

Title	Bringing people into the heart of constitutional design: the Irish Constitutional Convention of 2012-14
Authors	Farrell, David M.;Harris, Clodagh;Suiter, Jane
Publication date	2018-08-14
Original Citation	Farrell, D. M., Harris, C. and Suiter, J. (2018) 'Bringing people into the heart of Irish constitutional design: The Irish Constitutional Convention 2012-2014', in: Contiades, X. and Fotiadou, A. (eds), Participatory Constitutional Change, London: Routledge. isbn: 9781138362802
Type of publication	Book chapter
Link to publisher's version	http://www.routledge.com/9781138362802
Rights	© 2017 selection and editorial matter Xenophon Contiades and Alkmene Fotiadou; individual chapters, the contributors. All rights reserved. This is an Accepted Manuscript of a book chapter published by Routledge in Participatory Constitutional Change, on 14 August 2018, available online: http://www.routledge.com/9781138362802
Download date	2026-09-02 11:15:30
Item downloaded from	https://hdl.handle.net/10468/10042

This version June 29th, 2015. Chapter for publication in Xenophon Contiades and Alkmene Fotiadou, Eds., *Participatory Constitutional Change: The People as Amenders of the Constitution* (Ashgate, 2016)

Bringing people into the heart of constitutional design: The Irish Constitutional Convention of 2012-14¹

David M. Farrell (University College Dublin)

Clodagh Harris (University College Cork)

Jane Suiter (Dublin City University)

In late 2012 the Irish government took the long-anticipated step of establishing the Irish Constitutional Convention (www.constitution.ie), whose first formal session was held on the weekend of January 26-27 2013. Internationally there have been plenty of examples over the years of the involvement of citizens in debates over constitutional reform, whether by giving them a voice in referendums or public initiatives or by allowing them to run for election as members of a convention (a recent example being Iceland's Constitutional Council of 2011). Ireland's Constitutional Convention also included citizens as members, but it is the nature of how these citizens were selected to participate and how the process was run that is of particular interest. There are a small but growing number of cases in which governments have opted to follow 'deliberative principles', selecting citizens at random rather than by election and managing the discussions along deliberative lines.

Irish policy makers were influenced by the citizens' assemblies on electoral reform in the Canadian provinces of British Columbia (2004) and Ontario (2007) and the Dutch

¹ An earlier version of this chapter was presented to the conference on 'Constitutional Change and People', at the University of Luxembourg, 12 2014. We are grateful to the participants for their comments and feedback and to Akisato Suzuki for his research assistance. We were members of the academic and legal team that supported the work of the Convention.

citizen's forum (*BürgerForum*) of 2006 (Fournier et al. 2011). In all these cases the citizen members were selected at random rather than running for election and deliberation was the modus operandi. Together with the Irish Constitutional Convention these cases represent a new type of constitutional convention that is not covered by existing typologies (on these, see Wheatley and Mendez 2013): this new type is a constitutional convention as a 'mini-public' (Farrell 2014).

The origins of the Irish Constitutional Convention

Irish citizens are pretty accustomed to debates over changes to the country's constitution. The 'fixed' nature of the constitution means that it requires a referendum to change, something that has been attempted 39 times since its promulgation in 1937 placing Ireland third in Europe for the number of post-war referendums held.² The referendum barrier means that constitutional reform is not something entered into lightly; but inevitably reform is unavoidable.³ Various governments – particularly over the past twenty years or so – have established processes to review the Constitution with a view to large-scale constitutional reform, including: the 1967 review comprising parliamentarians; the 1982 review carried out by legal experts; and the 1995 Whitaker review by (mainly academic) experts from law, political science and social policy, which produced a telephone book-sized analysis of the constitution and recommended extensive revisions to it. However, despite the eminence of the membership no amendments emerged. It became a useful academic resource, but it failed politically. Later reviews were carried out by parliamentarians but again these have failed to have a significant impact. Where a referendum has taken place on an issue that an Oireachtas (Parliament) Committee on the Constitution has made a recommendation it is notable that the government ignored the wording recommended by the committee.

² See <http://www.c2d.ch/index.php>

³ Many of the referendums to date have been the outcome of international obligations requiring constitutional amendment (principally due to EU Treaty reforms and the Northern Ireland peace process); others have resulted from social and political modernization requiring updates to a Constitution that had been written in a different age (e.g. removing a ban on divorce, lowering the voting age to 18; although in some prominent cases – notably the various abortion referendums – the referendums have sought to 'defend against' the march of social reform).

The context of the 2012-14 Convention was very different to anything Ireland had witnessed before. This Convention emerged out of a compromise between two parties, Fine Gael (centre right party) and Labour that came to power in the 2011 ‘electoral earthquake’, an election that occurred in the midst of the worst economic crisis in the State’s history and which was to see the electoral wipeout of Ireland’s till then long dominant Fianna Fáil party (Gallagher and Marsh 2011). Fine Gael and Labour had included in their election manifestos proposals for establishing citizen-oriented fora to discuss possible constitutional reforms in a number of areas. In Fine Gael’s case the proposal was for a British Columbia style citizens’ assembly to consider electoral reform. Labour’s plan was for the establishment of a constitutional convention (made up of equal proportions of politicians, experts and ordinary citizens) to consider a root and branch review of the Irish Constitution.

The outcome of the 2011 general election was the formation of a Fine Gael/Labour coalition, whose ‘Programme for Government’ sought to marry the sometimes quite disparate manifesto promises of both parties. As regards the parties’ respective proposals relating to citizens’ assemblies and constitutional conventions, the coalition’s compromise resulted in the promise to establish a constitutional convention to examine eight specific issues:

- Reduction of the Presidential term of office to five years;
- Reduction of the voting age to 17;
- Review of the Dáil (lower house of parliament) electoral system;
- Irish citizens’ right to vote at Irish Embassies in Presidential elections;
- Provisions for marriage equality;
- Amendment to the existing clause in the Irish Constitution on the role of women in the home and encouraging greater participation of women in public life;
- Increasing the participation of women in politics; and
- Removal of the offence of Blasphemy from the Constitution.

The Parliamentary resolution that established the Convention also permitted it to propose other relevant constitutional amendments after the original eight

reports were completed, thereby giving the Convention some limited agenda setting powers.

This somewhat eclectic mix of items, from the relatively mundane issue of the length of office of the Irish President (whose role is largely ceremonial) to the potentially explosive issue of marriage equality, merely reflected the decision of the inter-party negotiators to ‘park’ certain matters that were in their respective election manifestos that were unlikely to be resolved easily during their febrile and intense negotiations. They were up against the (largely media-driven) clock to conclude the negotiations and establish a government, so what better way to deal with these matters than wrap them all together and give them to the Constitutional Convention to consider.

It was to take a further 18 months before the Constitutional Convention was finally established – at the end of 2012 – with its work programme starting in early 2013. It was given a small budget (less than €1 million) when compared with the British Columbian budget of CAN\$5.5million and the Dutch Burgerforum’s €5.1 million and a deadline of one year to conclude its work (a deadline that was later extended by several months).

Chaired by Tom Arnold (the former chief executive of the leading Irish international charity, Concern), the other 99 members of the Convention consisted of 66 citizens and 33 elected legislators (29 of these from the Irish Parliament and four from the Northern Ireland Assembly). Whereas the parties could determine by themselves how to select their members (with the parties’ allocations proportionate to their representation in parliament), the citizen members were selected at random by a survey company, which had a brief of ensuring that the membership was a fair reflection of the population in terms of gender, age, region, education and socio-economic status – a tall order with just 66 individuals but one that was achieved (Suiter et al. 2016). To allow for the possibility of members not being available for all meetings, a list of substitute members was drawn up at the same time.

The Work of the Convention

The Irish constitutional convention completed its work in February 2014 and it was formally wound down a month later. In this section we say something about how it operated and what it did.

Meetings took place roughly once a month and lasted for most of a weekend (all day Saturday and all Sunday morning), with members voting at the end of the weekend on what recommendations to make. As mentioned above, the mode of operation was ‘deliberation’. What this meant was that the 99 members (the chair being the 100th) were arranged in circular tables of eight (comprising a mix of politician and citizen members). At each table there was a trained facilitator and a note-taker. The role of the facilitator was to ensure that discussions kept to the point and were respectful, and that every member had an equal opportunity to speak. The table allocations were rotated after each weekend so that members were mixed around.

The itinerary generally operated as follows (depending on the topic there was some variations from this):

- Short (15 minute each) presentations by experts in the area (these varied for each topic) followed by questions and answers from the floor. Briefing documents were provided by the experts several days in advance so that the members had an opportunity to inform themselves as much as possible. These ‘plenary sessions’ were televised and live-streamed (and are available on the website at www.constitution.ie).
- Small group deliberation in closed session (i.e. no cameras).
- A plenary (open) session to hear feedback from the deliberation.
- Presentations by a selection of advocacy groups.
- More deliberation, feedback and plenary discussions (possibly with more expert involvement at this point)
- Agreement on the ‘ballot paper’ (to determine the Convention’s recommendations on the topic).
- The vote on the recommendations (decisions were made by majority vote).

The Convention members proved quite inventive in stretching their remit beyond the narrow confines set by the government, starting at its January 2013 weekend

gathering – its first full meeting. There the Convention considered two themes, namely: whether to reduce the voting age to 17, and whether to reduce the President's term of office from seven years to five. Having read the briefing materials, heard from experts and advocacy groups, and deliberated over the relevant arguments, the Convention members took decisions that undoubtedly went beyond their brief. Specifically, the Convention voted in favour of:

- Reducing the voting age to 16 (the age proposed by many of the advocacy groups promoting a reduced voting age), not 17 (the age they were asked to consider);
- Reducing the age of candidacy for presidential candidates; and
- Giving citizens a direct role in the process of nominating Presidential candidates (The Convention voted against the proposal to reduce the Presidential term).

This willingness to extend the agenda beyond the specific question set by government continued in all the remaining meetings. By the end of its operation this was to result in no less than 40 specific recommendations 18 of which would require constitutional change (see appendix).

How successful was the Irish Constitutional Convention?

The launch of the Irish Constitutional Convention attracted little by way of positive reaction. It was met rather with a mix of indifference from the mass public, cynicism from the ranks of those members of the media commentariat who bothered to pay any attention to it, and howls of derision via social media. The criticisms of the Convention fell into three groups: its composition, its agenda, and its limited advisory role. How justified are these criticisms?

Composition

Let us start with the issue of how the Convention membership was comprised. The main point of contention here was over the mixing of ordinary citizens with elected politicians, the argument being that the latter would be likely to dominate the discussions and intimidate the citizen members. This was very different from the Canadian and Dutch citizens' assemblies that had followed the principle that

politicians should be excluded from the process. In these cases there were no politician members (indeed, politicians were screened out in the randomized process of recruiting members); politicians were not even invited to address the assembly.

The intention behind this was to ensure that the process was independent of party politics and that there would be no dilution of its deliberative element. But questions were raised over the degree of realism in some of the output of the assemblies. As Ratner observes of the British Columbia citizens' assembly (CA): 'the exclusion of political voices from CA deliberations becomes grounds for criticism of their judgment' (2008: 163). It also provided the political parties with a good excuse not to involve themselves with the referendum campaigns that followed in the cases of the British Columbia and Ontario citizens' assemblies. None of the major parties campaigned in the referendums; they remained 'completely silent' throughout (Fournier et al. 2011: 109), as a consequence of which the referendum campaigns had great difficulty in drumming up voter interest. In effect, the parties were able to kill off awkward electoral reform proposals by simply ignoring them. Patrick Fournier and his colleagues draw the following conclusion from this experience:

With respect to the political parties, our findings are absolutely unequivocal. The parties were strikingly absent from the whole process. This itself raises important questions about the consequences of such a situation. The risk, of course, is that assembly members may not have fully appreciated the problems and opportunities that parties face under different electoral systems (2011: 111).

Arguably the Irish government's decision to include politician members in the ICC reduced this risk of political detachment, but it was hardly designed with this purpose in mind. The portends were not good: the many critics did not like the inclusion of political members.⁴ In the parliamentary debate on the resolution establishing the ICC opposition politicians raised concerns over how the politician members may 'have an

⁴ At a public seminar in the Royal Irish Academy in Dublin that was held on the eve of the establishment of the ICC, Ken Carty, the research director of the British Columbia citizens' assembly speculated on whether including politicians might actually help to politically anchor the ICC. See video coverage here: https://www.youtube.com/watch?v=3E6Z_AW3CRk&feature=youtu.be.

undue bearing on the deliberations’.⁵ Another deputy, Stephen Donnelly made the following, quite telling, observation:

[A] mistake has been made in including politicians, although it might seem odd for a politician to say that. ... [B]est international practice does not include elected representatives in constitutional conventions. Two of the best recognised speakers in the world on this matter are Archon Fung from the Harvard Kennedy School, under whom I had the privilege to study, and Ken Carty from the University of British Columbia in Canada. In their work in this field, they acknowledge that the presence of partisan influence can lead to distorted deliberations and outcomes. Professor Fung says that in deliberative democracy ‘powerful participants may seek to improperly and unreasonably exclude issues that threaten their interests from the scope of deliberation’.

There was every reason why such a concern might be raised. At that point, there was no way of knowing how the ICC would operate; it was not inconceivable that the politician members – some of whom turned out to be very senior – might seek to establish rules of procedure more akin to the parliamentary styles of operation rather than deliberative procedures.⁶ The government resolution establishing the ICC was silent on the question of mode of operation, so anything was possible. There was also the fear that the politician members might seek to dominate the proceedings, being the first to the microphone, intimidating the citizen members.

Both sets of concern spoke to the danger of politicians controlling the process – a danger that ultimately did not come to pass. This was for a number of reasons, two of which stand out in particular. First, the secretariat was careful when designing how the ICC should be managed to follow best practice in operating along deliberative lines including: complimenting open plenary sessions (that were live streamed) with private roundtable discussions; arranging members in mixed (politicians and citizens) groups at tables of eight (and rotating the memberships of tables from one meeting to

⁵ Catherine Murphy, Dáil debate July 10, 2013.

⁶ This was precisely the situation that occurred in the case of the Australian 1998 constitutional convention – the only other such case (at least in modern times) of a convention whose membership comprised a mix of politicians and ordinary citizens. There the decision was taken to operate along normal parliamentary lines (for more, see Constitutional Convention 1998; Warhurst 1999; Williams 1998).

the next); and using trained facilitators to ensure that all members had an equal chance to contribute to discussions.

Second, there was an important decision on Rules and Procedures made by the ICC members at its inaugural meeting. A notable feature of these rules was an agreement to take decisions (on the ICC's recommendations) by secret ballot, in effect preventing any attempt by political parties to apply a party whip to their members. Based on these Rules and Procedures, the Chairman established a set of principles by which the ICC should operate, which he reminded members of on repeated occasions and which were included in his introduction to each of the ICC's reports. The key mantras were: openness and transparency; fairness; 'equality of voice' and collegiality.

[Figure 1 about here]

Survey evidence indicates that the ICC was successful in ensuring that all members had a fair hearing and that no one group dominated the proceedings. The members were surveyed before and after each meeting and the evidence throughout was that the bulk of members were satisfied with how things operated. Figure 1 provides some sample survey evidence showing consistently strong agreement across all weekends that discussions were of a high quality and that members felt that received a fair hearing.

A further advantage of having politicians among the ranks of the members is that it helped to dissipate the sense of 'disconnect' between the Convention and the political class that was so apparent in the cases of the Canadian and Dutch citizens' assemblies where the political class quite deliberately stayed clear of the work of the citizens making it difficult for these assemblies to gain much political purchase. In the Irish case, on the contrary, there was a coterie of members of the political class that, if anything, became cheerleaders of the process – as witnessed during the parliamentary debates of Convention reports.

Agenda

The second area of criticism was over the agenda of the Constitutional Convention, which was seen at the same time as too limited and overly crowded. The first point relates to the fact that the list of eight matters was too restrictive, not dealing with the fundamental issues of constitutional reform that many called for. More to the point, specific matters of constitutional reform that were also on the coalition government's political reform agenda (e.g., children's rights, or abolition of the upper house of Parliament) were not included on the list of items. The criticism of the crowded nature of the agenda relates specifically to the fact that the Convention was given just 12 months to conclude its work, with space and resources for just nine weekends of meetings. (In the end a further two months was added to the schedule.)

Soon after its launch an editorial in Ireland's best-selling daily newspaper, the *Irish Independent*, dismissed the ICC as 'unelected and powerless'.⁷ The more cerebral *Irish Times* was even more condemnatory, accusing the government of 'a political sleight of hand'. According to the editorial writer, the convention was 'all form and little substance'.⁸ One of the *Irish Times* regular opinion writers, Noel Whelan referred to it as 'one part Oireachtas [parliamentary] committee and two parts focus group'.⁹ A fellow opinion writer for the same newspaper, Fintan O'Toole, referred it (deliberatively) vaguely as 'the phantom Citizens' Union – the citizens' assembly or people's convention'. For O'Toole this was 'not a comprehensive redesign of the Republic but a public chat about subjects selected in advance by the Government'.¹⁰

The media were not alone in reacting negatively to the ICC. In the July 10 2012 parliamentary debate on the government's announcement of its establishment, opposition deputies were highly critical. The leader of Sinn Féin, Gerry Adams was unequivocal in seeing it as 'minimalist, disjointed and piecemeal'.¹¹ The party's deputy leader, Mary Lou McDonald, was equally forthright:

This convention could and should be a significant platform for constitutional reform. There should be a myriad of issues to be debated, including long

⁷ 'Fine words don't do Collins justice', *Irish Independent* (editorial), August 20 2012.

⁸ Both quotes from 'The way politics is done', *Irish Times* (editorial), July 12, 2012.

⁹ Noel Whelan, 'Constitutional convention will have its remit severely pruned', *Irish Times*, February 25, 2012.

¹⁰ Both quotes from Fintan O'Toole, 'Tammany Hall lives on in feeble reforms', *Irish Times*, June 28, 2012.

¹¹ This and the next quote are from Dáil debates, July 10 2012.

awaited and fundamental political reform. Instead the convention is in real danger of becoming, as one commentator put it over the weekend, ‘a purgatory into which a selection of constitutional issues will be parked before being further delayed or diverted when they return to the parliamentary process.

There is no disputing the point that the original agenda was far from comprehensive and certainly eclectic. But, as we have seen above, the members were very adept in finding ways to extend the remit of the Convention, resulting in no less than 40 separate recommendations for reform (see appendix), included in the mix some quite significant proposals. Furthermore, in the parliamentary resolution that established the Convention it was explicitly stated that its work need not be limited to the eight themes it was set to consider. The resolution stated that following completion of its deliberations on the eight themes it could then consider other possible areas for amendment. To that end, the Convention held nine regional meetings across the country (attended by almost 1000 people) and encouraged submissions for ‘any other amendments’ from civil society and the public more generally and in late 2013 arranged a series of meetings around the country to allow members of the public to make a pitch for issues to be considered by the Convention. In the end, there were 800 public submissions covering a range of 30 possible topics. Having sought government approval for time for an additional meeting, the Convention was then in a position to allocate its final two weekends to discuss ‘any other amendments’. The 800 submissions were grouped into topic areas, which the members then voted on, resulting in a decision that the final two topics were: Dáil reform (i.e. reform of the lower house of parliament) and whether to enshrine economic, social and cultural rights in the Constitution.

Limited role

The Convention members may have been inventive in stretching their list of agenda items, but ultimately the question that mattered was how the political elite would react, which takes us to the third area of criticism over the fact that the Convention could only make recommendations, that is that its role was advisory rather than declaratory. The recommendations of the Convention were sent back to government to consider rather than going directly to the people as referendum proposals – very different from what happened in British Columbia and Ontario where the proposals

were put directly to the citizens in referendums, creating a more legitimate democratic process by blending deliberative and direct forms of democracy and overcoming, as Saward argues, the deficiencies of each (2001). This leaves the final power with government to determine whether or not its recommendations will ever see the light of day in the form of referendum questions.

But it seemed that it was not that easy for the government to sweep the recommendations under the rug. The government had given a specific undertaking to respond and in timely fashion by way of a formal ministerial statement to the Parliament within four months of receipt of a report by the Convention. Based on the government's response to the first three reports – which were all debated on schedule – there was some reason for optimism that the government was taking this process seriously. These were the reports of the first three weekends of meetings that discussed: the voting age, the length of the presidential term of office (both of these items dealt with in Report No. 1), the role of women in the home and women in politics (both of these dealt with in Report No. 2), and marriage equality (Report No. 3). The reaction to these reports was as follows:

- The government agreed to hold three referendums (that it said would be scheduled for early 2015) on: reducing the voting age to 16, reducing the age of presidential candidates, and – of greatest significance – marriage equality.
- The other recommendations contained in these reports were referred either to the relevant Parliamentary committee or to a relevant government department task force for further consideration.

But this early flutter of government interest was to dissipate over time: the delays in government response grew ever longer; some reports are still awaiting a response and (at the time of writing) as the date of the next election draws near there is now a real prospect that no response will be forthcoming to these. There was also a subsequent government reversal on its commitment to holding a referendum on the voting age: this has since been deferred indefinitely.

The appendix table to this chapter provides details on the current state of play relating to the government's responses to the ICC's 40 recommendations. In summary, to date, of the 40 recommendations of the Convention:

- Five have been accepted (two of these, resulting in referendums in May 2015);
- Eight have been 'parked' by being sent for further consideration (which means that many will probably never see the light of day);
- Four have been ignored (in the sense that the ministerial response to the relevant ICC report simply said nothing about these items);
- Two have been given an ambiguous response, to put it at its most charitable (these relate to the proposals for referendums on voting age and blasphemy, which the government appears to have accepted but have not set a date for the referendum);
- Five have been rejected; and
- 16 have yet to be responded to (mostly relating to the final two reports of the Convention that have been awaiting – for a very long time, indeed – any kind of government reaction).

This summary presents a pretty mixed picture: the most charitable way of looking at this is that the government has given a relatively positive reaction to about a third of the ICC's recommendations (that is if we add together those that have been accepted, parked or given an ambiguous response); but perhaps a more realistic assessment is that only five of the 40 recommendations have actually been accepted with action following (representing 12.5% of the total)

Conclusion

As a process, the Irish Constitutional Convention was a great success (Suiter et al. 2016), but in terms of its outcomes it is still too soon to provide definitive judgement. The government's responses to date have undoubtedly been mixed, but it did at least proceed in holding the two promised referendums – on marriage equality and the age of presidential candidates – both on the same day (May 22 2015). As might be expected the former item completely overshadowed the latter both in terms of media coverage and campaign interest by political parties and wider civil society. As a consequence and without any surprise the presidential age referendum was heavily

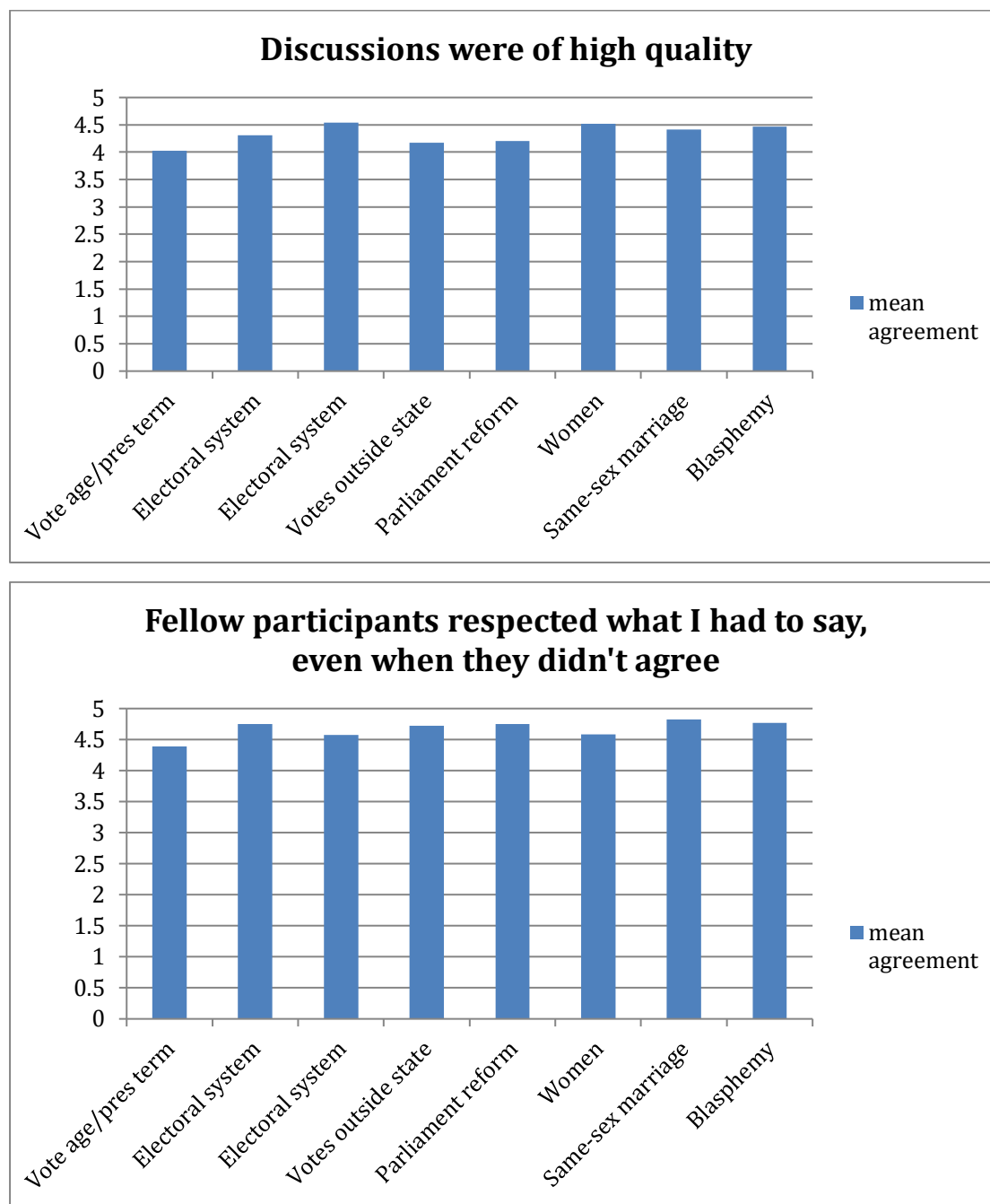
defeated. But the marriage equality referendum passed successfully and by an equally resounding margin – thus marking the first case in the world of a successful policy outcome resulting from a process of deliberation (Elkink et al. 2015). In this sense at least we can judge the Irish Constitutional Convention to have been successful in terms of outcomes.

Across the world's established democracies, the trend in recent years has been towards engaging with citizens, of increasing the scope for ordinary citizens to have a say. Initiatives like the British Columbia, Ontario and Dutch citizens' assemblies and the Irish Constitutional Convention can be seen as illustrative of this 'democratic transformation' (Cain et al. 2003; Farrell 2014). Processes such as this form a potential part of the 'ecology' of democratic institutions, as a complement to our representative institutions (Warren 2013). They are, of course, not without their weaknesses, but what cannot be denied is that at their heart they represent a serious intention by the political elite to re-engage with society, and they are a step towards a form of democracy that seeks to place the citizen centre stage.

Bibliography

- Cain, Bruce, Russell Dalton and Susan Scarrow. 2003. (eds.), *Democracy Transformed? Expanding Political Opportunities in Advanced Industrial Democracies*. Oxford: Oxford University Press.
- Constitutional Convention. 1998. *Constitutional Convention 2-13 February 1998, Transcripts of Proceedings*. Parliament of Australia
(http://www.aph.gov.au/Parliamentary_Business/Hansard/HANCON)
- Elkink, Johan, David Farrell, Theresa Reidy, Jane Suiter. 2015. The 2015 marriage referendum: Conservative Ireland is dead and gone. (Draft paper).
- Farrell, David. 2014. 'Stripped down' or reconfigured democracy, *West European Politics*. 37: 439-55.
- Fournier, Patrick, Henk van der Kolk, R. K. Carty, Andre Blais and Jonathan Rose. 2011. *When citizens decide: lessons from citizen assemblies on electoral reform*. Oxford: Oxford University Press.

- Gallagher, Michael and Michael Marsh. 2011. *How Ireland Voted 2011: The Full Story of Ireland's Earthquake Election*. Houndmills, Basingstoke: Palgrave Macmillan.
- Ratner, R. S. 2008. Communicative rationality in the Citizens' Assembly and referendum process, in Mark Warren and Hilary Pearse (eds.), *Designing deliberative democracy: The British Columbia Citizens' Assembly*. Cambridge: Cambridge University Press.
- Saward, M. 2001. Making Democratic Connection: Political Equality, Deliberation and Direct Democracy, *Acta Politica*. 36: 361-79.
- Suiter, Jane, David Farrell, Clodagh Harris, Eoin O'Malley. 2016. The Irish constitutional convention: a case of 'high legitimacy'? in Min Reuchamps and Jane Suiter (eds.) *Constitutional deliberative democracy in Europe*. Colchester: ECPR Press.
- Warhurst, John. 1999. From Constitutional Convention to Republic Referendum: A Guide to the Processes, the Issues and the Participants, Australian Parliamentary Library Paper, No. 25. Canberra.
<http://www.aph.gov.au/binaries/library/pubs/rp/1998-99/99rp25.pdf>
- Warren, Mark. 2003. "A Second Transformation of Democracy?", in Bruce Cain, Russell Dalton and Susan Scarrow (eds.), *Democracy Transformed? Expanding Political Opportunities in Advanced Industrial Democracies*. Oxford: Oxford University Press, 223-49.
- Wheatley, Jonathan and Fernando Mendez (eds.). 2013. *Patterns of Constitutional Design: The Role of Citizens and Elites in Constitution-Making*. London: Ashgate.
- Williams, George. 1998. The 1998 Constitutional Convention: First Impressions, Parliament of Australia, Current Issues Brief
(http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/CIB/CIB9798/98cib11)

Figure 1: Attitudes of members to participation in the Convention

Source: Weekend surveys of Convention members (response rate generally about 60%)

Appendix: Outcome of the Irish Constitutional Convention (as of May 2015)

Topics	Convention's recommendations	Outcome
1. Reduction of the Presidential term of office to five years and the alignment with local and European elections	1. No change to length of the Presidential term of office	Government accepted
	2. *Reduce the age of candidacy for Presidential candidates	Government accepted. Referendum held on May 22 2015 (rejected)
	3. *Give citizens a say in the nomination process for presidential candidates	Government rejected
2. Reduction of the voting age to 17	4. *Voting age should be reduced to 16	Government accepted; then rescinded. Position ambiguous
3. Clause on role of women in home & encouraging greater participation of women in public life	5. *Article 41.2 (on the role of women) should be made gender-neutral to include other carers both 'in the home' and 'beyond the home'	Government established task force. Still awaiting its report.
	6. Re a.41.2.2 (the state's support for carers) the state should provide 'a reasonable level of support'	Government established task force. Still awaiting its report.
4. Increasing the participation of women in politics	7. *The Constitution should be amended to include an explicit provision on gender equality	Government established task force. Still awaiting its report.
	8. There should be more government action to encourage greater participation of women in politics	Government established task force. Still awaiting its report.
	9. *The Constitution should be amended to include 'gender-inclusive' language	Government established task force. Still awaiting its report.
5. Provisions for same-sex marriage	10. *The Constitution should be amended to allow for same-sex marriage	Government accepted. Referendum held on May 22 2015 (passed)
	11. The state should enact laws incorporating necessary changed arrangements in regard to the parentage, guardianship and upbringing of children	Government accepted; legislation on adoption passed
6. Review of the Dáil electoral system	12. The electoral system should be amended to ensure that the smallest constituency size is a 5-seater	Government rejected this
	13. The electoral system should be amended to remove the alphabetical order of candidates on the ballot paper	Electoral Commission should look into this
	14. The state should establish an Electoral Commission	Government accepted; public consultation in progress
	15. Polling hours/days in should be extended	Electoral Commission should look into this
	16. There should be greater access to postal voting	Government ignored this
	17. Accuracy of the electoral register should be improved	Government 'agreed', but committed to nothing new

	18. Introduce measures to increase electoral turnout	Government 'agreed', but committed to nothing new
	19. Education programmes should be introduced in schools	Government 'agreed', but committed to nothing new
	20. *There should be non-parliamentary ministers in government	Government rejected this proposal
	21. *Members of the Dáil should be required to resign their seats on being appointed to ministerial office	Government rejected this proposal
	22. *Citizen-initiatives should be introduced (for influencing parliamentary agenda and for calling of referendums)	Government rejected this proposal
7. Irish citizens' right to vote at Irish Embassies in Presidential elections	23. *Rights for citizens abroad and citizens in Northern Ireland to vote in presidential elections	Government response expected imminently
8. Removal of the offence of Blasphemy from the Constitution	24. *The offence of blasphemy should be replaced by a new general provision to include incitement to religious hatred	Government accepted; referendum promised but no date set
	25. Sec.36 of the defamation act should be replaced by detailed legislative provisions to include religious hatred	Government to give this 'more consideration'
9. Dáil reform	26. *Constitutional reform to enhance the status of the office of Ceann Comhairle	No response so far
	27. *Constitutional reform to elect the CC by secret ballot	No response so far
	28. *Include references to Dáil committees in the Constitution	No response so far
	29. *Amend art. 17.2 (re. government prior approval for expenditure proposals)	No response so far
	30. The existing Dáil Reform Committee (DRC) should include external members and former TDs	No response so far
	31. The DRC should bring forward proposals for genuine Dáil reform	No response so far
	32. Introduction of family friendly hours	No response so far
	33. CC to chair a forum to set the Dáil agenda	No response so far
	34. Proportional allocation of committee chairs and secret ballot for their election	No response so far
	35. More technical and professional resources to the committees	No response so far
	36. The Working Group of Committee Chairs should be given the power to call the Taoiseach	No response so far
	37. Introduce committee weeks	No response so far
10. Economic, social and cultural rights	38. More 'free votes' on Dáil and committee business	No response so far
	39. *Constitutional amendment to strengthen the protection of ESC rights; that this be realized progressively, subject to maximum available resources and that this be justiciable	No response so far
	40. *In amending the Constitution, specific additional rights should be enumerated (housing, social security, etc.)	No response so far

* Indicates those recommendations that should require a referendum to implement (18 by our estimation)