

## Module 6: Constitutional Law

<b>Stage</b>		2					
<b>Semester</b>		1 and 2					
<b>Module Title</b>		LLBH-CL					
<b>Module Number</b>		6					
<b>Module Status</b>		Mandatory					
<b>Module ECTS Credits</b>		15					
<b>Module NFQ level</b>		7					
<b>Pre-Requisite Module Titles</b>		None					
<b>Co-Requisite Module Titles</b>		None					
<b>Capstone Module?</b>		No					
<b>List of Module Teaching Personnel</b>		Dr Claire Hogan					
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (hours)</b>
96 (72) <sup>1</sup>				204 (228)			300
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent Work</b>	
72 (48)			24	30		174 (198)	300
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Examination</b>	<b>Total</b>		
<b>Percentage Contribution</b>	40			60	100		

### Intended Module Learning Outcomes

On successful completion of this module, learners will be able to:

1. Identify the context in which Irish constitutional law developed and how this impacts on current jurisprudence
2. Describe the function and composition of the institutions of the State and apply fundamental constitutional principles in Irish constitutional law such as the separation of powers
3. Analyse factual scenarios and apply their understanding of Irish constitutional law to them
4. Recognise the nature and effect of individual fundamental rights
5. Identify the obligations of the State to the individual

<sup>1</sup> Part time hours shown in brackets where different from full time hours

6. Discuss the role of the Constitution in the protection of the citizen
7. Evaluate and apply the fundamental principles operating throughout the Constitution
8. Employ research skills and communicate effectively in relation to Constitutional Law;

### **Module Objectives**

1. To provide the learner with a detailed understanding of fundamental principles of constitutional law and the rule of law;
2. to familiarise the learner with the fundamental principles and substantive rules of Irish constitutional law;
3. to provide the learner with an in-depth understanding of the doctrine of separation of powers;
4. to familiarise the learner with the role of international legal instruments such as the ECHR in the constitutional order;
5. to provide the learner with a knowledge of the substantive rules of constitutional law particularly in relation to fundamental rights and to develop in the learner an understanding of the impact of these rights in factual situations.

### **Module Curriculum**

#### **Semester 1**

Introduction: Constitutional History in Ireland

- The Nation, the State & Sovereignty
- Constitutional Interpretation
- The President
- The Legislative Power and Separation of Powers Issues
- The Executive Power and Separation of Powers issues
- The Judicial Power and Separation of Powers issues
- Socio-economic Rights and Mandatory Orders
- Judicial Review
- The European Convention on Human Rights

#### **Semester 2**

Introduction: Introduction to Rights Adjudication

- Express Personal Rights
  - Right to life
  - Right to life of the unborn
- The Family, Education & Children
- Unenumerated Rights
  - The Right to Privacy
  
- Fair Trial & Personal Liberty
- Equality
- Free Speech, Free Assembly, Free Association

- Private Property
- Religion
- The Referendum Process

## Reading lists and other learning materials

### Primary Reading:

Doyle, O. (2008) *Constitutional Law: Text, Cases and Materials*. Dublin: Clarus Press

Forde, M. (2013) *Irish Constitution*. Dublin: Bloomsbury

Kelly, J.M., Hogan, G. & Whyte, G. (2007) *The Irish Constitution*. Dublin: Butterworths

### Secondary Reading:

Carolan, E. (2012) *The Constitution of Ireland: Perspectives and Prospects*. Dublin: Bloomsbury

Carolan, E. & Doyle, O. (2008) *The Irish Constitution: Governance and Values*. Dublin: Roundhall

Casey, J. P. (2000) *Constitutional Law in Ireland*. Dublin: Round Hall

De Blacam, M. (2009) *Judicial Review*. Haywards Heath: Tottel

Dewhurst, E. (2012) *Principles of Irish Human Rights Law*. Dublin: Clarus Press

Egan, S. & Thornton, L. (2014) *Ireland and the European Convention on Human Rights*. Dublin: Bloomsbury

Foley, B. (2008) *Deference and the Presumption of Constitutionality*. Dublin: IPA

Kenneally, A. & Tully, J. (2013) *The Irish Legal System*. Clarus Press: Dublin

Doolan, B. (1994) *Constitutional Law and Constitutional Rights in Ireland*. Dublin: Gill & Macmillan

Morgan, D. G. (1997) *The Separation of Powers in the Irish Constitution*. Dublin: Round Hall

## Module Learning Environment

### Accommodation

Lectures and workshops take place in a classroom setting. Participants also have access to online teaching resources and Moodle

### Library

All learners have access to an extensive range of “physical” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

## Module Teaching and Learning Strategy

This module is delivered through a series of lectures which consist of tutorial-style discussions, group work sessions and exercises. The lectures are supplemented by structured on-line resources and reading. The final two lectures consist of workshops seeking to directly enforce the module learning outcomes by engagement of practical application of constitutional law to factual scenarios.

Learners also engage in collaborative work in pairs or groups to brainstorm what learning has been achieved at the end of lectures. In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers papers, thereby familiarising themselves with the marking criteria. Learners also engage in activities whereby they draft their own exam question in order to recap and consolidate a particular topic.

### Module Assessment Strategy

Theoretical knowledge is assessed through submission of a written assignment worth 40% and by an end of module, closed book, examination worth 60% of the total marks in this subject.

Element No	Weighting	Type	Description	Module Learning Outcomes
1	40%	Assignment	The assignment requires the learner to research some aspect of the constitution and report on their research.	8
2	60%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the Constitution and the law surrounding it thereby assessing learning outcomes 1, 2, 4, 6 and 7. Problem style questions enable learners to apply principles of land law to factual scenarios, thereby assessing learning outcome 3 and 5.	1-7

Sample Assessment with Rubrics - see Annex 2