

The Great Deception

The Government apparently hopes that Ireland will sleepwalk into the destruction of our democracy and the wrecking of our Constitution in a referendum at the end of the political silly season.

If the Thirty Second Amendment of the Constitution Bill is approved by the Irish people, there will be very serious and irreversible consequences.

Absolute control over the State will be handed to the Government which controls the Dail through the uniquely Irish, vicious party whip system. The Dail will be left as unchallengeable rubber stamp of Ministers. Our democracy will lie in tatters.

Do you think I am exaggerating? Please read on.

The Day After Abolition

The Government's Abolition Bill will give to a Government-controlled, tightly whipped Dail, alone and without any need whatever to consult the Irish people, the following powers:

- The absolute right to remove judges and the President by a qualified majority vote
- The absolute right to guillotine debate on legislation and to enact controversial laws without debate
- The absolute right to agree to end our EU veto on tax harmonisation
- The absolute right to surrender Ireland's right to insist on unanimity as opposed to QMV in EU matters
- The absolute right to approve irreversible EU criminal measures for Ireland in the area of justice and home affairs.

These powers will be there to be used. And when they are, it will be too late The Courts will have no function to intervene in such matters.

The Abolition Bill will also end forever:

- The right of the President to refer controversial legislation to the People under Art 27.
- The right of a second chamber to challenge and revise Bills rubberstamped by a tightly whipped Dail majority
- Any possibility of appointing non-TDs such as James Dooge to be Ministers
- The tradition of having Northern members of the Oireachtas such as Gordon Wilson, Seamus Mallon and Maurice Hayes
- The possibility of a gender balanced second chamber
- The possibility of giving some voice in our parliament to our citizens resident abroad or in the North
- Any hope that EU legislative scrutiny will be carried out by a specialist chamber

All of this is a dark and dismal outcome. Why should we embrace it? It is described as “reform”. It is no such thing. It is a cynical, dangerous power grab. As I will argue here.

The Bogus Cost Argument

Abolition, we are told, is justified on grounds of cost. If cost is the problem, then cut Senators’ pay. There are many, many good and patriotic Irish people who would serve their State and Constitution as senators regardless of the level of their remuneration – if we simply did what the Constitution already permits and gave ordinary citizens the right to choose such members of the Seanad.

Bearing in mind that the Government’s “special advisors” receive €3.4 million annually in pay, the €4.1m paid in annual salaries to Senators can’t really justify the mutilation of our constitution.

Bogus Promises of Dail Reform

The abolitionists promise us totally bogus Dail reforms if, but only if, the Seanad is abolished. Why? The “reforms” they promise could be done today by simply changing the Dail’s standing orders to provide for pre-scrutiny of intended legislation, committee chairmanships and revised procedures. (I myself arranged for pre-scrutiny to be done with legislation I introduced as Minister for Justice. I didn’t need a referendum).

The Dail can simply “decide” to sit on Fridays and/or Mondays. The Dail can always decide on how many stages a Bill must go through. None of this “reform” needs anything more than will-power. Why postpone it?

Sharing out Committee chairmanships on the d’Hondt system (but *only* after the next election, mind you!) will change nothing. The whips will still tell the Government majority on each committee how to vote on every issue, including the committee’s agenda.

If such reforms were really intended, why did they not happen two years ago? There is nothing holding it up, and it has nothing to do with the Seanad.

And if pre-scrutiny is a good idea, why did it not happen to this abolition Bill?

Why should we just now extinguish the existing power to appoint expert outsiders who are not TDs as Ministers? That would run contrary to the European norm. Is that “reform”?

Present Dail scrutiny of EU legislation and Dail participation in the post-Lisbon EU legislative process is a sick, sad joke. TDs have no intention of doing that work. It won’t happen in the future for exactly the same reason that it’s not happening now -it won’t help TDs be re-elected.

Uniquely Thin Veneer Of Irish Democracy

If you think that Dail Eireann can somehow be made into a place for brave voices and minorities to be heard, read on. It’s not a pretty picture.

A backbench party TD is automatically expelled from his or her parliamentary party if they fail to obey their whip. No “ifs”, no “buts” and no “*conscience clauses*” (the PDs alone had and operated a conscience clause in their party rules). Party leaders in Ireland can de-select a sitting TD as a candidate at the next election on the ground of breaching their pledge to follow the whip.

The result? The end of your career as a democratic politician.

This is democracy uniquely Irish-style. This doesn’t happen to rebels at Westminster where MPs regularly defy the whip.

The Dail whips, not the Ceann Comhairle, even decide which TDs can speak and which can’t -in every debate. A party TD must have the whip’s permission to table a Bill or a motion. Membership of committees is decided by the party whips. Threats of de-selection from committees are used by them to control dissent.

The Dail does exactly what the Government decides. There is no check or balance. Without the Seanad, the Irish parliament will become forever a rubberstamp, rump parliament.

Not one of the single chamber democracies in Europe has the Irish stunted version of parliamentary democracy.

In Finland, one of the examples cited this week by our Government, the independence of individual parliamentarians is constitutionally guaranteed. In Ireland, by contrast, parliamentary independence simply can’t exist if the future Oireachtas consists only of our dysfunctional, rubberstamp Dail.

In terms of its independence, its authority and its capacity to hold the Government accountable, a single chamber Irish parliament consisting only of the Dail will truly become “Europe’s political eunuch”.

Constitutional Vandalism

The 1937 Constitution has served us well. The abolition amendment will wreck its system of checks and balances and its architecture. It will leave many holes in the text where article after article has been deleted. The text will be a wreck. And all this vandalism will be held up as reform.?

Everything that is wrong with our democracy – unaccountable, centralised Government control – would be reinforced and entrenched by abolition.

Everything that a reformed Seanad (as proposed in the Quinn-Zappone Bill) could offer to revitalise and open up our democracy will be thrashed if the Government gets away with this constitutional smash and grab.

Cack-handed Politics

In a moment of supreme crassness and poverty of reasoning , the Taoiseach even blames the Seanad for failing to stop the recent boom and bust economic disaster. When Enda Kenny was personally outbidding the Government in 2007 in terms of tax cuts and spending electoral promises, and when he

later personally backed the Bank Guarantee and all the other emergency financial measures in the Dail, he can hardly blame the Seanad and its members (including the then vocal critic Senator Shane Ross) for the outcome. He knows full well that the Constitution accords budgetary primacy to the Dail – and it is in that chamber alone that the blame lies for economic errors and for our failure to exact accountability for those errors.

It is easy to assert that Ireland has “too many” politicians. Some people will swallow that line.

The Government promised us to cut the number of TDs by twenty. They copped out. To deliver on that promise would entail a referendum to alter the constitutional minimum ratio between TDs and population. Instead of such a referendum, they decided to “go for” the Seanad, an easier target that doesn’t affect TDs. That means, by the way, that the projected rise in our population will soon require them to reverse the cuts in TD numbers. Neat!

The underlying belief is that the Government can surf the wave of political disillusionment and cynicism by offering to sacrifice the Seanad to the people. Opponents of abolition have a very strong case and can easily turn that wave of disillusionment back on the discredited political establishment. Offering to lop off one leg of *our* democracy is no sacrifice at all.

When 19th century slave ships were hunted down off the coast of Africa, their cynical captains often threw a small part of their slave “cargo” overboard. Their pursuers were faced with a choice – rescue the drowning slaves or capture the slave ships and their captains.

The Government is doing exactly the same to us as the captains of those slave ships. Instead of any real, non-cosmetic democratic reform, they are throwing the Seanad overboard in the hope that they will get away with keeping unfettered, absolute control over a useless, rump one-chamber parliament.

I am confident that the people will see through this threadbare false choice, will reject the abolition proposal, and will demand what we are all entitled to – namely the establishment of a reformed, fully functioning, effective open democracy as envisaged by the Constitution that has served us better than Government has.