

Module Title:	Constitutional Law
Language of Instruction:	English
Credits:	10
NFQ Level:	8
Module Delivered In	No Programmes
Teaching & Learning Strategies:	Lectures - communication of knowledge and ideas from the lecturer to the student. Problem Solving Exercises - student will work as part of a team and will work together to resolve various legal scenarios. Class Discussion/Debate - Students will be encouraged to actively participate in the class sessions which will develop their analytical and communication skills. E-Learning - It is envisaged that the module will be supported with on-line learning materials. Self-Direct Independent Learning - the emphasis on independent learning will develop a strong and autonomous work and learning practices.
Module Aim:	The aim of this module is to provide students with a sound understanding of constitutional law and theory, and an appreciation of key doctrines including rights relating to the criminal trial; equality; unenumerated rights; guarantees relating to the family and education; freedom of religion, expression, association and assembly; the guarantee of personal rights and personal liberty; inviolability of the dwelling; constitutional policy on abortion and the Directive Principles of Social Policy. It also aims to provide students with an understanding of the functions, structure of, and interaction between, the legislative, judicial and executive powers of government in the context of the doctrine of the separation of powers, and the overarching matters of constitutional litigation and interpretation.
Learning Outcomes	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Describe the basic structure of government in Ireland and its historical development
LO2	Describe, evaluate and explain the role of constitutional law in ensuring respect for human rights and democratic governance
LO3	Identify and apply relevant constitutional law principles and doctrines for the purpose of solving hypothetical factual problems
LO4	Critically examine the role of judicial interpretation in the development of constitutional law
LO5	Apply critical analysis and problem-solving techniques to both essay and problem-based questions on the implications of constitutional provisions
LO6	Construct and produce analytical and persuasive writing on fundamental issues in the development of Irish constitutional law, grounding such analysis in the text of the Constitution and constitutional case law
LO7	Critically appraise case law interpreting the Constitution and formulate reasoned and persuasive positions on the future development of constitutional law
LO8	Critically evaluate and distinguish between the efficacy of the Irish constitutional framework and the constitutional frameworks of other jurisdictions
Pre-requisite learning	
Module Recommendations <i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>	
No recommendations listed	
Incompatible Modules <i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>	
No incompatible modules listed	
Co-requisite Modules	
No Co-requisite modules listed	
Requirements <i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>	
No requirements listed	

Module Content & Assessment

Indicative Content

Irish Constitutional History (5%)

• Introduction to Constitutions and Constitutional Law • Dominion Status • The Irish Free State Constitution 1933 • The Executive Authority (External Relations) Act 1936 • Bunreacht na hEireann 1937

The People, the Nation and the State (5%)

• The Constitutional distinction between the People, the Nation and the State • The Interpretation by the Courts of the Distinction • Difficulties with the Distinction • Nationality and Citizenship

The President and the Council of State (5%)

• Eligibility and Nomination • Voting and Election • Privileges of Office • Powers of the President (including the power to refer Bills under Article 26) • Impeachment of the President • The Council of State – Membership and Functions • The Presidential Commission

Composition and Functioning of the Oireachtas (10%)

• Dail Eireann – Eligibility, Election, Functions, Ceann Comhairle, Powers and Privileges, Voting in the Dail • Seanad Eireann – Eligibility; Election; Composition, Cathaoirleach, Powers and Privileges

The Government and Central Administration (5%)

• Composition • Powers and Functions of Government – Collective Responsibility • The Taoiseach – appointment, powers and duties • The Tániste – appointment, powers and duties • Government Ministers • Dissolution of the Dail • General elections • The Defence Forces • The Garda Síochána • The Civil Service • Local Government • Public Agencies and Bodies • Executive Privilege • The Attorney General

Amendment of the Constitution/Referenda (5%)

• Constitutional Referenda • The Referendum Commission

International Relations (5%)

• International Relations • EU Membership • Inter-relationship between Irish Constitution and EU Law • Inter-relationship between Irish Constitution and International Law

The Separation of Powers (5%)

• Theory/Rationale behind the Doctrine • Separation of Powers in the Irish Constitution • Legislative Power • Executive Power • Judicial Power • Critical Analysis of the Doctrine

Personal Rights and the Constitution (5%)

• Numerated and Unenumerated Constitutional rights • Higher hierarchy of Constitutional Rights • Interpretation of Constitutional Rights by the Courts • Qualification of Constitutional Rights • Inalienable Constitutional Rights • Remedies for Breach of Constitutional Rights

Tribunals (5%)

• Types of tribunal • Formation of a Tribunal • Constitutional Status

Life and Human Dignity (5%)

• Right to Life • Abortion • Genocide • Death Penalty • Right to Die • Torture and Degrading Treatment

Equality (5%)

• Connotations of Equality • Scope of the equality guarantee • Exceptions

Personal Liberty (5%)

• Right to Personal Liberty • Permissible detentions • Restrictions on Movement • Habeas Corpus and the Article 40.4 Inquiry • Bail

Freedom of Expression (5%)

• Right to Freedom of Expression • Restrictions on Expression • Compelled Expressions • Regulating the Media

Freedom of Association and Assembly (5%)

• Right to Freedom of Association • Restrictions on Association • Forced Association • Right to freedom of Assembly • Restrictions on Assembly • Use of Force • Public Fori

The Family and Education (10%)

• Definition of "Family" • Marriage, Discrimination and Autonomy • Right to Procreation • Family Property Rights • Deportation of family members • Custody and Control of Children • Non-Marital Children • Divorce • The Unborn • Rights to Primary and Secondary Education

Religious and Property Rights (5%)

• Property Rights • Freedom of Religion

Other Unenumerated rights (5%)

• Rights to Privacy and Marital Privacy • Right of Access to the Courts • Right to Travel • Right to Fair Procedures in Decision making • Other Unenumerated Rights

External Sources of Fundamental Rights

The European Convention of Human Rights, The Charter of Fundamental Rights of the European Union, the EU's accession to the Council of Europe, other human rights treaties to which Ireland is a party

Assessment Breakdown

Continuous Assessment

%

40.00%

End of Module Formal Examination

60.00%

Continuous Assessment				
Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Other	A written examination, essay or project which will be given in term one and will require candidates to apply their knowledge and problem-solving skills in answering one or more essay and/or problem question(s).	1,2,3,4,5,6,8	20.00	n/a
Project	An essay question or hypothetical problem question to be given in term one or term two, separate from or in conjunction with the first continuous assessment. Students will be required to research the issues involved in accordance with defined instructions, and present their findings or proposals, or both, in writing or orally, or both.	1,2,3,4,5,6,7,8	20.00	n/a

No Project

No Practical

End of Module Formal Examination				
Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Formal Exam	End-of-Semester Final Examination	1,2,3,4,5,6,7,8	60.00	End-of-Semester

SETU Carlow Campus reserves the right to alter the nature and timings of assessment

Module Workload

Workload: Full Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	3.00
Independent Learning Time	Every Week	9.00
Total Hours		12.00

Workload: Part Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	1.50
Total Hours		1.50

