

*A Global Symposium in Memory of
Gabriella Angiulli*

**Bicameralism under Pressure:
Constitutional Reform of National Legislatures**

LUISS Guido Carli University
Viale Romania 32
Rome, Italy

Monday and Tuesday, May 2 and 3, 2016

Presented by

The Center for Parliamentary Studies, LUISS Guido Carli University of Rome

in cooperation with

The University of Milan, Department of National and Supranational Public Law

The International Society of Public Law (ICON-S)

The Younger Comparativists Committee (YCC), American Society of Comparative Law

Convened by

Cristina Fasone
Antonia Baraggia
Richard Albert

Subject-Matter of Symposium

We can trace the institutional evolution of bicameralism from ancient Greece and Rome, to Medieval Europe and the emergence of the House of Lords in fourteenth century, in the intellectual debates triggered by the French Revolution and the design of the United States Constitution, to the reflections in Alexis de Tocqueville's *Souvenirs*, through the present day.

Bicameralism is today a common feature of constitutional democracy. At its best, bicameralism diversifies democratic representation, strengthens representative government, promotes legislative deliberation, and reinforces the separation of powers. Yet bicameralism has often failed either to fulfil its intended purposes or to keep pace with the evolution of constitutional democracy. Many constitutional states, for instance Canada, Ireland, Romania and the United Kingdom, have sought to revise their bicameral arrangements only to confront significant legal or political barriers to change. Only relatively few reforms have succeeded. This Symposium will inquire why. Drawing

from country-specific and cross-national experiences with bicameralism, scholars in this Symposium will bring to bear comparative, doctrinal, historical, legal and theoretical perspectives to the study of constitutional reform of national legislatures.

This Symposium will devote one session to constitutional reform in Italy. Bicameralism in Italy has been a matter of controversy since the drafting of the Constitution in 1946-47. Both chambers in Italy are co-equal in the most important ways: they are directly elected, they exercise the same legislative powers, and they possess the same confidence relationship with the executive branch. Yet bicameralism in Italy has been the object of several failed reform efforts both to overcome the challenges of perfect bicameralism and its degeneration, as well as to guarantee a representation of local and regional authorities as the country moves toward greater regionalization. Italy is currently undertaking a major constitutional reform to its bicameral arrangements.

These and other developments raise important questions for constitutionalism. How should a legislature be structured, and what values—democracy, representation, efficiency, deliberation—should its design prioritize? Does bicameralism still fit the times in light of the globalization and Europeanisation of public policies, the increasing dominance of judicial and executive actors, mounting calls for greater devolution of legislative powers to subnational levels of government and the multiplication of levels of government? When and under what conditions is a bicameral arrangement to be preferred over a unicameral one? How can second chambers best perform their functions?

In Memory of Gabriella Angiulli

These questions, in particular with respect to Canada in comparative perspective, were the focus of the master's dissertation written by Gabriella Angiulli, a dear friend and colleague to whom this Symposium is dedicated. Gabriella Angiulli passed away in March 2013. She was a doctoral student at the University of Siena and a Teaching Assistant at LUISS Guido Carli University, where she earned her master's degree *cum laude* in Comparative Public Law in 2008 under the supervision of Prof. Carmela Decaro. The first conference held in her memory in 2014 explored "The preliminary reference to the Court of Justice of the European Union by Constitutional Courts." This second scholarly program will foster academic debate and collaboration on another important line of inquiry in contemporary constitutional law—on questions that formed the subject of Gabriella Angiulli's research when she was embarking on her promising academic career.

Structure of Symposium

The first day of the conference, Monday May 2, 2016, will be held entirely in English and will feature three panels each with two presenters. The second day of the conference, Tuesday, May 3, 2016, will be held in partly in English and Italian. There will be one roundtable in Italian focused on

the constitutional reform of bicameralism in Italy, and two panels in English each with two presenters.

The Symposium will feature a keynote presentation by Professor John Uhr (Australian National University), one of the leading scholars in the study and design of bicameral legislatures.

Possible Subjects for Paper Proposals

The Convenors invite submissions from scholars in comparative public law at all levels, from doctoral candidates to senior professors. Submissions may address one or more of the following subjects from national, comparative, or European perspectives:

1. Constitutional history of bicameralism
2. Bicameralism in historical perspective
3. Bicameralism in constitution-making
4. Overcoming challenges and stalemate in bicameral and unicameral systems
5. Bicameralism in federal systems and in federalizing processes
6. Bicameralism, ICT revolution and open government
7. Bicameralism, representative democracy and minorities
8. Bicameralism and electoral systems
9. Bicameralism, the separation of powers and forms of governments
10. Bicameralism and lawmaking
11. Bicameralism and parliamentary oversight
12. Bicameralism in the framework of the European Union: intra- and inter-State dynamics

To Submit an Abstract

Interested scholars are invited to submit a CV and an abstract no longer than 500 words by November 30, 2015 to bicameralegislatures@gmail.com. Applicants will be notified by December 30, 2015. Full drafts of papers will be due by email to bicameralegislatures@gmail.com no later than April 1, 2016. Papers should be no longer than 10,000 words (footnotes included).

Papers presented at the conference will be published subject to successful blind peer-review. The remaining papers may be considered for publication in the LUISS School of Government Working Paper Series: <http://sog.luiss.it/it/ricerca/working-papers>.

There is no cost to participate in the conference. The Convenors will provide meals and accommodations (for up to two nights) to presenters. Presenters are responsible for their own travel and incidental expenses.

For additional information, please contact Cristina Fasone at cfasone@luiss.it.

ABOUT THE CONVENORS

Richard Albert is an Associate Professor at Boston College Law School and, in 2015-16, a Visiting Associate Professor of Law and Political Science at Yale University. He is Book Reviews Editor for the *American Journal of Comparative Law*, which awarded him the Hessel Yntema Prize in 2010 for “the most outstanding article” on comparative law by a scholar under the age of 40. A graduate of Yale, Oxford and Harvard, he is a former law clerk to the Chief Justice of Canada.

Antonia Baraggia is Research Fellow in Constitutional Law at University of Milan, Department of National and Supranational Public Law. She has been Visiting Fellow at Fordham University School of Law. Baraggia holds a PhD in Public Law from University of Turin. She serves as one of the members of the Affiliates Advisory Group of the YCC. Her research interests include citizenship, federalism, bicameralism, human rights, the right to education and the autonomy of Universities considered in a comparative perspective.

Cristina Fasone is Assistant Professor of Comparative Public Law at LUISS Guido Carli University of Rome, Department of Political Science, and a Visiting Fellow at the European University Institute, Law Department, Florence, where she is also one of the coordinators of the project on “Constitutional Change through Euro-Crisis Law”. Her main fields of research concern national parliaments and Constitutional Courts in the EU and forms of government in a comparative perspective.

ABOUT THE ORGANISING ACADEMIC INSTITUTIONS AND NETWORKS

The Center for Parliamentary Studies (CESP), LUISS Guido Carli University

The Center for Parliamentary Studies (CESP), established in 1995 at LUISS Guido Carli University in Rome, promotes and focuses on interdisciplinary research dealing with procedures, organization and composition of the two Chambers of the Italian Parliament, their relationships with the European Parliament and the regional assemblies, besides analyzing legislatures in a comparative perspective. In particular, the Center coordinates the activities of scholars, practitioners and young researchers in the fields of parliamentary history, parliamentary law in Italy and in the EU, legislative drafting, parliamentary and budgetary procedures, sociology and parliamentary statistics,

comparative legislatures. For more information on events and publications by CESP, please visit: <http://ricerca.scienzepolitiche.luiss.it/en/research-centers/cesp>.

The University of Milan – Department of National and Supranational Public Law

The Department of Italian and Supranational Public Law at the University of Milan promotes and coordinates scientific research and teaching in administrative, constitutional, international, European Union and procedural civil law. The Department publishes and publicizes scholarship; organizes seminars as well as national and international meetings; manages relationships with equivalent European and world scientific institutions; maintains connections with academic institutions at home and abroad, and promotes scholarly exchange among professors and researchers. Consistent with the guidelines indicated in the European Research Area (ERA) Project, the Department favors a multidisciplinary approach to research.

The International Society of Public Law (ICON·S)

The International Society of Public Law (ICON·S) is a new learned society, officially launched in June 2014 at an Inaugural Conference sponsored by the European University Institute and NYU School of Law in Florence, Italy. Learned societies have often been founded to validate the emergence, autonomy, or breakaway of an intellectual endeavor. By contrast, international learned societies are often driven by the realization of intellectual cross-fertilization that can stem from disciplinary ecumenism. ICON·S is both! We believe that there is a compelling case for the establishment of an International Society of Public Law predicated on these sensibilities—a new breakaway field, the content of which respects traditional categories yet rejects an excessive division of intellectual labor that no longer mirrors reality. For more information, please visit: <http://icon-society.org/site/index>.

The Younger Comparativists Committee (YCC)

The Younger Comparativists Committee (YCC) is a committee of the American Society of Comparative Law (ASCL), one of the world's leading learned societies for the study of comparative law. The YCC serves as a forum for younger comparative law scholars (with ten years or fewer of faculty experience), creates opportunities for younger comparativists to develop and share their research, and facilitates and promotes the scholarly exchange of ideas and research in all areas of comparative law. It hosts an annual global conference in comparative law and advises the ASCL in its activities related to younger comparativists. For more, please visit: <http://www.ascl.org/younger-comparativists>.