

Article 45

Commentary

Directive Principles of Social Policy (Article 45)The principles of social policy set forth in this article are intended for the general guidance of the Oireachtas.

The application of those principles in the making of laws shall be the care of the Oireachtas exclusively, and shall not be cognisable by any court under any of the provisions of this constitution.

1. The state shall strive to promote the welfare of the whole people by securing and protecting as effectively as it may a social order in which justice and charity shall inform all the institutions of the national life.

2 The state shall, in particular, direct its policy towards securing:—i that the citizens (all of whom, men and women equally, have the right to an adequate means of livelihood) may through their occupations find the means of making reasonable provision for their domestic needs.

ii that the ownership and control of the material resources of the community may be so distributed amongst private individuals and the various classes as best to subserve the common good.

iii that, especially, the operation of free competition shall not be allowed so to develop as to result in the concentration of the ownership or control of essential commodities in a few individuals to the common detriment.

iv that in what pertains to the control of credit the constant and predominant aim shall be the welfare of the people as a whole.

2° the state shall endeavour to secure that private enterprise shall be so conducted as to ensure reasonable efficiency in the production and distribution of goods and as to protect the public against unjust exploitation.

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1° the state pledges itself to safeguard with especial care the economic interests of the weaker sections of the community, and, where necessary, to contribute to the support of the infirm, the widow, the orphan, and the aged.*

2° the state shall endeavour to ensure that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter avocations unsuited to their sex, age or strength.

The Oireachtas is the legislature, comprising the President and both upper and lower chambers of parliament.

It is this phrase that must be removed. This allows the legislature and executive, to legislate and govern as it chooses, free from judicial oversight, or claim by any citizen in our courts on any matter falling under the rest of this Article. This has allowed Government to act without regard to clear social principles stated below.

This is an admirable provision. Simple, clear, and generous, it is exactly what a people that had suffered so much, and for so long under a foreign power, would choose.

This clearly prohibits gender-based wage inequality.

The Irish Nation is facing fines for failures to meet Climate Change targets.

This should apply the banking system, especially in the recent economic crisis in which the state bailed out private interests at the cost of burdening the nation with vast debt. It could apply to the media, largely under the control of one individual in Denis O'Brien.

This is the only provision in the article to speak on private industry, making clear it should be assisted as need, but not be allowed to develop unchecked.

It is difficult to overstate the clarity and utility of this one phrase. It requires the Government to regulate the economy for the benefit of all, and specifically prohibits exploitation.

There is no leeway in this sentence, nor should there be. A central Government role is to look after the poor and needy.

This fundamental protection of vulnerable people, have been, on many occasions, and still are, ignored by the Government.