

Organization of Parliaments and sources of Law

Course Syllabus

Academic Year 2017/2018

Course Title: Organisation of Parliaments and sources of law

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Course description

The course is composed of two parts: “sources of Parliamentary Law”, coordinated by Renato Ibrido; and “organization of Parliaments”, coordinated by Giovanni Piccirilli.

The first part of the course will introduce some general concepts concerning the sources of Parliamentary Law (constitutional provisions, Rules of Procedure, customs, precedents, etc.). In particular, it will examine the peculiarities of these sources and their impact on the constitutional equilibrium and form of government. In a comparative perspective, this part of the course will include an analysis of the organization of the sources of Parliamentary Law in the European continental model (Italy, Spain, etc.) and in the Anglo-Saxon experiences.

The second part of the course will deal with the general patterns of parliamentary organization in the parliaments of the EU Member States, also in comparison with the European Parliament and further constitutional experiences, including that of the US Congress. Particular attention will be paid to the different procedural frameworks of legislative procedure, considering the role of Speakers/Presidents, as well as that of the committee system and the degree of openness to external contributions to parliamentary debate.

The course will be integrated with a guest seminars taught by the Eupadra visiting professor Diane Fromage (Maastricht University).

Course Structure

	Topic and suggested bibliography
PART 1	
Class 1 (Renato Ibrido) Monday 16 October	Introduction to Parliamentary Law: general concepts

Class 2 (Renato Ibrido) Monday 6 November	The sources of Parliamentary Law: peculiarities and historical evolution. <ul style="list-style-type: none"> ○ J. Bentham, Essay on political tactics, in J. Bowring, The works of Jeremy Bentham, II, Edinburgh, 1843-1859. ○ P. Simon (ed.), Erskine May: Parliamentary Practice, London, 2011.
Class 3 (Renato Ibrido) Monday 27 November	The sources of Parliamentary Law in a comparative perspective: the models <ul style="list-style-type: none"> ○ T. Jefferson, A Manual of Parliamentary Practice: for the Use of the Senate of the United States, Washington, 1801. ○ P. Mason, Mason's Manual of Legislative Procedure, St. Paul (Minn.), N.C.S.L., 1989
Class 4 (Renato Ibrido) Monday 11 December	The sources of Parliamentary Law and the form of government: the Rules of Procedure as a "nudge" for the evolution of the constitutional equilibrium <ul style="list-style-type: none"> ○ W. McKay – C.W. Johnson, Parliament and Congress. Representation and Scrutiny in the Twenty-first Century, Oxford, OUP, 2010. ○ J.A.G. Griiffith, Parliamentary scrutiniy of government bills, London, 1974.
PART 2	
Class 5 (Giovanni Piccirilli) Tuesday 23 October	From sources of law to organization of parliaments. The autonomy of parliamentary institutions in the contemporary era <ul style="list-style-type: none"> ○ A. Kreppel, Typologies and classification, in The Oxford Handbook of Legislative studies, edited by S. Martin, T. Saalfeld, K.W. Strom, OUP, 2014, 82-101. ○ J.R. Rogers, The Impact of Bicameralism on Legislative production, in Legislative Studies Quarterly, 2003. ○ R. Zubek, Legislative Organisation and its Determinants in European Parliamentary Democracies, in West European Politics, 2015, 933–939.
Class 6 (Giovanni Piccirilli) Tuesday 13 November	Legislative decision as collective decision making <ul style="list-style-type: none"> ○ Makower-P. Bristow-N. Besly, Multiple choiche voting, in The Table. The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments, no. 75, 2007. ○ W.H. Riker, The paradox of voting and congressional rules for voting on amendments, in American political science review, 1958.
Class 7 (Giovanni Piccirilli)	The role of the actors (I): Patterns of Committee systems <ul style="list-style-type: none"> ○ R.F. Fenno, Congressmen in Committees, Boston, 1973.

Tuesday 20 November	<ul style="list-style-type: none"> ○ B. Sinclair, The role of Committees in Agenda setting in the U.S. Congress, in Legislative studies quarterly, 1986, 35 ff. ○ M. Zander, The Law-making process, 7th Revised edition, Hart, 2015.
Class 8 (Giovanni Piccirilli) Tuesday 4 December	<p>The role of the actors (II): Speakers/Presidents/Chairmen</p> <ul style="list-style-type: none"> ○ P. Laundy, The office of Speaker, London, Cassel, 1964. ○ R. Rogers-R. Walters, How Parliament works, 7th edition, Routledge, 2015.
Guest seminars	
(Diane Fromage)	<p>The organization of Parliaments and the European integration process</p> <ul style="list-style-type: none"> ○ D. Fromage, National parliaments fighting back? Institutional engineering as a successful means to become active actors in EU affairs, in Perspective on Federalism, 2016 ○ D. Fromage, Standing Committees in Interparliamentary Cooperation in the Pos-Lisbon Era: Towards the End of the European Affairs Committees' Predominance?, in N. Lupo – C. Fasone (eds.), Interparliamentary Cooperation in the Composite European Constitution, Oxford, 2016.

Assessment

Students will be asked to:

- Organize an individual or group class presentations (max. 2-3 students);
- Write an individual short paper

A) Class presentations

Class presentations consist in introducing and comment, in 15 minutes, also using a power point presentation, a parliamentary book of authority or other book according to this schedule:

<p>Part of the course devoted to the “sources of Parliamentary Law” (Renato Ibrido) Individual or group presentation in class of parliamentary books of authorities</p>	
Class 2 Monday 6 November	<ul style="list-style-type: none"> ○ The Essay on Political Tactics of Jeremy Bentham (only chapters 1, 2, 5 and 15) http://oll.libertyfund.org/titles/bentham-the-works-of-jeremy-bentham-vol-2 ○ The Erskine May Parliamentary Practice

Class 3 Monday 27 November	<ul style="list-style-type: none"> ○ The Jefferson Manual <ul style="list-style-type: none"> ○ http://www.senate.gov/artandhistory/history/resources/pdf/SDoc103-8.pdf ○ The Mason's Manual of Legislative Procedure
Class 4 Monday 11 December	<ul style="list-style-type: none"> ○ W. McKay – C.W. Johnson, <i>Parliament and Congress. Representation and Scrutiny in the Twenty-first Century</i>, Oxford, OUP, 2010. ○ J.A.G. Griffith, <i>Parliamentary scrutiny of government bills</i>, London, 1974.

Part of the course devoted to the “Organization of Parliaments” (Giovanni Piccirilli) Individual or group presentation in class of books	
Class 6 Tuesday 13 November	<ul style="list-style-type: none"> ○ The Essay on Political Tactics of Jeremy Bentham (only chapters 6, 7 and 12) ○ Cooter, The strategic constitution (https://works.bepress.com/robert_cooter/51/) (only chapter 2)
Class 7 Tuesday 20 November	<ul style="list-style-type: none"> ○ Wilson, <i>Congressional Government</i> (1885) ○ Barthélemy, <i>Essai sur le travail parlementaire et le système des commissions</i> (1934) <i>available in French</i>
Class 8 Tuesday 4 December	<ul style="list-style-type: none"> ○ Laundry, <i>The office of Speaker</i> (1964)

B) Short papers

At the end of the course, students will be asked to write one individual short paper. The paper (between 2,000 and 3,000 words) will analyze the book presented in class in light of the concepts and categories introduced during the course and guest seminar. Papers have to be submitted within 40 days after the end of the course.

Final mark

The final mark is given on the basis of 30 points (24 points for the paper and 6 points for the class presentation).



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At the same time, in the determination of the final mark, the instructors and the visiting professor may consider the active and informed participation to the lessons and seminars.

The maximum graduation mark is 30 cum laude.

