



School of Law and Government
Dublin City University
Dublin 9, Ireland

Tel: + 353 1
E-mail: Gary.Murphy@
30 January 2015

Submission to the Working Group on Seanad Reform

For close to two decades as an employee of Dublin City University I have been arguing for the implementation of the seventh amendment to Bunreacht na hEireann allowing for the extension of the Seanad franchise to include graduates from all third level educational institutions. Constitutions should mean something in democratic societies. Decisions solemnly taken in referendums should be legislated for pretty much straightaway and not be simply left in abeyance as was the case with the 1979 referendum. In that context I welcome the Seanad Electoral (University Members) (Amendment) Bill 2014 and approve of its commitment to extend the franchise.

I argued in Dublin City University's 2003 submission to the all-party sub-committee considering proposals for reform of the Seanad that a single six-member constituency would give best expression to the seventh amendment and that remains my position today. This will allow for Dublin City University's 50,000 graduates to play an active role in electing members to Seanad Eireann. I look forward to seeing the bill implemented as soon as possible.

However, this bill only gives voice to a decision of the people taken over three and a half decades ago and which is long since outmoded. It, in essence, ignores the enormous elephant in the room regarding the Seanad and that is of course the limited nature of its franchise. Not one advocate on the No side of the debate during the Seanad abolition referendum campaign of 2013 argued for a retention of the Seanad in its current form.

There is no question but that the Seanad as it currently exists is elitist. While extending the franchise to all third level graduates will go some way towards alleviating this situation it is not

enough. With its defeat in the Seanad referendum the government now has a great opportunity to fundamentally reform the way politics in this country operates.

But simply extending the franchise of the University seats as per the 1979 referendum is not enough anymore. The demand for political reform is too great. There is a crisis of legitimacy in the Seanad that can be swiftly resolved by extending the franchise to all the citizens of the state, those in Northern Ireland who hold Irish passports, and our emigrants. That would be one way of showing that the Irish state cherishes all its citizens equally. It can also be done without recourse to another referendum. All it needs is political will to enact legislation to ensure all Irish citizens have a say in their second house. As the noted British political scientist and constitutional expert Vernon Bogdanor points out if ‘one is looking for an upper house with the authority to fulfil the function of constitutional protection . . . the conclusion seems inescapable that it must be an elected body.’¹ The separate bills drafted by Feargal Quinn and Katherine Zappone, John Crown, and the report on Seanad reform chaired by Mary O’Rourke in 2004, and shamefully ignored by the political elite at the time and ever since, all advocating universal suffrage, do just that.

The Seanad has a crucial role to play in relation to oversight of legislation and constitutional protection. Reforms announced in July 2014 that the Seanad would review the work of the North/South Ministerial Council and British-Irish Council, review Oireachtas committee reports, debate the European Commission’s annual work programme and make recommendations to ministers are all well intended and useful additions to the Seanad’s repertoire in this regard. The renowned lawyer and political philosopher Jeremy Waldron observes that the mere fact that a bill has ‘to get by two sets of representatives—each a voting assembly independent of the other — would mean that it would be subject to two separate processes of deliberation, even if the two assemblies were structurally quite similar.’² Waldron goes on to argue that a second chamber needs to be sufficiently different from the first chamber to avoid objections of redundancy. More fundamentally what advocates of an effective second chamber most desire is a chamber that is ‘independent of the government so that it can perform functions of genuinely legislative debate, which is not just acclamation of the executive’s agenda.’³ In that context the Seanad must be made more relevant to the people who saved it. A directly elected Seanad could do just that and I urge the committee to propose such a step.

Gary Murphy

Professor of Politics

Dublin City University



¹ Vernon Bogdanor, *Politics and the Constitution: Essays on British Government* (Dartmouth Publishing, 1996), p. 258.

² Jeremy Waldron, 'Bicameralism and the Separation of Powers', *Current Legal Problems*, vol. 65 (2012), pp. 31–57 at p. 41.

³ *Ibid*, p. 48.