

PROFESSOR BRIAN FARRELL

2. *From First Dáil through Irish Free State*

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IN 1938 Ireland was still getting used to its brand-new constitution. De Valera's Bunreacht was not the first effort to provide a fundamental law for the Irish state. It replaced the Constitution of the Irish Free State, and that, in turn, replaced the often-forgotten Constitution of Dáil Éireann drafted in 1919. It is difficult to understand the present Constitution, and impossible to assess the balance of continuity and innovation in its provisions, without some examination of these earlier constitutions. On the one hand, they illustrate the strength of an enduring constitutional tradition within which de Valera framed his Bunreacht; on the other, they provide a comparison against which to measure his contribution to Irish constitution-making.

Ireland in the early twentieth century was already well set along the road of constitutional development.¹ Within the United Kingdom, of which it was still part, a recognisable—if uniquely traditionalist—modern democratic state was emerging; the old claims of divine right of kings and the pretensions of the Lords were well and truly becoming subordinated to the will of elected representatives of the people. Elections and parties were elbowing aside older sources of