



**Trinity College Dublin**  
Coláiste na Tríonóide, Baile Átha Cliath  
The University of Dublin

THE FACULTY OF ARTS,  
HUMANITIES AND SOCIAL SCIENCES  
INAUGURAL LECTURE

**AGAINST CONSTITUTIONALISM?  
CONSTITUTIONAL INTERPRETATION  
ON THE SUPREME COURT**

Professor  
**Oran Doyle**

Professor of Constitutional Law,  
Head of the School of Law

**2026**

MARCH 11TH



# Welcome

*It is the tradition in Trinity College Dublin that newly appointed Professors are invited to give an inaugural lecture.*

*The lecture provides an opportunity to showcase their achievements in research, innovation, engagement and teaching activities before members of the University community, invited stakeholders and the general public. An inaugural lecture is a significant event in an academic staff member's career.*

*The Faculty of Arts, Humanities and Social Sciences is proud to present the inaugural lecture of Professor Oran Doyle.*



## About Oran Doyle

Oran Doyle is Head of School and Professor of Constitutional Law at Trinity College Dublin. He is an expert in comparative constitutional law, with a particular focus on the issues of constitutional amendment, territory, and Irish unification. He is the author of 'The Irish Constitution: A Contextual Analysis' (Hart, 2018) and (with Tom Hickey) 'Constitutional Law: Text, Cases and Materials' (Clarus, 2019). He co-edited with Aileen McHarg and Jo Murkens 'The Brexit Challenge for Ireland and the United Kingdom: Constitutions under Pressure' (2021). He has recently published in Global Constitutionalism, the International Journal of Constitutional Law, the European Constitutional Law Review, Comparative Constitutional Studies, and the German Law Journal. He is currently writing a monograph

on constitutional amendment, co-editing (with Mariana Velasco Rivera) the Edward Elgar Research Handbook on Comparative Constitutional Change, and co-editing (with Richard Albert) a collection on Constitutional Conventions in the Civil Law Tradition (OUP). Prof Doyle was the PI for NSLMap (2022), a New Foundations research project funded by the Irish Research Council and the Shared Island Initiative that maps the convergence and divergence of laws on either side of the Irish border. Prof Doyle is a regular contributor to public debates on issues of constitutional law in Ireland and his work has been frequently cited in Supreme Court judgments. He was a constitutional law advisor to the Citizens' Assembly considering the pro-life provision in the Irish Constitution, the founder and director of the COVID-19 Law and Human Rights Observatory, and a member of the Working Group on Unification Referendums on the Island of Ireland.



Professor

## Oran Doyle

Professor of Constitutional Law,  
Head of the School of Law,  
LLB, PhD (Dubl), LLM (Harv), FTCD.



## Abstract

### Against Constitutionalism? Constitutional Interpretation on the Supreme Court

In the second half of the 20th century, constitutionalism emerged as the dominant form of democratic governance worldwide. Individual rights and democracy would be protected by subjecting government to legal constraints interpreted by courts. Constitutionalism, however, faces a fundamental democratic objection: how can we countenance judges, who lack any electoral mandate, overturning the decisions of representative, electorally accountable institutions? Constitution drafters must respond to this challenge but so too must judges. The extent of the judicial power will vary depending on judges' chosen method of constitutional interpretation. Over the past 10 years, a consensus has emerged on the Supreme Court that the constitutional text must be interpreted in its appropriate context.

But there is a significant divergence over what context is relevant. Most acutely, should the constitution be interpreted in light of its assumed commitment to constitutionalist values? A majority on the Court rejects this approach, out of a concern that it will overly empower judges. A significant minority, however, sees this approach as necessary to realise the full value of the constitution. In this lecture, I contend that the constitution cannot be meaningfully interpreted without reference to constitutionalist values. But the scope of judicial power should be curtailed by (i) a recognition that the enablement of democratic governance is a constitutionalist value and (ii) the use of comparative examples to ground our sense of constitutional values and what they entail.



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## The School of Law:

Founded in 1740 and ranked in the top 100 of Law Schools globally, the Trinity School of Law is located – both geographically and intellectually – at the intersection of relationships between government, courts, big tech, and financial services. The School of Law has a long and proud tradition of active engagement on issues of social justice. Members of the faculty and student body alike have been at the forefront of debates around social change in Ireland over many decades: from divorce, decriminalisation of homosexuality, and reproductive rights to the protection of the environment, tackling apartheid, and non-discrimination. Academic rigour and commitment to the public realm remain the values that animate how we

teach, how we research, and how we engage in policy formation. The School of Law is home to the Trinity Centre for Constitutional Governance (TriCON) and research groups on corporate law, governance and capital markets; crime and punishment; private law; and technologies, law and society. The School of Law is in the middle of an exciting development that will introduce new educational programmes, increase staff numbers, and bring all members of the Law School community together into a state of the art educational building, scheduled to open in 2029.



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1592



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