

Organization of Parliaments and sources of Law

Course Syllabus

Academic Year 2016/2017

Course Title: Organisation of Parliaments and sources of law

Instructors: Renato Ibrido, Giovanni Piccirilli

Affiliation: Luiss Guido Carli

Mail: ribrido@luiss.it, gpiccirilli@luiss.it

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 two guest seminars taught by the Eupadra visiting professor Amaya Ubeda de Torre (Senior Legal officer, Venice Commission, Council of Europe).

Course Structure

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

Wednesday 5 October	
Class 2 (Renato Ibrido) Monday 24 October	<p>The concept of sources of law. The special characteristics of the sources of Parliamentary Law.</p> <ul style="list-style-type: none"> • J. Bentham, Essay on political tactics, in J. Bowring, The works of Jeremy Bentham, II, Edinburgh, 1843-1859, 300 ff. • P. Simon (ed.), Erskine May: Parliamentary Practice, London, 2011.
Class 3 (Renato Ibrido) Monday 21 November	<p>The organization of the sources of Parliamentary Law in a comparative perspective: the models</p> <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 5 December	<p>The sources of Parliamentary Law and the form of government: the Rules of Procedure as a "nudge" for the evolution of the constitutional equilibrium</p>
PART 2	
Class 5 (Giovanni Piccirilli) Monday 17 October	<p>From sources of law to organization of parliaments. The autonomy of parliamentary institutions in the contemporary era</p> <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. Rogers-R. Walters, How Parliament works, 7th edition, Routledge, 2015. • R. Zubek, Legislative Organisation and its Determinants in European Parliamentary Democracies, in West European Politics, 2015, 933-939.
Class 6 (Giovanni Piccirilli) Monday 7 November	<p>Legislative decision as collective decision making</p> <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) Monday 14 November	<p>The role of the actors (I): Patterns of Committee systems</p> <ul style="list-style-type: none"> • R.F. Fenno, Congressmen in Committees, Boston, 1973. • B. Sinclair, The role of Committees in Agenda setting in the U.S.

	Congress, in Legislative studies quarterly, 1986, 35 ff. <ul style="list-style-type: none"> M. Zander, The Law-making process, 7th Revised edition, Hart, 2015.
Class 8 (Giovanni Piccirilli) Monday 28 November	The role of the actors (II): Speakers/Presidents/Chairmen <ul style="list-style-type: none"> P. Laundry, The office of Speaker, London, Cassel, 1964.
Guest seminars	
(Amaya Ubada de Torre) Monday 7 November	International standards on the organization of Parliaments: the Venice Commission experience (I): The role of political parties in Parliament
(Amaya Ubada de Torre) Wednesday 9 November	International standards on the organization of Parliaments: the Venice Commission experience (II): Parliamentary immunities

Assessment

Short paper (between 2,000 and 3,000 words)

At the end of the course, students will be asked to write one individual short paper for part I and another short paper for part II, also in light of guest seminars.

As an alternative, students can substitute one of the short papers with a class presentation.

The paper related to the part of the course devoted to the “sources of Parliamentary Law” should analyze – through the categories and concepts introduced during the course and guest seminars – the role and the status of the Rules of Procedure in the system of sources of Law of one of these countries (Italy, Spain, United Kingdom, France, Germany, United States) or supranational Parliaments (European Parliament), also in comparison with other countries or Parliaments.

The paper related to the part of the course devoted to the “organization of Parliaments” should analyze the structure of the Parliament of the student’s home country, applying classification and categories discussed in class and in guest seminars in comparison with the Italian and/or the European Parliament.

Papers have to be submitted within 40 days after the end of the course.

Presentations in class

Individual or group presentations (max. 2-3 students) in class are optional. However, presentations in class will be highly appreciated and will substitute one of the short papers.

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:

Part of the course devoted to the “sources of Parliamentary Law” Individual or group presentation in class of parliamentary books of authorities	
Class 2 Monday 24 October	<ul style="list-style-type: none"> The Essay on Political Tactics of Jeremy Bentham (general aspects) http://oll.libertyfund.org/titles/bentham-the-works-of-jeremy-bentham-vol-2 The Erskine May Parliamentary Practice
Class 3 Monday 21 November	<ul style="list-style-type: none"> The Jefferson Manual http://www.senate.gov/artandhistory/history/resources/pdf/SDoc103-8.pdf The Mason’s Manual of Legislative Procedure
Class 4 Monday 5 December	<ul style="list-style-type: none"> Poudra-Pierre, <i>Traité pratique de droit parlementaire</i> (1924) <i>available in French</i> http://gallica.bnf.fr/ Mancini – Galeotti, <i>Norme ed usi del Parlamento italiano</i> (1887) <i>available in Italian</i> http://bpr.camera.it/bpr/allegati/show/11111_1601_t

Part of the course devoted to the “Organization of Parliaments” Individual or group presentation in class of books	
Class 6 Monday 7 November	<ul style="list-style-type: none"> The Essay on Political Tactics of Jeremy Bentham (selection of chapters) Cooter, <i>The strategic constitution</i> https://works.bepress.com/robert_cooter/51/
Class 7 Monday 14 November	<ul style="list-style-type: none"> Wilson, <i>Congressional Government</i> (1885) Barthélemy, <i>Essai sur le travail</i>

	parlementaire et le système des commissions (1934) <i>available in French</i>
Class 8 5 December	<ul style="list-style-type: none">• Laundry, The office of Speaker (1964)

Reports

It is required to students to write one short report of each class and guest seminar to be handout within 14 days after the lesson or the seminar is held. Students should organize in order to do it in turns.

Final mark

The final mark of the course will be calculated as the average mark resulting from the short papers and the class presentation. Moreover, 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.