

# Laidlaw Research Project Proposal

## **Introduction**

My project will focus on the connection between property rights in the Irish welfare system and the primacy of the family in the Irish Constitution which appears to be an underdeveloped area of legal research. By examining legislation and policy governing the distribution of property rights in Ireland between 2008 and the present, I will argue that there is a legal bias in this area which benefits the marital family and inhibits the achievement of an efficient and egalitarian distribution of property. I will address the possible effects of the 2015 Marriage Equality referendum on the political marginalisation of non-marital families because of their decreasing prevalence in society. Finally, I will surmise if particular legal and policy changes could be implemented to rebalance the distribution of property rights between marital and non-marital families. Given the ongoing housing crisis in Ireland, it is urgent to critically analyse the current system and why some do not benefit from it. My aim is to draw attention to potential weaknesses in the current system and provide a legal route for avoiding the negative consequences of these weaknesses.

I am a law student with a keen interest in social policy and I hope to overlap these two disciplines in my research so as to gain greater perspective on the issue. I hope this research will result in a clear and concise analysis of this area concluding with an achievable proposed change in the law.

## **Methodology**

The research will involve critiques of doctrinal law, legislation, and social welfare policy. I hope to make the results of my investigations as relevant as possible to the realistic application of law. Qualitative analysis of legislation will be the main research method I employ; I will examine the Land and Conveyancing Law Reform Act 2009 and the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, publicised property rights cases involving marital and non-marital families, and relevant academic publications.

I will contrast two distinct sections of the population: marital families and non-marital families including single parents, co-habiting couples and unmarried couples with children. Previously conducted quantitative analysis of marital families in Ireland will play a role in evaluating the incidence and extent of the marginalisation of the non-marital family. I will examine the numbers of married couples before and after the 2015 Referendum to establish if there has been a quantitative change after the amendment of the Constitution. Therefore, I am comparing, critiquing, and collecting strands of previously conducted research together to gain a different perspective on the issue.

The research can take place where there is access to legal materials and information such as the libraries of Trinity College Dublin. I will be reliant on my computer as the main piece of equipment for the project as a word processor and means of communication. The costs of completing the work will be minimal; to ensure maintenance of my computer, access to websites which the college does not have a subscription to and transport to the library.

The 6-week timeframe for the project should be achievable for this project as it allows time for gathering and compiling information, for critical analysis and for brainstorming creative solutions to the problem. It will be a largely independent project but I plan to use the research time to contact as many experts in the area of family and property law as possible so as to gather a wide variety of nuanced opinions and information. Due to Covid-19 restrictions I will attempt to make most of this contact virtually.

My research will be divided into 5 main sections. In the first week, to establish why I believe it is valuable to examine this area, I will begin by researching egalitarian conceptions of property distribution. I will then provide a short overview of the history of the Irish welfare state to provide a context for this project. In the second week, I shall examine the constitutional origins of marriage and the family in Ireland and its evolution to the present-day definition. I will investigate the property market from a social and economic perspective to gauge how the family and the market interact. In the third week of research, I will turn to analyse the property rights of marital families and the problems faced by non-marital families in relation to property. In the fourth week, I will begin to brainstorm policy and legislative solutions to the various problems I have gathered. Communicating with housing policy experts will be crucial for this work. In the final weeks, I will write a comprehensive report of my investigations and findings. I aim to also create a more digestible article or blog post summarising my research so that it can be distributed in university or society publications.

My role in the project will be as a research co-ordinator between experts in different areas of law. I will be collecting information from inter-disciplinary sources (law, sociology, politics) and attempting to find a connection between them which supports my research question. This role provides me with the opportunity for me to form new professional contacts and possibly connect others working in different fields. I will also have the opportunity to improve my writing skills by producing the report and other articles.

Travel to engage with academics from other jurisdictions in Europe, if not restricted, could potentially be beneficial for my project. Perspectives from either European Union Law, the UK or the codified system in Germany could provide me with creative and workable solutions to apply to the Irish context. However, the project is still viable without this additional layer.

**Research supervisor**

My research supervisor will guide me through the research by being a sounding board for my ideas and a source of information. I hope to receive advice from them as to the direction my research is taking, and perspective on the topic when I am getting side-tracked or distracted. They will also connect me with people also working and researching in this field which will be invaluable.

**Collaboration**

I hope to connect with academics from Trinity's Social Policy and Law departments and to consult the Irish Housing Agency and Threshold, an Irish charity which provides legal advice to those facing housing problems and which works to secure a more equal housing system through influencing policy developments.

**Outcomes**

I anticipate that the key achievement of my research will be producing a project which fills a gap in the current spectrum of research and prompts others to elaborate on the problems that I have identified. Through making introductions to groups such as Threshold and those thinking about housing law and policy, I hope to make connections which further my own academic career also. I hope to produce an article which could be circulated in university publications such as the Eagle magazine, the Free Legal Aid Clinic's blog or the University Times. I will aim to connect with Student societies in Trinity to engage other students in this issue and bring attention to the future work needed in this area.