

Episode 11 – The Irish Constitution – Listen Along Guide

Find the episode here: <https://polsocpodcast.com/ep-11-the-irish-constitution/>

Dr Jennifer Kavanagh – Lecturer in Law at Waterford Institute of Technology

1. How does Dr Kavanagh describe what a constitution actually is and how it relates to the laws passed by the Houses of the Oireachtas? (2:50) _____

2. In what year was Ireland's Constitution written? (3:30) _____

3. What are the main similarities/commonalities that exist between different types of constitutions? (4:00)

4. What is the main difference between the Irish and British constitutions? Why is it more difficult to interpret the British Constitution? (4:40)

5. The United States and French constitutions are examples of the 'Early Constitutional Tradition'. What does this mean in terms of how their constitutions are laid out? (5:10)

6. What two countries does Dr Kavanagh mention as having been influenced by the Irish Constitution? (5:30)

_____ and _____

7. How did the 1937 Constitution emerge? What **two** documents directly preceded it? (6:00)

i. _____

ii. _____

8. What 'really important point' does Dr Kavanagh make about the 1937 Constitution when compared with what was happening in other European countries? (7:45)

9. Why does Dr Kavanagh think that parts of the Irish Constitution were 'pioneering'? (8:05)

10. What is the traditional way of changing (amending) the Constitution? (8:55)

11. How does Dr Kavanagh describe the Constitutional Convention (later the Citizens' Assembly)? (9:30)

12. From your own knowledge of Data & Sampling, what is meant by the term “Representative Sample”? (9:55)

13. What example of a recent Amendment to the Constitution is described as having emerged from the deliberations of the Citizens’ Assembly? Pause the Podcast and briefly jot down how that process worked? (10:30)

14. What are the different parts of the Constitution described by Dr Kavanagh? (11:45)

- i. _____
- ii. _____
- iii. _____
- iv. _____
- v. _____

15. What is the ‘quirky’ part of Constitution? What is the link between that idea and ‘Socio-Economic Rights’? (13:50)

Untangle the Terminology

16. Why is Eoin Ó Broin well placed to address the issue of the Homelessness crisis in Ireland? (15:40)

17. Why does Deputy Ó Broin think that having the right to housing ‘enshrined’ (included in) in the Irish Constitution? (16:10)

18. Briefly outline the 5 Stages that a bill (such as a Constitutional Amendment Bill) needs to go through to pass through the two houses of the Oireachtas:

- i. 1st Stage: _____
- ii. 2nd Stage: _____
- iii. 3rd Stage: _____
- iv. 4th Stage: _____
- v. 5th Stage: _____

19. What unusual feature of Constitutional Amendment Bills does Deputy Ó Broin flag for us? (18:40)

20. When does the formal 'Campaign' start? (19:05) _____

21. What **TWO** pieces of research does Deputy Ó Broin suggest you examine around this issue? (19:35) (See the Episode Notes for more on this!)
- i. _____
- ii. _____
22. What 'variety of measures' are suggested here that would be needed to address the Homelessness crisis more comprehensively? (20:30)
- _____
- _____
23. How would a Constitutional Amendment act as an "impetus" (stimulus) for that process? (20:55)
- _____
- _____
24. How does Deputy Ó Broin think that this issue will develop into the future? (23:40)
- _____
- _____
- _____
- _____
25. How is the role of the 'Civil Society Organization' 'Home for Good' and their efforts to bring about the referendum described in this section? (24:40)
- _____
- _____
26. How has this issue shifted in the Oireachtas Housing Committee in recent years? (25:30)
- _____
- _____
27. What final point does Deputy Ó Broin make about the value of a referendum? (26:50)
- _____
- _____

The Students' Strike Back

28. What part of the Irish Constitution does Kate want to change and why? (28:30)
- _____
- _____

The Referendum Commission

29. Based on the information provided by Sean Garvey in the opening question of this section, do you feel that he is a reliable source? Justify your answer. (30:30) _____

30. What are the Three main roles set out in legislation? (31:40)

- i. _____
- ii. _____
- iii. _____

31. What does Sean Garvey say specifically **isn't** a role of the Referendum Commission? (32:05)

32. Which is more clear in terms of the outcome of a referendum – the 'Yes' or 'No' outcome? Why do you think this? (32:40)

33. What 'mechanism' has been used in the last 3 referendums? (33:05)

34. What does Sean Garvey suggest is the best way to find out about the work of the Referendum Commission and the reports on previous referendums? (35:20)

Back to Dr Kavanagh!

35. Identify and explain TWO of the weaknesses of the Irish Constitution that Dr Kavanagh identifies? (36:50)

- i. _____

- ii. _____

36. Does Dr Kavanagh think that our constitution has 'stood up well' in comparative terms? (38:50)

37. How does Dr Kavanagh think our Constitution might develop in the future? (39:50)

- i. Possible Future Referendums: _____

- ii. Impact of a United Ireland on our Constitution: _____

38. What is the 'mechanism' that is suggested that might best address the issue of reconciling Ulster Unionists into a United Ireland? (42:00) _____

39. "Technical Question!" In the event of a conflict of interpretation arising between the Irish and English version of the text? (43:05)

40. Does Dr Kavanagh think that the Irish system of government (as laid out in the 1937 Constitution) represent the "Will of the People"? How does she justify this answer? (44:00)

MIND MAP! – Based on the information presented in this episode, draw a mind map that includes the core articles of the Irish constitution, making sure to note the specific parts of the Politics and Society Course to which each article/aspect of the Constitution is relevant.

