution, n.d.).

3.3.1. The Role of the House of Representative

The House of Representatives is the lower chamber of the United States Congress. The founders of the United States intended the House to be the politically dominant entity in the federal system and, in the late 18th and early 19th centuries, the House served as the primary forum for political debate. The House was designed to represent the people, and its members were to be directly elected by the people. The constitutional requirements for eligibility for membership in the House of Representatives are a minimum age of 25 years, U.S. citizenship for at least seven years, and residency in the state from which the member is elected (a member need not reside in the constituency that he or she represents (Duignan, The Legislative Branch of the Federal Government: Purpose, Process, and People, 2009).

Article I, Section 2, of the U.S. The Constitution governs the election of representatives to the House.

Under this the same Article, the House of Representatives has a number of roles including (RACHEL & GRACK, 2007):

- The House must introduce any bills for raising revenue.
- If the Electoral College is tied, the House of Representatives make the choice of President.
- The House has a key role in any impeachment proceedings against the President or Vice-President. It lays the charges, which are then passed to the Senate for a trial.
- The House (and the Senate) have the power to declare war.
- Determine the government, after an election the political party that has the most members in the House of Representatives will form the government.
- Represent the people, it considered as the voice of the people
- Publicized and scrutinize government administration (Bauman, 2011).

3.3.2. The Role of the Senate

The Senate is the upper chamber of the United States Congress. It was established in 1789 under the Constitution of the United States. The Constitution says that each state gets two senators in the Senate. The framers originally created the Senate “to protect the rights of individual states and safeguard minority opinion in a system of government designed to give greater power to the national government.” Article I, Section 3, of the Constitution governs the election of senators. The constitutional provisions regarding qualifications for membership of the Senate specify a minimum age of thirty (30), citizenship of the United States for nine years, and residence in the state from which elected (Duignan, The Legislative Branch of the Federal Government: Purpose, Process, and People, 2009).

Under this Article, the Senate has a number of roles including (Duignan & DeCarlo, The Legislative Branch: Making Laws, 2019):

- The Senate is one of the two chambers that can initiate and pass legislation, although to become law any legislation has to be approved by the House of Representatives as well.

- The Senate must give 'advice and consent' to many important Presidential appointments including Cabinet members, Supreme Court justices. Federal judges and ambassadors.

- The Senate has the responsibility of ratifying treaties.

- If the Electoral College is tied, the Senate makes the choice of Vice-President.

- The Senate has a key role in any impeachment proceedings against the President or Vice-President. Once the House of Representatives has laid the charges, the Senate then conducts a trial on these charges. The Supreme Court Chief Justice presides over such a trial. A two-thirds majority of the Senate is required to uphold impeachment charges.

- The Senate (and the House) have the power to declare war - although the last time this happened was in 1941 (Bauman, 2011).

3.4. Checks and Balances System

At the heart of the US Constitution is the principle known as '**separation of powers**', a term coined by the French political, enlightenment thinker Montesquieu. This means that power is spread between three institutions of the state - the executive (President & Cabinet), the legislature (House of Representatives & Senate) and the judiciary (Supreme Court & federal circuits) - and no one institution has too much power and no individual can be a member of more than one institution (Brannen, 2005; Sin, 2015).

This principle is also known as '**checks and balances**', since each of the three branches of the state has some authority to act on its own, some authority to regulate the other two branches, and has some of its own authority, in turn, regulated by the other branches. Checks and balances: The specific powers in one branch of government that allow it to limit the powers of the other branches (Bauman, 2011).

3.5. The Powers of both Houses in Reinforcing Check and Balances System

The Senate and the House of Representatives share most of the powers of Congress equally. Both chambers can propose changes to the Constitution, called amendments, although three fourths of the states must approve an amendment before it becomes law. The constitution gave The Senate and the House of Representatives the ability to initiate and pass legislation, this legislation cannot become law only if it passed by both Houses. Both chambers can pass bills for raising money, such as through taxes, these bills must start in the House then to the Senate. If the president vetoes, or rejects, a bill, the bill dies unless two thirds of the members of each chamber of Congress vote to override the veto. In this case, the bill becomes a law despite the president's veto. In addition, the House and the Senate have the power to declare war (Ginsberg & Hill, 2019).

Each chamber has a key role in any impeachment proceedings against the President, Vice President or other civil officers of the United States, including judges. The Constitution says that when the House impeaches the president of the United States, the Chief Justice of the United States preside over the impeachment trial in the Senate. The chief justice is the head of the U.S. Supreme Court. Normally the vice president of the United States has the right to preside over Senate activities, but that would be inappropriate in a presidential impeachment trial because the vice president stands to get the president's job if the president is removed from office. When presiding over a presidential impeachment trial, the chief justice gets to rule on what evidence may and may not be presented to the Senate for consideration. Under its own rules, however, the Senate may overrule any ruling that the chief justice makes. The chief justice, moreover, does not get to vote on whether to convict the accused president. The chief justice's main role is to see that the process runs smoothly Impeachment proceedings have been filed over 60 times in the history of the House. Only eight people have actually been removed from office; all eight were federal judges. Three presidents have been impeached by the House, but were not removed from

office by the Senate—Andrew Johnson (1868), Bill Clinton (1998), and Donald Trump (2019). One Cabinet secretary and one senator have been impeached (Enhancement, n.d).

The Senate has two other powers that the House does not. First Under Article II, Section 2, of the US Constitution emphasize the President of the United States may make treaties, or formal agreements, with other nations only if two-thirds of the senators concur, or agree. When the president and Executive branch propose a treaty, or formal agreement, with another country, The Senate Foreign Relations Committee holds special hearings to consider the issue and then votes on whether to recommend approval by the Senate. Two-thirds of the Senate must vote for a treaty for it to become part of American law. The Senate does not often reject treaties that have made it through committee, but the president does have the option to recall them from consideration. The Senate may also amend any treaty, which it is sent for approved. However, there is one exception to this Senate power that any treaty involving trade with foreign governments must also be approved by the House of Representatives. Second, the Presidential appointments are considered as a distinctive power of the Senate .Only the senate who can confirm presidential appointments, including U.S. Supreme Court justices, other federal judges, U.S. Marshals, Cabinet secretaries, and more. When the president makes nominations, it must be approved. The exception to this is vice presidential appointments. If a new vice president is appointed, the nomination also requires the approval of the House of Representatives (Brannen, 2005).

Conclusion

After agreeing to separate the powers of government into three branches, the Founding Fathers at the Constitutional Convention had to design each branch. The convention of 1787 proposed that America's legislature, called Congress, be bicameral. The Bicameralism system is a government system with two chambers within the legislative branch of government that Congress of the United States. In this perspective, the third chapter provided the practical component of the study. This called on us to use historical, descriptive and analytical techniques to investigate the reasons behind establishing the bicameral system in America, by showing the strength of this system in US's political life. It also attempted to highlight the power that had given to the Congress the constitution in order to conserve the rights of smaller states and created an equality among the three separate branches. This chapter aimed to justify the reasons for using the bicameral system in The USA. Which encouraged the application of the principle of checks and balances. Historical, descriptive and analytical techniques had been obtained as a method in this study.

General Conclusion

The present dissertation attempted to investigate the reasons behind establishing the bicameral system in America, by showing the strength of this system in the US's political life. It also sought to highlight the power that the constitution gives to the Congress in order to conserve the rights of smaller states and make equality among the three separate branches. In addition, it examined the idea that this dualism in the bicameral system is justified as an application of the principle of checks and balances.

In order to synthesize the major studies related to the topic of the research, we reviewed the related literature. The first chapter traced back the roots of representation in the U.S, and the historical development of its political life. The second chapter presented the development of the parliamentary system and its origin. The last chapter provided analytical discussions and interpretations of the collected data, which allowed us to answer the questions and confirm the hypotheses.

For the purpose of conducting such research, we asked two questions. The first question inquired on the justifications and foundations of the bicameral system in America. The second examined the functional relationship between the two chambers; and between them and the US government within the framework of parliamentary work. Following the previously stated questions, we formulated two hypotheses. Hypothesis one linked between the power of the Senate that has been allocated from the constitution and the equality among the states in representation. Hypothesis two related between the success of the Checks and Balances system among the three separated powers of the government and the application of bicameralism in the US. For the sake of obtaining accurate answers and testing our hypotheses, we collected the data from official documentary sources. In our analysis of the data, we incorporated the historical and descriptive-analytical methods.

The findings of our dissertation have revealed that Bicameralism is the best political implementation for the US government to reinforce the equivalent among the three separated powers of the government. In addition, it is an effective way to preserve the smaller States' rights in representation. This political system, which represented the source of the corpus of the study, permitted us to select documentary sources, which are located in official data such as The Magna Carta, The Declaration of Independence, The Articles of Confederation and The US Constitution.

By investigating and discussing the constitution, we perceived that giving the great power to the Senate is the most successful way to preserve the smaller states' rights in representation. In addition, the checks and balances, system that is the main principle that holds by bicameralism is the appropriate political application to reinforce the equality among the three separated powers of the government. We also noticed that Bicameralism prohibits the concentration of power in one person or institution. Instead, it uses systems and tools to keep the powers distributed in a balanced way among a number of branches.

In summary, The Bicameralism system is a government system with two separate divisions within the legislative branch of government that Congress of the United States Federal Government adopts, because it is appropriate to avoid harsh legislation, and secure liberties and the rights of the smaller states. Therefore, we conclude that the hypotheses which we have formulated confirm that bicameralism has a significant influence on the maintaining of checks and balances between power branches and preventing the inequality among American states in representation.

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ملخص

يتبنى كونغرس الحكومة الفدرالية الأمريكية نظام الغرفتين، وهو نظام يقسم السلطة التشريعية إلى غرفتين منفصلتين. تسعى هذه المذكرة إلى إجراء تحليل تاريخي لتحقيق من دوافع أمريكا لانتهاج هذا النظام من جهة ومعرفة أهميته في تعزيز المساواة بين السلطات التشريعية من جهة أخرى. وللقيام بهذا التحليل تم طرح فرضيتين: الأولى تسلط الضوء على أن الدستور منح مجلس الشيوخ الصلاحيات الكبرى لضمان حقوق الولايات الصغرى في التمثيل. أما الفرضية الثانية فتتمثل في البحث عن مدى تعزيز نظام الغرفتين في الولايات المتحدة الأمريكية لنظام الضوابط والموازن بين السلطات الثلاثة. لتحقيق من صحة فرضياتنا قمنا بجمع معلوماتنا من الوثائق الرسمية متبعين تقنيات المنهجية التاريخية والوصفية التحليلية. كشفت نتائج هذه الدراسة أن نظام الغرفتين له تأثير كبير في الحفاظ على الضوابط والموازن بين فروع السلطة وتعزيز المساواة بين الولايات الأمريكية في التمثيل.

الكلمات المفتاحية: نظام الغرفتين، الدستور، نظام الضوابط والموازن، الكونغرس.