Contraception, Divorce, and Abortion in the Republic of Ireland

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Two Irelands of the 20th Century

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Historically, the Republic of Ireland has had its fair share of conflict and many people around the world are well aware of the country’s contentious relationship with the British and the violent troubles between the Republic and Northern Ireland. But as far as the conflicts surrounding contraception, divorce and abortion, it can be assumed that most people are unaware of the ‘moral civil war’ surrounding these sensitive topics in the Republic of Ireland. Beginning in the 1970s, “Ireland finally began to reflect European demographic norms, revealing a society utterly transformed. This was the case in terms of the availability of contraception and the legalization of divorce.” (Ferriter, p. 666) In addition, the Republic of Ireland is still to this day struggling with its stance on abortion and remains utterly divided on the subject. After reviewing several academic, historically relevant, and contemporary sources, it can be argued that the Republic of Ireland is a breeding grounds for political, social, and moral contention in relation to contraception, divorce and abortion.

It can be assumed that much of the resistance to contraception stemmed from the Republic of Ireland’s strong religious background and despite the overwhelming Catholic presence in the Republic of Ireland, the discussion over the morality of contraceptives was not confounded to Irish Catholics. “The Synod of the Presbyterian Church in Dublin passed a resolution in March 1971 arguing the case for the freedom to use contraceptives in marriage, though it did not approve of them being a means of avoiding parenthood altogether for purely selfish ends.” (Ferriter, p. 414) The Catholic church made its presence overtly clear in many ways, but one of the most notable was the establishment of ‘ethic committees’ in hospitals. The ethics of contraception were actively discussed at religiously affiliated hospitals throughout the country and oftentimes these ‘ethic committees’ served to rule over various cases related to
contraception. For example, at the Rotunda Hospital in Dublin, a committee was appointed to every maternity case which ultimately stripped patients of their medical freedoms.

Lack of contraception proved to be dangerous throughout the 1960s and 1970s for many women in Ireland. For a more specific example of this idea, we can turn to *Occasions of Sin: Sex and Society in Modern Ireland*. Diarmaid Ferriter tells his reader, “In 1967 a clinical report detailed the case history of an expectant mother with a history of TB, on her twenty-first pregnancy: ‘her twelve living children were all undernourished’. Five of her children had TB, one had a cardiac complaint and the family was beset by chronic financial difficulties.” (Ferriter, p. 414) Through this women’s tragic story, one can begin to understand that contraception in some cases is necessary and can help prevent sickness, death, and despair.

As one can conclude, the 1970s brought a smattering of discussion about the use of contraceptives in the Republic of Ireland, and with a nation that remained divided, the topic proved to be a hot-button issue. Politically speaking, it can be argued that due to the male dominated government, the argument over contraception was starkly one sided. “One such contributor, Senator Michael O’Toole, asserted: ‘I come from a part of the country where we have our own natural family planning methods and hey have worked reasonably well up to now. I have 8 children-I know something about the subject.’” (Ferriter, p. 421) Similar to Senator Michael O’Toole, Fine Gael TD, Fintan Coogran found contraception unnecessary and expressed his disgust about the matter by declaring, “It’s disgraceful-women without a ring on their fingers asking for contraceptives to be handed out!” (Cunningham, p. 45) These particular quotes perfectly embody the attitudes about contraception in the 1970s. Instead of allowing women to have power over their own bodies, men asserted their dominance, ultimately reinforcing the
As previously mentioned, the Republic of Ireland was divided on the issue of contraception. While many rural areas of the Republic of Ireland remained steadfast against contraception, more urban areas were open to growth and change. John Cunningham describes the atmosphere in Galway during this turbulent time, “While the social climate in 1970s urban Ireland was favorable for proponents of contraception, there were obstacles, and activism in the cause might have consequences for the individuals concerned. Galway activists-members more often of feminist-influenced socialist parties than of specifically feminist groups-therefor tented to occupy positions that gave some immunity to social pressure, pressure that was brought to bear by ultra-conservative Catholic groups, prototypical of those that would assume prominence in opposition to the liberal agenda during the 1980s and 1990s.” (Cunningham, 44) Through this passage, one can begin to understand the contention surrounding the issue of contraception in the Republic of Ireland.

The debate over contraception eventually spread beyond Irish borders in the 1970’s when a former inmate of Taoiseach Jack Lynch began sending letters begging the Irish government to reconsider their stance on the availability of contraception. As an illegitimate child born in the Republic of Ireland, Lynch’s old friend describes the shame brought upon him for being the result of an unplanned pregnancy. Throughout his letters, he begs and pleads with Lynch to consider the overwhelmingly negative repercussions of banning contraception in the Republic of Ireland. He goes on to say, “I am quite sure that the Irish government is a humane one and I’ve no idea how the Irish people would take it, if they knew of the horror lay behind the Irish law on the use of contraceptives.” (Ferriter, p. 447) Through these letters, it becomes more apparent that
the issue of contraception is one that affects many Irish citizens of all genders, religious affiliations, and social status.

Similarly to the issue of contraception in the Republic of Ireland, divorce was another highly contested issue in the Emerald Isle. Due to the conservative and overwhelmingly Catholic environment, many saw divorce as a disgraceful sin. According to several academic sources, relevant readings, and the Irish Constitution, marriage was to remain an unaltered and very sacred institution. Article 41.3.2 of the Constitution reflects the Catholic Church’s position and states that “no law shall be enacted providing for the grant of a dissolution of marriage.” (Article 41.3.2, 1937 Constitution of the Republic of Ireland) Quite simply, this article states the divorce is illegal in the Republic of Ireland no matter the circumstances, including an unhappy or dysfunctional marriage. Unfortunately, for most of the country’s history, it was believed that an unhappy marriage was more acceptable and perhaps even more admirable than a dissolved marriage. In *The Transformation of Ireland 1900-2000*, Diarmaid Ferriter explains, “Notwithstanding, there seemed to be a consensus that a bad marriage was better than a divorce or separation, and there certainly was no public support for divorce. This was the sacrificial tolerance of the unhappy marriage of the 1960s.” (Ferriter, p. 571) It is difficult to process this harsh reality not only because this idea of divorce is extremely outdated, but because it is brutally unfair and arguably unsettling.

Interestingly enough, divorce played a dominant role in women’s interests throughout the twentieth century in the Republic of Ireland. Due to a lack of financial independence and social freedoms, many women saw marriage as a positive fiscal opportunity and beneficial strategy. Unfortunately, after exchanging wedding vows, some women became unhappy but remained
trapped due to the fact that they relied entirely upon their husbands for financial support. The journalist Dorine Rohan, from *Marriage: Irish Style*, found that many women were eager to speak about their problems dealing with the financial aspect of marriage. We learn that, “Despite the fact that so many were deprived of respect, financial independence, and a loving and fulfilling sex life”, due to the high Irish birthrate, women needed to stay with their husbands so they could afford to feed and take care of their children. “Rohan concluded that, on a whole the fears of a marriage break-up were economic rather than moral or emotional.” (Ferriter, p. 571) Upon reading these passages, it can be argued that many women remained lawfully bound to their husbands out of fear for their economic survival.

The process to make divorce legal in the Republic of Ireland was not an easy feat; in *Women of Ireland: Change Toward Social and Political Equality in the 21st Century Irish Republic*, Rachel Patterson informs her reader of the difficulties involved in passing the referendum. We learn, that in 1986 the first referendum to repeal the 49-year old prohibition on divorce was introduced to the Republic of Ireland. “However, many women who were dependent upon their husbands for economic security were, like the Church, opposed to the referendum.” (Patterson, p. 9) This passage once again reinforces the idea that Irish women were completely dependent upon their husbands, therefor leaving them somewhat helpless and ultimately resistant to change. The reader goes on to learn that when the referendum came before congress in 1986, the Catholic Church, was able to use the pulpit to as well as its overwhelmingly dominant power to preach against divorce. These one sided and socially conservative homilies eventually lead to the referendum’s 63 percent to 36 percent defeat. It was not until 1995, a mere eighteen years ago, that the second divorce referendum was finally passed
into law with only 50.3 percent of the vote. In *Moral Order and the Liberal Agenda in the Republic of Ireland*, Chrystel Hug suggests, “Ireland appears to have exchanged an overtly Roman Catholic concept of marriage for a more pluralist vision.” (Hug, p. 22) Even with this being said, it can be argued that although the Republic of Ireland has made strides in the direction of being more accepting of social and political change, the country is still overwhelmingly Catholic and therefore quite socially conservative.

Once again, an overtly religious, or more specifically Catholic climate in Ireland prevented abortion from becoming legal in Ireland for a very long time. In fact, as recently as 1983, the eighth amendment was inserted into the Irish Constitution by way of referendum to endure the prohibition of abortion. “The Article provides that “the State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.” (Article 40.3.3, 1937 Constitution of the Republic of Ireland) This overwhelmingly pro-life amendment actively restricts women from seeking an abortion, therefore eliminating a woman’s right to choose.

February 6, 2012 marked the twentieth anniversary of the X-Case, one of the Republic of Ireland’s most controversial and closely followed legal battles. Throughout the nineties, the X-Case sparked debate among Irish citizens across the nation and eventually lead to a plethora of both pro-life and pro-choice campaigns throughout the Republic of Ireland. While the case grew into quite and important spectacle, it was centered around one individual. In December 1991, a fourteen year old girl was raped and became pregnant as a result of the crime. On February 6, 1992, she and her parents decided to travel to the United Kingdom so she could receive an
abortion, ultimately terminating the pregnancy. On that same day, the Attorney General obtained an interim injunction stopping the family and expectant mother from leaving the country. The Attorney General’s order was based on Article 40.3.3 in the Irish Constitution, which states that the unborn’s life is equal to that of the mother’s. The first injunction only lasted three days, but a hearing of the case was tried before Justice Costello over a two day period. During this trial, the judge heard of the girl’s suicidal thoughts and attempts to ‘solve matters’, but despite these dangerous risks, Justice Costello ruled that they were not sufficient enough to over ride the right to life of the unborn. More specifically, he said, “I am strengthened in this view by the knowledge that the young girl has the benefit of the love and care and support of devoted parents who will help her through the difficult months ahead. It seems to me, therefore, that having had regard to the rights of the mother in this case, the court’s duty to protect the life of the unborn requires it to make the order sought.” (O’Carroll, p. 1) On February 21, 1992, an appeal on behalf of the teenager at the center of the case was made to the Supreme Court where her lawyers argued that the High Court judge was wrong in finding the life of the mother less valuable than the life of the unborn. Finally, in March 1992, the appeal was heard by the Supreme Court and the judge ruled that the decision of the High Court should be set aside. This decision meant that the girl was permitted to travel to England to receive an abortion. Months later on November 25, 1992, As a result of the X-Case, the Government put forward three possible amendments to the Constitution in a referendum. In addition to this, “The freedom to travel outside the State for an abortion was passed and the freedom to obtain or make available information on abortion services was also passed. However, the amendment which would have seen the Supreme Court ruling on the X case rolled back was rejected. The Twelfth Amendment proposed that the risk of
suicide was not sufficient grounds to allow an abortion.” (O’Carroll, p. 1) By rejecting the referendums asking Irish people to consider the risk of suicide as a valid health risk to the mother in relation to abortion, the Republic of Ireland is implying that the life of an unborn child is more important than the life of the mother.

According to political scientist Tom Garvin, denial is a mechanism which protects people against the necessity to confront change and permits politics of cultural defense which could ignore change. (Ferriter, p. 9) By analyzing this particular passage and applying it to the Republic of Ireland’s ‘moral civil war’ on contraception, divorce, and abortion, it should become evident that while half of the country is prepared to move forward, the other half remains in denial and therefore resistant to change. This eventually leads to conflict and disagreement which is why after numerous referendums, amendments, and internationally reported legal cases, the people of the Republic of Ireland cannot find a way to agree on the morality of such sensitive and controversial issues.
Works Cited


