

Key Concepts: "Separation of Powers" - L.O. 2.5
The Irish Governmental System
Michael D Higgins & 'Soft Power'
Irish Constitution (Articles 12-14)

The Irish President

Is there scope for the President to speak more frequently, but less formally?

Comparison: How does the role of the Irish President differ from the US President
Reforms: What reforms of the office would you suggest (if any!) – justify your choice!

"Truly, the Irish President is a Republican Monarch."
"Presidential elections can sometimes turn into the 'Great Irish Bake-off'."

Robert Elgie, DCU School of Law and Government

Step 1: Get Nominated!

There are 3 ways to qualify to run for the Irish Presidency:

1. An **incumbent/past** president can nominate themselves
2. Be nominated by 20 members of the **Oireachtas** (Dáil and/or Seanad)
3. Be nominated by a minimum of Four **Local Authorities**

Step 2: Get Elected

1. Presidential Elections are run by **Proportional Representation (PR), Single Transferable Vote (STV)**
2. To vote in a Presidential election you must:
 - An Irish citizen
 - Aged 18 or over
 - Ordinarily resident in the State and registered to vote

Bear in mind that there's a €750,000 spending limit per candidate

****We **don't** have a Vice-President. If the President dies, or is incapacitated (to the satisfaction of the Supreme Court), an election must be held within 60 days.***

What are the **Powers** and **Limitations** of the office of President?

Step 3: What can you do?

The Powers

Despite being one of the weakest directly elected presidents in the world, she/he does have some limited power, including (but not only):

- The absolute power to pardon or commute sentences (others can also be given this power, only exercised 5 times)
- Can, after consulting with the Council of State, address the nation or Oireachtas
- Can refer bills passed by the Oireachtas to the Supreme Court who can decide on their '**Constitutionality**', based on the advice of the '*Council of State*' (done 15 times, with 8 found to be unconstitutional)
- Is the "Supreme Commander of the Defence Forces" and awards commissions to officers (but exercises no actual command over the army!)
- Can dissolve (or refuse to dissolve) a government when requested to do so by the Government
- Under *very specific circumstances*, Article 27 allows Bills to be referred to a referendum prior to being signed into law (never used)

Step 4: What can you not do?

The Limitations

There are specific limitations to the President's term and functions

- May not be a member of the Houses of the Oireachtas
- Shall not hold any other office or position of **emolument** (salary, fee, or profit from employment or office).
- Must be over 35. In 2015 a Referendum was held on the **35th Amendment** (lost by 73%-27%) that aimed to change the qualifying age to 21!
- Elected for a 7-year term (with one additional term)
- Can't leave the state without the permission of Government
- Can be **impeached** (for example, for failing to carry out automatic duties) by a 2/3 majority of Oireachtas
- The President is prevented from addressing "a message to the Nation" without the approval of the government. This is interpreted to mean any public remarks...

The Irish President is a 'Head of State', closer to the Queen of England than the 'Executive' Presidencies of France or the United States. (Ireland's 'executive' power is held by the cabinet.

A '**Head of State**' is primarily a '*symbolic*' role. She/he is the 'First Citizen' of the country because the President "*shall take precedence over all other persons in the State.*"

"It is a common feature of the Irish political scene for Presidents to be criticised for allegedly stepping outside their constitutional domain almost every time they express an opinion that touches on some aspect of economic or social policy. However, the only formal restrictions are in Article 13.7; namely, where the President makes a formal address to either the Oireachtas or the Nation on a matter of national importance, the address must first be approved by the Government."
(Conor O'Mahony, UCC, Lecturer in Constitutional Law)

Personal Response:

Now that you have some idea as to what the Irish Presidency is about, would you prefer to see the him/her take a more active role in Irish politics, even in an informal way?

Would you prefer to see the President have a broader range of powers and responsibilities? How would you go about expanding or contracting the powers that currently exist?

Many of the 'functions' of the Irish President are **automatic**. i.e. they **MUST** be carried out with no discretion on the part of the office holder. These include:

1. Bills must be signed into law between 5-7 days after passing both houses of the Oireachtas
2. The President **appoints** the *Taoiseach*, Government *Ministers*, and *judges* to office. But the Constitution **compels** the President to simply rubber-stamp the nominee put forward
3. The same applies to accepting the *resignation of Ministers*, or acceding to requests for the **dissolution** of the Dáil (provided the Taoiseach requesting the dissolution has a majority)