

**Dr Przemysław BISKUP**

**Office Hours:** Friday, 9.45-11.15 a.m.

Chair of European Studies, *Nowy Świat 69, room 32*

# **HISTORY OF POLITICAL INSTITUTIONS:**

## **Introductory course in Western constitutional history**

Winter Semester of the Academic Year 2010/2011

### ***RULES OF ASSESSMENT***

1. The course takes the form of tutorials.
2. Pre-reading of texts and materials prepared by the lecturer and active participation in the classes is expected.
3. Written examination concluding the course, to be based on lectures; the textbook; and the selection of texts and materials is obligatory.
4. Further reading is recommended.

### ***KEY PROBLEMS***

#### **1. Political institutions and working of state in the Antiquity:**

- Democracy in Ancient Greece
- Roman Republic and Empire

#### **Readings:**

F.H. Hinsley, *Sovereignty*, C. A. Watts & Co. Ltd., London 1966: *Chapter I. Sovereignty, Society and the State* and *Chapter II. The Concept of Sovereignty in the Ancient World.*

#### **2. Fundamentals of Western Political systems in the Middle Ages:**

- Feudal system
- The Crown
- The Estates
- Parliamentary assemblies

**Readings:**

R.C. Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, Cambridge 2000: *Chapter 2. Tribal Kingship: From the Fall of Rome to the End of the Merovingians*; *Chapter 3. The First Europe: The Carolingian Empire*; *Chapter 4. Europe Divided: The Post-Carolingian Era*; and *Chapter 5. The Foundation of the Modern State*.

*Magna Charta Libertatum – The Great Charter*.

*Constitutional Developments in Poland 1180-1572*.

**3. Political institutions in the West in the Early Modern Age – rise of sovereign monarchy and nation-state:**

- Renaissance model of state
- The influence of the Reformation – religious tolerance, human rights and sovereignty
- *Monarchia mixta*, or mixed constitution in Poland and England
- Classic model of absolute monarchy - France
- Colonial dimension – Spain, Portugal, the Netherlands, France and England

**Readings:**

N. Machiavelli, *The Prince*, in: *The Historical, Political, and Diplomatic Writings of Niccolo Machiavelli in four volumes*; Translated from the Italian by C.E. Detmold; Vol. II; James R. Osgood and Company; Boston 1882, p. 5-88.

T. More, *Utopia*, in: *Ideal Empires and Republics*, Introduction by C.M. Andrews, M. Walter Dunn, Publisher, Washington and London 1901, p. 129-232.

*Elisabeth I's Golden Speech*

R.C. Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, Cambridge 2000: *Chapter 5. The Foundation of the Modern State*; and *Chapter 6. The Classic Absolutism of the Ancient Regime*.

F.H. Hinsley, *Sovereignty*, C. A. Watts & Co. Ltd., London 1966: *Chapter I. Sovereignty, Society and the State* and *Chapter IV. The Modern History of the Concept of Sovereignty within the Community*.

E.H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology*, Princeton University Press, Princeton 1997: *Chapter I. The Problem: Plowden's Reports*; and *Chapter II. Shakespeare: King Richard II*.

J. Jędruch, *Constitutions, Elections and Legislatures of Poland, 1493-1993: A Guide to Their History, Revised Edition*, EJJ Books-Hippocrene Books Inc., New York 1998: *Chapter I. Hereditary Monarchy: Kings Face Elective Legislatures*; *Chapter II. Monarchy Becomes the First Republic: Kings Elected for Life*; and *Chapter III. First Republic under Fire: Seyms and Confederations*.

#### **4. Political institutions of the Enlightenment era – competing models:**

- Enlightened absolute monarchy
- Impact of the English, American and French Revolutions
- Liberal state and bourgeois nation state

#### **Readings:**

R.C. Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, Cambridge 2000: *Chapter 7. The Absolute Monarchy No Lasting Model.*

J. Jędruch, *Constitutions, Elections and Legislatures of Poland, 1493-1993: A Guide to Their History, Revised Edition*, EJJ Books-Hippocrene Books Inc., New York 1998: *Chapter IV: Decay and Reform: Absolutist Neighbours Step In for the Kill.*

*The Petition of Rights 1628.*

*Habeas Corpus Act 1679.*

*English Bill of Rights 1689.*

*Act of Settlement 1700.*

*US Declaration of Independence 1776.*

*Constitution of the United States as Originally Adopted 1787.*

*US Bill of Rights 1791.*

*The Constitution of May 3<sup>rd</sup>, 1791.*

*Declaration of the Rights of Man and Citizen 1789.*

*The Constitution of France 1791.*

R.C. Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, Cambridge 2000: *Chapter 8. The Bourgeois Nation State.*

#### **5. Political institutions of the Modern Era (19<sup>th</sup> Century):**

- Post-absolute monarchy
- Authoritarian regimes
- Rise of Human and Civil Rights
- Rise of modern nationalism
- Evolution from liberal state to democratic state

#### **Readings:**

R.C. Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, Cambridge 2000: *Chapter 8. The Bourgeois Nation State.*

W. Bagehot, *The English Constitution*, Oxford University Press, Oxford 2001.

*The Constitution of the United States: Complete text of the U.S. Constitution.*

*Amendments to the Constitution: Articles in addition to, and amendments of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the Fifth Article of the original Constitution.*

*Abolition of the Negro Slave Trade Act 1807.*  
*Repeal of Corporation and Test Acts 1828.*  
*Catholic Emancipation Act 1829.*  
*Reform Act of 1832.*  
*Abolition of Negro Slavery Act 1833.*  
*Reform Act of 1867.*  
*Disestablishment of the Irish Church Act 1869.*  
*The Ballot Act 1872.*  
*Reform Act of 1884.*  
*Third Redistribution of Parliamentary Seats Act 1885.*  
*Parliament (Qualification of Women) Act 1918.*  
*Parliament Act 1911.*  
*Life Peerages Act 1958.*  
*Peerage Act 1963.*  
*The Constitution of the German Reich 1871.*

## **6. Political institutions in the West in the early 20<sup>th</sup> Century**

- Impact of the World War I: Triumph and fall of democracy in Europe of the Interwar Period:
  - Democratic regimes – Germany, Poland, Czechoslovakia
  - Totalitarian regimes – Italy, Germany, Soviet Union
  - Authoritarian regimes – Poland, Hungary

### **Readings:**

*The Reich Constitution of 1919 (Weimar Constitution).*

J. Jędruch, *Constitutions, Elections and Legislatures of Poland, 1493-1993: A Guide to Their History, Revised Edition*, EJJ Books-Hippocrene Books Inc., New York 1998: *Chapter VI: Second Republic: The Sejm Fails in Operating the Executive.*

R.C. Caenegem, *An Historical Introduction to Western Constitutional Law*, Cambridge University Press, Cambridge 2000: *Chapter 9. The Liberal Model Transformed or Rejected.*

*Constitution of the Union of Soviet Socialist Republics of 1936.*

*The Nuremberg Laws on Citizenship and Race 1935.*

*First Supplementary Decree of November 14th, 1935.*

*The Law for the Protection of German Blood and German Honour of September 15th, 1935.*

*Constitution of the German Democratic Republic of 1949.*

## **7. Political institutions in the West in the late 20<sup>th</sup> Century**

- Impact of the World War II: Models of welfare-state democracy and feasible socialism on both sides of the Iron Curtain (1944-1990)
- Impact of the Cold War: Transition of countries of Central and Eastern Europe

### **Readings:**

*Constitution of the Union of Soviet Socialist Republics of 1936.*

*Constitution of the Union of Soviet Socialist Republics of 1977.*

*Constitution of the German Democratic Republic of 1949.*

*Constitution of the German Democratic Republic of 1968.*

*Basic Law for the Federal Republic of Germany of 1949.*

*The Constitution of the Republic of Poland of 2<sup>nd</sup> April, 1997.*

## **8. Political institutions in the West in the 21<sup>st</sup> Century**

- Impact of the European Factor – the European integration and Nation-State

### **Readings:**

J. Caporaso, *The European Union and Forms of State: Westphalian, Regulatory and Post-Modern*, in: *Journal of Common Market Studies*, Vol. 34, 1, 1996, p. 29.

B. Jouvenel, *On Power: The Natural History of Its Growth*, Liberty Fund, Indianapolis 1993: *Chapter II. Theories of Sovereignty.*

## **BASIC LITERATURE**

### **Textbook:**

1. **Caenegem R. C., An Historical Introduction to Western Constitutional Law, Cambridge University Press, Cambridge 2000.**
2. **Selection of texts and materials prepared by the lecturer.**

### **Further reading:**

3. Berman H.J., *Law and Revolution: The Formation of the Western Legal Tradition*, Harvard University Press, Cambridge, MA - London 1983.
4. Bernhard M., *Institutions and the Fate of Democracy: Germany and Poland in the Twentieth Century*, University of Pittsburgh Press, Pittsburgh PA 2005.
5. *Black Book of Communism: Crimes, Terror, Repression*, S. Courtois, N. Werth, J.P. Panné, A. Paczkowski, K. Bartosek, J.L. Margolin, Edited by Mark Kramer, Harvard University Press, Harvard 1999.
6. *Balckstone's Statutes on Public Law and Human Rights*, ed. P. Wallington, R.G. Lee, Blackstone, London 2000.
7. Cairns W., McKeon R., *Introduction to French Law*, Cavendish Publishing, London 1995

(Chapter 6).

8. Davies N., *Europe: A History*, Oxford University Press, Oxford-New York 1997.
9. Dicey A.V., *Introduction to the study of the law of the constitution*, Liberty Fund, Indianapolis 1982.
10. Fenwick H., Philipson G., *Texts, Cases and Material on Public Law and Human Rights*, Routledge-Cavendish, London-Portland 2006.
11. Green S., Hough D., Miskimmon A., Timmins G., *The Politics of the New Germany*, Routledge, London 2007.
12. *Italy - A Contested Polity*, Edited by M. Bull, M. Rhodes, Routledge, London 2008.
13. Kavanagh D., Richards D. Smith M., Geddes A., *British Politics*, Oxford University Press, Oxford 2006.
14. Knapp A., Wright V., *The Government and Politics of France*, Routledge, London 2006.
15. Landman T., Robinson N., *The SAGE Handbook of Comparative Politics*, SAGE, Los Angeles – London – New Delhi 2009 (Part II).
16. Lyon A., *Constitutional History of the United Kingdom*, Cavendish Publishing, London 2003.
17. McClelland J.S., *A History of Western Political Thought*, Routledge, London-New York 1996
18. Medushevsky A., *Russian Constitutionalism: Historical and Contemporary Development*, Routledge, London 2009.
19. Peterson J., Shackleton M., *The Institutions of the European Union, Second Edition*, The New European Union Series, Oxford University Press, Oxford 2006.
20. Pollard D., *Sourcebook on French Law*, Cavendish Publishing, London 1996.
21. Potthoff H., Miller S., *The Social Democratic Party of Germany 1848-2005*, Translated by M. Kane, Dietz, Bonn 2006.
22. Rhodes R.A.W. (Editor), Binder S.A. (Editor), Rockman B.A. (Editors), *The Oxford Handbook of Political Institutions*, Oxford Handbooks of Political Science Series, Oxford University Press, Oxford 2006.
23. Richard Corbett R., Jacobs F., Shackleton M., *The European Parliament, 7th Edition*, John Harper Publishing, London 2007.
24. Sanford G., *Democratic Government in Poland: Constitutional Politics Since 1989*, Palgrave Macmillan, Basingstoke-New York 2002.
25. *Separation of Powers and Parliamentarism: The Past and the Present. Law, Doctrine, Practice*, 56<sup>th</sup> Conference of International Commission for the History of Representative and Parliamentary Institutions, Cracow and Radom (5-8 September 2005), Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions, Volume 84, Edited by W. Uruszczak, K. Baran, A. Karabowicz, Sejm Publishing Office, Warsaw 2007.
26. Staniszki J., *The Dynamics of Breakthrough in Eastern Europe: The Polish Experience*, University of California Press, Berkeley-Los Angeles-Oxford, 1991.
27. Tilly C., *The Politics of Collective Violence*, Cambridge Studies in Contentious Politics Series, Cambridge University Press, Cambridge 2003.
28. Tilly C., *European Revolutions, 1492-1992*, Blackwell, Oxford - Cambridge 1995.
29. Tilly C. (ed.), *The Formation of National States in Western Europe*, Studies in Political Development Series No. 8, Princeton University Press, Princeton 1975.
30. Wallace H. Wallace W., Pollack M.A. (Editors), *Policy-Making in the European Union, Fifth Edition*, The New European Union Series, Oxford University Press, Oxford 2005.

**Journals:**

31. Oxford Journals - available via webpage of the University of Warsaw Library (Holdings – E-resources): <http://www.buw.uw.edu.pl/en/>
32. JSTOR - available via webpage of the University of Warsaw Library: (Holdings – E-resources): <http://www.buw.uw.edu.pl/en/>

**Internet databases:**

33. Constitutions of the World from the late 18th Century to the Middle of the 19th Century Project: <http://www.modern-constitutions.de>
34. Internet History Sourcebooks Project: <http://www.fordham.edu/halsall/>
35. Select e-publications of The Institute of Public Affairs (Instytut Spraw Publicznych) in English: <http://www.isp.org.pl/?v=page&id=324&ln=eng>
36. Select SEI Working Papers: <http://www.sussex.ac.uk/sei/1-4-10-1.html>
37. The Online Library of Liberty: <http://oll.libertyfund.org/>

Consensual political institutions may lead to higher levels of policy continuity, as outlined by Lijphard (1999), which in turn could positively affect the success of climate change mitigation strategies in the transport sector. Supreme courts are political institutions and are influenced by the political process; but the ways in which they are political, and the nature and paths of political influence vary considerably. Court has remained very quiescent over most of its history (Stotzky 1993, Vaughn 1992-93). Although the differences between civil law and common law patterns of appointment to supreme courts thus loom large, the dichotomy does not account for all variations. Politics in the UK: Historical Evolution and Political Institutions. I. Political Development. Violence and revolution are common features of 20th century domestic politics throughout the world, including even in the US. Over time, the Parliament continued to gain power and the monarchy became a purely symbolic institution. By 19th century, GB still a limited democracy and Parliament still dominated by the aristocracy thru H of Lords. However, the new class of industrialists and entrepreneurs found this unacceptable and pressure for change led to the Great Reform Act of 1832, which extended the franchise/vote to about 300,000 men, and further reduced aristocratic power. Political institutions are organizations which create, enforce and apply laws. Learn how political systems affect law, economy, culture, and society. Alistair Boddy-Evans is a teacher and African history scholar with more than 25 years of experience. Updated June 20, 2019. Political institutions are the organizations in a government which create, enforce, and apply laws. They often mediate conflict, make (governmental) policy on the economy and social systems, and otherwise provide representation for the population. In general, democratic political regimes are divided into two types: presidential (headed by a president) and parliamentary (headed by a parliament).