

# Constitutional Change

- The official state title became Ireland or 'Éire.'
- The 26 counties became a republic in all but name.
- De Valera kept features of the 1922 constitution of the IFS regarding the Oireachtas, the government and the courts.
- There were a number of important differences.

# Constitution And Constitutional Change In Ireland

**Lynsey Black, Peter Dunne**



## **Constitution And Constitutional Change In Ireland:**

**The constitution and constitutional change in Ireland** Basil Chubb, 1978      **Constitutional Change and Popular Sovereignty** Maria Cahill, Colm Ó Cinnéide, Seán Ó Conaill, Conor O'Mahony, 2021-07-15 This collection focuses on the particular nexus of popular sovereignty and constitutional change and the implications of the recent surge in populism for systems where constitutional change is directly decided upon by the people via referendum. It examines different conceptions of sovereignty as expressed in constitutional theory and case law including an in depth exploration of the manner in which the concept of popular sovereignty finds expression both in constitutional provisions on referendums and in court decisions concerning referendum processes. While comparative references are made to a number of jurisdictions the primary focus of the collection is on the experience in Ireland which has had a lengthy experience of referendums on constitutional change and of legal political and cultural practices that have emerged in association with these referendums. At a time when populist pressures on constitutional change are to the fore in many countries this detailed examination of where the Irish experience sits in a comparative context has an important contribution to make to debates in law and political science.

*The Constitution of Ireland* Oran Doyle, 2018-11-29 This book provides a contextual analysis of constitutional governance in Ireland. It presents the 1937 Constitution as a seminal moment in an ongoing constitutional evolution rather than a foundational event. The book demonstrates how the Irish constitutional order revolves around a bipartite separation of powers. The Government is dominant but is legally constrained by the courts particularly in their interpretations of the fundamental rights protected by the Constitution. In recent decades the courts have weakened the constitutional constraints on the Government. Political constraints imposed by opposition parties in Parliament and new accountability institutions such as the Ombudsman have moderately strengthened but the Government remains by far the most powerful political actor. There is a risk that such executive dominance could lead to democratic decay however the referendum requirement for constitutional amendment has prevented Governments from accumulating greater constitutional power. The book begins with an overview of Irish constitutional history leading to the enactment of the 1937 Constitution before exploring the foundational decisions made by the Constitution in relation to territory people and citizenship. Particular attention is paid to the constitutional relationship with Northern Ireland currently unsettled by the decision of the United Kingdom to leave the European Union. The book details the key institutions of state Government Parliament President and courts before analysing how different constitutional actors exercise their respective powers of governance contestation and oversight. A thematic approach is taken to the courts interpretation of fundamental rights showing how judicial attitudes have markedly changed over time. Further attention is paid to both formal amendment and informal constitutional change. The Constitution today is markedly different from 1937 it is non committal on national reunification less influenced by Roman Catholic natural law teaching and generally more permissive of Government action. It is perhaps these developments however that explain its

continued success or at least its longevity      The Foundations and Traditions of Constitutional Amendment Richard Albert, Xenophon Contiades, Alkmene Fotiadou, 2017-07-13 There is growing interest in constitutional amendment from a comparative perspective Comparative constitutional amendment is the study of how constitutions change through formal and informal means including alteration revision evolution interpretation replacement and revolution The field invites scholars to draw insights about constitutional change across borders and cultures to uncover the motivations behind constitutional change to theorise best practices and to identify the theoretical underpinnings of constitutional change This volume is designed to guide the emergence of comparative constitutional amendment as a distinct field of study in public law Much of the recent scholarship in the field has been written by the scholars assembled in this volume This book like the field it hopes to shape is not comparative alone it is also doctrinal historical and theoretical and therefore offers a multiplicity of perspectives on a subject about which much remains to be written This book aspires to be the first to address comprehensively the new dimensions of the study of constitutional amendment and will become a reference point for all scholars working on the subject The volume covers all of the topics where innovative work is being done such as the notion of the people the trend of empirical quantitative approaches to constitutional change unamendability sunrise clauses constitutional referenda the conventional divide between constituent and constituted powers among other important subjects It creates a dialogue that cuts through these innovative conceptualisations and highlights scholarly disagreement and in so doing puts ideas to the test The volume therefore captures the fierce ongoing debates on the relevant topics it reveals the current trends and contested issues and it offers a variety of arguments elaborated by prominent experts in the field It will open the way for further dialogue      The Making of the Irish Constitution 1937 Dermot Keogh, Andrew McCarthy (Historian), 2007 Few things have shaped and controlled Irish political and legal culture as decisively as the constitution of Ireland but the circumstances in which it was created have until now remained obscure The Making of the Irish Constitution is an authoritative account of the drafting of this document in which Ireland's fundamental laws are enshrined It puts the Irish constitution in a clear historical perspective and examines the political context of the beginnings of the constitution in 1930s Ireland Set against the background of constitutional developments following the foundation of the state the authors chart the passage of the constitution through the drafting process They identify the roles of particular legal administrative and religious personnel who contributed to the making of this extremely important document a document which defined the nature of the modern Irish state BOOK JACKET      **The Development of Child Protection Law and Policy** Kieran Walsh, 2020-04-02 This book examines how child protection law has been shaped by the transition to late modernity and how it copes with the ever changing concept of risk The book traces the evolution of the contemporary child protection system through historical changes assessing the factors that have influenced the development of legal responses to abuse over a 130 year period It does so by focussing on the Republic of Ireland where child protection has become emblematic of wider social

change The work draws on a wide range of primary and secondary sources including legislation case law and official and media reports of child protection inquiries It also utilises insights developed through an extensive examination of parliamentary debates on child protection matters These materials are assessed through the lens of critical discourse analysis to explore the relationship between law social policy and social theory as they effect child protection While the book utilises primarily Irish sources this multidisciplinary approach ensures the argument has international applicability The book will be a valuable resource for all those with an interest in the development of child protection law

*The Politics of the Irish Constitution* Basil Chubb,1991      *A Source Book of Irish Government* Geraldine O'Dea,1983      *The Irish Reports* ,1928      **Law and Gender in Modern Ireland** Lynsey Black,Peter Dunne,2019-02-21 Law and Gender in Modern Ireland Critique and Reform is the first generalist text to tackle the intersection of law and gender in this jurisdiction for over two decades As such it could hardly have come at a more opportune moment The topic of law and gender perhaps more so than at any other time in Irish history has assumed a dominant place in political and academic debate Among scholars and policy makers alike the regulation of gendered bodies and the legal status of sexual and gendered identities is now a highly visible fault line in public discourse Debates over reproductive justice exemplified by the recent referendum to remove the 8th Amendment increased rights for lesbian gay bisexual and transgender persons including the public sanctioned introduction of same sex marriage and the historic mistreatment of women and young girls have re shaped Irish public and political life and encouraged Irish society to re examine long unchallenged gender norms While many traditional flashpoints remain such as abortion and prostitution sex work there are also new questions including surrogacy and the gendered experience of asylum frameworks which have emerged As policy makers seek to enact reforms they face a population with increasingly polarised perceptions of gender and a legal structure ill equipped for modern realities This edited volume directly addresses modern Irish debates on law and gender Providing an overview of the existing rules and standards as well as exploring possible options for reform the collection stands as an important statement on the law in this jurisdiction and as an invaluable resource for pursuing gendered social change While the edited collection applies a doctrinal methodology to explain current statutes case law and administrative practices the contributors also invoke critical gender queer and race perspectives to identify and problematise existing and potential challenges This edited collection is essential reading for all who are interested in law gender and processes of social change in modern Ireland

*The Irish Law Times and Solicitors' Journal* ,1905      *The Canadian Historical Review* ,1923      *The Irish Jurist* ,1998      **The Irish Reports** ,1999      A Compendium of *Précis Writing on Historical, Social, Literary and Other Subjects* Frederick Eden Robeson,1925      *The Law Times* ,1916      **The Irish Law Times Reports** ,1928      **Popular Handbook of the British Constitution, Giving the History of Its Origin and Growth** J. Johnston,1899      *Ireland's Evolving Constitution* Tim Murphy,Patrick Twomey,1998-05-19 To mark the sixtieth anniversary of the Constitution of the Republic of Ireland this important collection

of essays includes a wide range of contributions on the most significant aspects of Irish constitutional law and jurisprudence. In addition to political and legal commentators, leading academics in the fields of philosophy, history, and political geography assess the history and future of the Constitution from the perspectives of their particular disciplines. The resulting blend of arguments offers a serious and sometimes controversial set of insights into the changing role of the constitution in light of social and political change in Ireland over the past 60 years. The overall result is a detailed contextual analysis of Ireland's basic law aimed at a readership interested in the Irish Constitution and constitutional matters generally.

**The Parliamentary Debates (official Report).** Great Britain. Parliament. House of Commons, 1912. Contains the 4th session of the 28th Parliament through the 1st session of the 48th Parliament.

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