

The Irish Referendums:

A Master Thesis on The Irish People's Will to Change



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Resume

Dette speciale har til formål at analysere den irske befolknings foranderlige tilgang til deres elskede Katolske Kirke igennem de forskellige folkeafstemninger, som irerne har gennemgået de seneste fire årtier, da lovgivningsmæssige tiltag eller forandringer, der omhandler ændringer i den irske grundlov, kræver befolkningens stemme. Disse folkeafstemninger har omhandlet grundlovsmæssige ændringer på spørgsmål som lovliggørelsen af skilsmisse, retten til homoseksuelle vielser og kvinders ret til abort. Det har været skiftende regeringers ansvar at reformere det irske samfund og fremsende ændringer af den irske grundlov til befolkningen, som i sidste ende har besluttet landets fremtid. Denne reformvillighed har haft sine op- og nedture; igennem 80'erne nåede det et progressivt lavpunkt, som ikke blevet rettet op på før midt 90'erne. Siden da har befolkningen ikke haft mulighed for at afgive deres stemme i to årtier. Kilderne til dette speciale har bestået af ældre avisartikler, der specifikt har omhandlet de udvalgte folkeafstemninger, den proces der har ledt op til folkets stemme og de målinger som er blevet offentliggjort undervejs, både før og under kampagnerne. Specialet har gjort brug af den traditionelle historiske komparative metode, som har muliggjort en sammenligning af folkeafstemningerne, hvor forskellige former for data er blevet analyseret og fortolket i henhold til problemformuleringen. Der har været i alt seks forskellige forsøg på ændringer af de nævnte emner igennem de seneste 40 år, og ved flere lejligheder er de blevet udfordret på det moralske grundlag fra den Katolske Kirke, som har set disse tiltag som brud med kristne kerneværdier, værdier som ved lov har været indbygget i den irske grundlov siden 1937. Resultaterne har varieret fra meget konservative men solide flertal i 1980'erne, til de meget usikre 1990'er hvor knappe flertal stod for forandring og de seneste gange for flertallet har vundet store progressive sejre. Den Katolske Kirke har igennem historien stået stærkt i det irske samfund, og Irland har også nydt besøg fra to forskellige paver i løbet af de 40 år, med blandet modtagelse. Jeg har igennem min diskussion undersøgt, om de pavelige besøg har haft en indflydelse på befolkningen over de to omgange, en pave har besøgt Irland, jeg har desuden set på om der har været en stille revolution udført i stilhed. Slutteligt har jeg konkluderet, at den irske befolkning overraskende nok har flyttet sig på disse værdier, men tilsyneladende er dette et meget grumset svar, da man igennem de analyserede data få opfattelsen af en større del af befolkningen simpelthen ikke stemmer, kun 60% kommer frem til urnerne, hvilket efterlader spørgsmålet om den resterende befolkning. Desuden har jeg konkluderet at den Katolske Kirke er er færdig med at spille en rolle i det irske samfund.

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1 Introduction

*Trump to the Left of me, Brexit to the Right, Éire I am Stuck in the Middle with EU.*¹

The parodied lyrics above are a reminder of the ridiculousness going on in the world, though seen from a certain Irish point of view, and they stand as a quirky reminder that it is an amazing yet ridiculous time we live in, and one should not attempt to read into these lyrics much else than parodied words. Nevertheless, it is the message in these parodied words that really capture the Irish dilemma and perhaps it is more so familiarised by the old saying, “To be caught between a rock and a hard place”. Perhaps it is this phrase instead which truly captures Ireland and her modern struggles in the years surrounding and following the peace treaty of 1998.² These changes which the Irish are undertaking have sparked a renewed interest in and curiosity for their reasoning and their progress towards changing old laws through referendums. As the population in countries around the Irish starts to show multiple signs of disarray, decadence and general discontent with the current systems of government, the Irish seemingly uninterrupted press onwards in their effort to move from sturdy conformists to divergent individuals. In this process, they might even start to ready themselves and leave behind their cherished and influential Catholic Church if it does not show signs of willingness to follow suit in this time of change.

The history of the Irish is as eventful as it is old, with some records dating back to the pre-Charlemagne period and the arrival of Christendom on the British Isles around the 5th century³. Fast forward some few hundred years into the Middle Ages and the history of Ireland becomes a tale of struggle against Norwegian Vikings in the 8th and 9th centuries,⁴ and, subsequently, Anglo-Saxons Raiders and Norman Knights in the following centuries as power would continuously switch hands between dynasties on the neighbouring island.⁵ The Irish struggled for centuries against subjection from the English but were finally conquered by the late Tudor dynasty and subsequently proclaimed a part of the Kingdom of Great Britain, later known as United Kingdom of Great Britain and Ireland.⁶ However, the immense tension between the Catholic-Irish and the

¹ Parodied lyrics of Stealers Wheel’s 1972 hit song “Stuck in the Middle with You”

² Finnegan, Richard B., and Edward T. McCarron. Ireland: Historical Echoes, Contemporary Politics. Nations of the Modern World. Boulder, Colo: Westview Press, 2000. p. 341

³ Finnegan and McCarron. 2000. p. 3

⁴ Finnegan and McCarron. 2000. p. 4

⁵ Finnegan and McCarron. 2000. p. 6-8

⁶ Finnegan and McCarron. 2000. p. 9

Protestant-English would continue and lead to such tragedies as The Great Famine and the Irish Exodus to America⁷ before the Irish and most of Ireland would declare their war of independence in 1918-1919 and emerge as a sovereign state in 1922. This would not lead to peace, however, but a civil war, which would divide the Irish for almost another year after the independence.⁸ Throughout the coming decades, the Irish would continue to struggle against their former overlords, as civil unrest and the war-like situation on the border between the Irish State and Northern Ireland, still part of the British Empire, would happen frequently and spread fear and terror amongst the population of both countries.⁹ This would slowly subside as a political agreement was reached in 1998 by both sides of the conflict,¹⁰ however, with the uncertainty of what the future brings, the Irish might find themselves back to the drawing board when it comes to their relationship with their struggling neighbour.

Although the main history of the Irish and their island is rich and well written, it is the current events in Ireland that are going to make history and have the undivided attention of everyone following this process. While amongst the continental European countries there seems to be a slowing down in progressiveness and modernization of old customs and laws, the Irish seem to be doing the opposite, changing laws by popular vote in referendums and by doing so forcing a renewal of old habits and customs, which are deeply implanted into every living Irishman, woman and child. It seems likely that it would be possible to find critics simply claiming that Irish politicians are late to the party, which has been going on for several years now in several western countries. However, it is a progress that has everyone's attention as the willingness for change, spearheaded by the people of Ireland, and the values preached and taught by the Catholic Church, seems to clash at the Irish ballot box. The continued struggle for the right to divorce, same-sex marriage and women's right to abortion is not a spontaneous and radical new idea in Irish society. Instead, it has been an uphill battle that has been downplayed and side-lined for decades as Ireland struggled through several years of hardship. The majority of these conflicts: their declared independence, the following civil wars and more recently terror committed by the Irish themselves, are concentrated around the complicated Irish's relationship with its neighbour, the United Kingdom, especially the government in London and the local government of Northern Ireland. With

⁷ Finnegan and McCarron. 2000. p. 31-33

⁸ Finnegan and McCarron. 2000. p. 65-70

⁹ Finnegan and McCarron. 2000. p. 282-284

¹⁰ Finnegan and McCarron. 2000. p. 357

peace on the island achieved just before the rollover to the current century and a growing economy after years of hardship and crisis, it seems the time has come to tackle several of the before mentioned issues and, if necessary, by popular vote to ensure that the people of Ireland make their own choices and choose for themselves the path forward.

1.1 Problem Formulation

Throughout my time as a student of history, I have always had a special place in my heart for everything Irish. From their early and medieval history all the way to their modern struggles. Their culture, language and their seemingly unbreakable strong connection to the Catholic Church throughout the ages have always fascinated me, perhaps even more so as their larger neighbour and overlord at the time left the old religious doctrines behind while the Irish persisted in their belief in the Catholic Church. Now that persistence seems fading and perhaps shaken to its core as the Irish people vote against the old doctrines of the Catholic Church. This has left many wondering to where this path takes Ireland and her people.

In this thesis I will attempt to answer the following question:

How can we through a historical point of view explain the Irish diversion from the Catholic Church's influence, a diversion which has led to several social changes in the Irish Constitution in the last four decades?

In regard to the changes in the Irish Constitution, the specific amendments in question are the policies surrounding the right to divorce referendum from 1995, same-sex marriages referendum from 2015 and women's right to abortion referendum from 2018. However, these three amendments do not stand alone, and three other referendums will be included to add to an understanding of how the Irish have moved on these subjects over the decades. In an effort to assist the coming research and analysis, it is necessary to understand several aspects of Irish society and how it is connected with the Catholic Church, which holds a special position in Ireland, although no longer formally. Thus, a presentation will be given of how the Catholic Church managed to insert itself as the prominent and dominant force in Irish society and law-making, and carrying this knowledge forward, viewing how their attempts to influence the Irish people on these specific laws: divorce, same-sex marriage and abortion, which all have been up for debate and change over the

last four decades, may have come to pass. Furthermore, any other paragraphs included in this thesis are done so purposely to maintain a more open-ended discussion of the analysis. This discussion will also be centred around the very near future, of how these constitutional changes may affect the Irish-Catholic Church relationship ahead and if these changes can help explain what path lies ahead for the Irish people.

I have no doubt that some of the coming subjects and themes could be deemed controversial, at best perhaps ‘spicy’ fits the description better, as the topic, in general, is known to generate strong feelings in several different groupings and individuals. It is not the purpose of this thesis to choose side or frame anyone in this conflict negatively, but to uphold the honoured historical tradition of telling and viewing history from both sides of the conflict.

1.2 Limits and Scope

As mentioned above, this is no small feat and one, which I have chosen because I find it rather curious how quickly the Irish people, on the surface, seem to have had a sudden switch in their position regarding these changes over these last few decades. The ‘four decades’ have been chosen to indicate the time frame between two major events in regard to the Catholic Church. Pope Saint John Paul II’s visit to Ireland in 1979 and current Pope Francis’ visit to Ireland in 2018.¹¹ The reason behind this choice lies in the convenience of each visit happening at two distinct points in Irish history. The first visit by Pope Saint John Paul II marks a significant point in Irish-Catholic relations, as the Catholic Church just prior to the papal visit lost its special position in the Irish Constitution but also four years later regained some control over some important issues in Irish society, amongst other things, an amendment to the 1937 Constitution regarding the right to life of an unborn. Pope Francis’ visit can then be marked as another important point in Irish-Catholic relations as several troubling scandals and fundamental changes to the Irish Constitution has left the Catholic Church in an unfavourable position going forward. The time between these two popes will serve as a focal point for the changes the Irish have endured and how the Irish have adopted new customs and laws.

¹¹Flanagan, Eimear and Nuala McCann, “What happened to Catholic Ireland?”. August 23, 2018. https://www.bbc.co.uk/news/resources/idt-sh/Ireland_between_Popes

Another major limitation which has been chosen by the wording of the main problem statement is the laws and more so places of interest in the constitution. I already now recognize that if I was to search very deeply into the fine-tuned wording of several different laws, I would be able to see perhaps even more places where the Catholic Church may be involved than just the three specifics mentioned under the problem formulation paragraph. However, as of public knowledge, the three chosen subjects are all major interest points in the eyes of several different groups of individuals from the common Irishman to international journalists, who may themselves not know more than they are told and have heard. In any case, all three of these topics: divorce, same-sex marriages and abortion, have been subject for at least several public and political debates and undergone at least one referendum as well. They have therefore created more attention to them and most other issues, which is why they have been selected.

In an upcoming paragraph, several of the major players in Irish society will be introduced. These have throughout the period made attempts to influence the Irish people and their stand on the before mentioned laws: divorce, same-sex marriages and abortion. Just as before, some limitations have been enforced to narrow down the field of candidates. There are undoubtedly numerous organizations: political parties and grassroots, while including different groupings such as religious and atheists as separate entities, all of whom have had a place in the debate regarding the attempted changes to these subjects. Although the attempt will be to credit them all by name, some of these might find themselves grouped together under larger umbrellas to simplify the different positions of the debate these organizations may have.

On a similar note, there is the question of how to analyse the apparent sway the Irish people have endured during the decades and more importantly during the campaigns leading to the different popular votes. While there are several different surveys on what voters say they might do in the ballot box and especially during the campaigns to vote for or against the law in question, these do not generally hold true when the vote has finally been cast. The public polls will serve as a part of the analysis to give an indication of where the Irish people have moved between issues, and the data extracted from the main results of each referendum will finalize the Irish people's stand on the matter.

2 Research Overview

The overall theme of Ireland and her struggle to adapt and evolve with her citizens is a well-researched and debated subject which many esteemed scholars, officials and general people of interest have continuously tackled throughout the decades. This research contains an almost infinite amount of peer-reviewed articles, recognized books and intriguing interviews or academic debates. This does naturally also mean that this thesis' overall chosen theme of Ireland and her strong ties to the Catholics in Rome have been touched upon before. Primarily it is the influential Catholic Church and its seemingly unhindered power structure in modern Irish society which are contained in most of the already well-written literary research material. However, there is also created a lot of research on how Irish society has evolved around the Catholic Church and how this has consequences today.

2.1 Richard B. Finnegan & Edward T. McCarron

To grant a broader understanding of the Irish and their general history, this thesis has turned to the outstanding research conducted by Social Science Professor Richard B. Finnegan regarding most of the general Irish history and importantly the dealings of the Catholic Church throughout Irish history. Finnegan's main works on this topic are his own book, *Ireland: The Challenge of Conflict and Change* from 1983 and a rewriting of his book, *Ireland: Historical Echoes, Contemporary Politics* from 2000, which was assisted by Edward T. McCarron, Associate Professor of History at Stonehill College, Ireland. While the books themselves mostly contain the complete history of Ireland and her people in a broad perspective, they also contain a few chapters on the Catholic Church and their commitments to Irish history. While this will serve a portion of this thesis intended goal, Finnegan also touches upon the specific history and role of the Irish women, who have suffered greatly through the decades of changing governments, both religiously and politically. Finnegan's broad and thorough research on these subjects will serve as a tremendous viewpoint in regard to understanding and deciphering some of the more complex elements of the Irish history, especially their at times multifaceted relationship with the Catholic Church, but also how this relationship has had a seemingly negative impact on the rights of Irish women particularly. Furthermore, Finnegan also delivers on several more political notes, such as specific major political parties' history with each other and the general people of both the Republic of Ireland and the Northern Ireland government, which will prove helpful in understanding how these political parties started and helped shaping Irelands political scene.

2.2 Fred Powell

A much newer addition to the research in Irish society and political choices is the book *The Political Economy of the Irish Welfare State: Church, State and Capital* from 2007 by Fred Powell, Professor of Social policy at University College Cork, National University of Ireland. As Powell's research is focused around the concerns of the evolution in social policies conducted in modern Ireland, which are explained in conjunction with the relationship between the Irish State and the Catholic Church, it will be Powell's description on how and why the Catholic Church has managed to gain and remain in control over specific areas of Irish society and some of the more severe consequences of this control that holds this thesis' interest. A selected number of chapters in Powell's book will help to clarify this interest and will be used to improve this thesis' understanding of how Irish society has evolved with the influence of the Catholic Church. Some of these are on how the Catholic Church has used its dominance to help nationalise the Irish language in its control of different institutions such as primary schools and other places for higher learning.

2.3 Ivana Bacik

Switching to the subject of the previously mentioned topics for the analysis, but perhaps most in combination with the specific constitutional article conserving the right to life in the unborn, any reader of Ireland and her struggle with the concept of abortion will come across Ivana Bacik, Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin, and her research, in particular her book, *Kicking and Screaming: Dragging Ireland into the 21st Century*. Most of Bacik's studies are primarily based on feminist theories and deal with human rights and civil liberties in correlation with the question of equality between the sexes. Bacik's book presents an elaborate and thorough walkthrough surrounding the several institutions in Irish society where the Catholic Church's influence is obvious, and Bacik gives multiple examples where in the Irish constitution these rights are found in regard to the Catholic Church's apparent domination. Bacik also gets her point across in an article from 2003: *The Irish Constitution and Gender Politics: Developments in the Law on Abortion*. In this article she delivers on several key points, such as the evolution of the Irish abortion law, while she finally concludes the article with arguments for why the Eight Amendment is outdated and should be re-amended from the Irish constitution. The predicament with using Bacik's research, at least extended to the thoughts presented in her book

and the mentioned article lies in her focus on a specific case, best referred to as *The X-case*,¹² which has since 1991-1992 been the central focus for a lot of the abortion research and debate in Ireland and did lead to several amendments and a subsequent referendum.¹³ Although Bacik is a renowned professor in her field, she has since become a politician and remains such at heart, representing Labour in the Irish elections. While this might not cloud her judgement on these matters, she does have a implicate role in shaping this specific case in a light which may be questionable for some. It is an important detail to consider when using her work but does not discredit her overall research or her intent with the book. As her research does surround this specific case, it will not serve an analytic interest in this thesis, besides what can be found surrounding the public opinions and political stands towards the case during its trail and aftermath.

3. Methods and Concepts

The upcoming paragraph aims to establish how the analysis will be handled in accordance to a specific historian-oriented method. The method in question is to be used as the paper progresses towards the analysis and subsequent discussion of the results found in the analysis in an attempt to answer the overall problem formulation. The paragraph also contains a thorough description of the intent and how the method will be utilized in the paper. Furthermore, this paragraph will include several concepts used throughout the thesis, such as the formulation used in the main problem statement and a concept which will hold significance in its use towards the discussion, but specifically in regard to how this thesis has decided to make use of several Irish vocabulary terms for areas which are translatable but are wildly used amongst other likeminded academics in various fields regarding Ireland.

¹² *The X-case* is the name of a case which ran in court and in the public forum in late 1991 to beginning of Marts 1992, in which a fourteen-year-old girl was raped by a friend of her family which resulted in an unwanted pregnancy. It was revealed at the time that the same individual had violated the girl sexually throughout a period of two years prior to the rape. The fourteen-year-old girl and her parents reported the rape to the police whereupon they left for England in January 1992 to receive a planned abortion. However, before the planned abortion could take place, the family received a travel ban in reference to the Eighth Amendment of the Irish constitution and was ordered back from England immediately. In the ensuing trial between the girl's family and the Irish State it was revealed that the girl was in a suicidal state but this did not warrant a permission from the judge to let her abort the unwanted child and on the day of ruling, the 17th February, the girl was instead given an extended nine-month travel ban. The court ruling sparked outraged and several demonstrations throughout Ireland. These demonstrations were organized by both sides of the abortion argument, the 'pro-choice' versus 'pro-life' debate. This eventually led to a second court ruling, this time from the supreme court of Ireland, which on the 5th March lifted the travel ban after which the family left for England again to receive the planned abortion. It would later turn out that the immense stress suffered by the girl had let to a premature and "natural" abortion within hours of the newly planned abortion in England.

¹³ Bacik, Ivana. *Kicking and Screaming: Dragging Ireland into the 21st Century*. Dublin: O'Brien, 2004. p. 116-117

3.1 Comparative Analysis in History

Though the match is not perfect, this method has been chosen based on its ability to allow for comparison between the different leadup debates, discussions during the campaigns and the end results on the three named cases surrounding the right to divorce, gay's right to marriage and women's right to abortion. Amongst several historians, a continuously debated subject is the argument surrounding the necessity for an older method like comparative analysis in history writing. Through a quick search, one would be able to find several different arguments for the limits and scope of this method, a contemporary argument is how we now live in a globalized age and the world around us has increasingly become smaller as knowledge has become more accessible. Viewings such as these eliminate the need to be comparative as there does not seem to be a particular need to draw parallels between, for instance, the difference between two or several countries' laws and dealing on specific subjects.

In the book *Written History, theory and practice*, Stefan Berger explains in a chapter dedicated to comparative analysis how the previously mentioned argument can be viewed in a different and almost positive setting: 'Historians compare. They cannot avoid it, unless they restrict themselves to listing dates and events. If history is more than chronology, any attempt to explain and interpret what has been going on in a particular place and at a particular time involves comparing it with what has been going on before or later, or at other places at the same time.'¹⁴ Whether it was meant to be slightly sarcastic or Berger honestly believes this to be true about every historian, only Berger knows, but his words do serve as a reminder that no matter the coming arguments in this paragraph, comparative analysis remains the tool of choice for many historians. In short, the comparative method is an analytical tool used to systematically investigate few or several cases to find differences and similarities to reach a thorough conclusion. As Berger puts it: "On a basic level, one could say that comparativists are always interested in establishing both differences and similarities between cases."¹⁵ This does indeed hold true as a goal for this thesis.

¹⁴ Berger, Stefan, Heiko Feldner, and Kevin Passmore, eds. *Writing History: Theory & Practice*. Writing History. London: New York: Arnold; Distributed in the United States of America by Oxford University Press, 2003. p. 161

¹⁵ Berger, Stefan. 2003. p. 163

In the chapter Berger explains several of the different ways some scholars categorise the comparative method, its many uses and benefits in regard to the most popular variants and – most importantly – several of the problems and pitfalls associated with the use of the method. He points out how there is a multitude of different comparison methods inside the comparative history analysis tool depending on what type of comparison a historian wishes to make.¹⁶ With this consideration in mind it will be something similar to what Berger calls “micro-comparison” which will be used in the analysis. The main idea behind “micro-comparison” is its ability to go deeper and into detail with different kinds of data, such as polls, elections and referendums.¹⁷ As mentioned just above the many benefits of a comparative analysis is the idea of being able to compare differences and similarities between each case, and in this case, movements in public polls and opinions, elections and political stands, while also being able to compare the result of each referendum to the others, while maintaining a unbiased view on the sources and data collected.¹⁸ One of the pitfalls, however, is this enormous amount of data which is needed to do a proper and thorough comparative analysis while it is theoretically plausible that data and sources do not exist and there is nothing to compare between.¹⁹ These are just some of the points made by Berger in his chapter, but nevertheless these are the most important ones, in an unbiased opinion, as they pinpoint the exact reasons behind the choice of this particular method for the analysis and later discussion.

3.2 The Intended Use

The construction of the analysis allows for the comparable analysis between the chosen topics to become easier with the discussion. Complying with historical tradition it will be a chronological ordered analysis which will focus on the first mentions of the topics, in reference to public polls, debates and the referendum itself. This will be as close to but not beyond the specific timeframe which starts from the first papal visit in 1979. The analysis is then divided into different referendums so each referendum and leadups to the specific referendum is covered and where it may be possible a comparative analysis between the referendums will take place. The intent is to use different polls, arguments, political views and the result to find out how the people of Ireland have moved on these subjects over time and how the Catholic Church has reacted to its loss of power and influence. At the end of the analysis through a continued discussion, it will be a

¹⁶ Berger, Stefan. 2003. p. 162-163

¹⁷ Berger, Stefan. 2003. p. 162

¹⁸ Berger, Stefan. 2003. p. 164-165

¹⁹ Berger, Stefan. 2003. p. 166-167

comparison between the different papal visits and then a further discussion about their reason for coming right then and there.

3.3 Concepts

3.3.1 “A Historical Point of View”

There are a few historical concepts which are particularly hard to define in an orderly fashion so that it may be fully understood by all. This concept is in my opinion one of them. This paragraph aims to elaborate on this specific wording as it is part of the problem formulation, however, it is how ‘*a historical point of view*’, is intended to be used in the upcoming analysis which holds precedence. One of the several tactics employed by historians lies in the ability to consider an author’s background and the time and place in which the author lived so that a better understanding of the context can be achieved. This ability to distance us from the person or persons in a given context and view the surroundings in which they lived and wrote, is what is referred to as ‘historical perspective’ or ‘a historical point of view’. When applied in this thesis, it creates the possibility to analyse and discuss the different situations which may have led to the referendums and their results. This will be done through various sources which will be introduced later in the thesis.

3.3.2 A Quiet Rebellion

This is a rather odd concept as it does not really have a defined meaning besides its obvious use of other key concepts. There seems little need to define the word “Quiet” but perhaps “Rebellion” does indeed need a modifier. In this case “Rebellion” is the very idea of going against something or someone, in the Irish case, to go against the confirmative Catholic Church and its teachings. So, how does this become a “Quite Rebellion”? Normally, throughout history any sort of rebellion has never really been quiet but in this instance it arguably has. Benjamin B. Wolman, Professor in the Doctoral Program in Clinical Psychology, Long Island University wrote back in 1972 an article on the subject *The Rebellion of Youth*. In this article Wolman argues for the idea that rebellion is not something new or something which started in those trying times as he attempts to make the point that what is happening in the US during the 1960s and early 70s is not something inherently special: “The rebellion of youth is not an entirely new phenomenon or is it a specific

product of any particular socio-cultural determinants inherent in our era.”²⁰ Wolman elaborates on his point: “Political slogans and ideals depend on particular historical, socio-cultural and geopolitical situations, but it has been traditional with the youth to rebel against any tradition and fight against the socio-cultural systems of their parents.”²¹ Rebellion is a part of any natural human evolution if one takes Wolman’s words literally enough, but then why is it then in the Irish case considered “Quiet”?

Wolman also times in with the idea that when *youth* becomes *adult*, so too does the rebellious feeling within fade, but in some cases, people does not want to let that feeling go and continuously rebel throughout their adult years, if not for themselves anymore, then for the new youth. However, this raises the question of why this apparent rebellion in Ireland first started rather recently and not already back when it was brought to the Irish people’s attention. This might be the case of Ireland, having conformed to these ideals and values which are held high by the Catholic Church and having created a society around the Church, not being able to truly rebel without fearing expulsion. According to Wolman the reason is found within our social norms as communal individuals: “Young people, however, become isolated when they put exaggerated demands, when they take the law in their hands, when they disrespect the rights of others, and when they use terror methods. In such cases, almost everyone, old and young, even their own classmates, turn against the protesters [...].”²² One would assume if not for the anonymity provided by the ballot box there perhaps would not be a chance for a rebellion as going against the accepted norm of any society might end up getting the individual expelled and socially isolated. Then instead of being verbal where one cannot out of fear, some wait and wait for their chance to rebel, quietly and often enough this end with success.

Wolman times in with one last idea, that of *Social Responsibility*, according to which it cannot and shall not be the youth’s problem to makeup and repair on their forefathers mistakes, it is a responsibility that should be shared: ”The adult society must not shy away from the problems partially created by its own way of life and its own socio-cultural institutions. To confront angry young men with angry old men can only increase the existing tensions.”²³ and “The adult society

²⁰ Wolman, Benjamin B. ‘*The Rebellion of Youth*’. International Journal of Social Psychiatry 18, no. 4 (December 1972) p. 254.

²¹ Wolman, Benjamin B. 1972. p. 254.

²² Wolman, Benjamin B. 1972. p. 256.

²³ Wolman, Benjamin B. 1972. p. 258.

has created most of the current ills and it is its moral duty to offer friendly help and guidance to the perplexed younger generation.”²⁴ When looked for in the upcoming analysis, it will be how the age groupings of each poll, if possible shows the distance between the adults and the youth, to help determine if it is a “Quiet Rebellion” done by the elders without revelation to the Catholic Church and if it’s the youth that carries the touch to the Irish Constitution or they are spearheaded by the adults of previous generations, who fear no longer.

3.4 The Irish Vocabulary

The Irish language holds a rich variant of diversity between modern English and Irish-Gaelic. Although the Irish language has a tendency to combine these two, it remains a separate language with its own script and it is therefore not as simple to understand and read Irish as one would think considering Irish does share many of its everyday words with most other English sub-languages. This tendency began in the early years of the Irish Free State as it sorted to separate itself from its colonial overlord. Although not possible to rid themselves of the English language as they had completely adapted it, most early politicians and hardcore nationalists dreamed of a separate Celtic language which the Irish would call their own. This idea of returning to a more comfortable and glorious past was advocated by the Catholic Church, and together Gaelic and Catholicism became synonymous with each other.²⁵

While this thesis will continue to be written in modern English, there will be several instances where the Irish-Gaelic words will be used instead. The reason for this is that these words are commonly used by other scholars who have done research and worked with aspects of Ireland and in particular its legislative system. Furthermore, it would serve as a disservice to simplify these different wordings of similar words as they do have an important impact and interpretation on the topics for the analysis. While the argument presents itself that such simple word differences are nothing put problematic for the overall reading of this thesis, there have been several instances where the difference between modern English and Irish-Gaelic has resulted in problems in interpretations of the Irish Constitution which is why this paragraph will attempt to clarify some of the more commonly used and culturally diverse words in the Irish vocabulary as opposed to the English variant and why some will be kept in their Irish-Gaelic form and vice versa.

²⁴ Wolman, Benjamin B. 1972. p. 259.

²⁵ Powell, Fred. *The Political Economy of the Irish Welfare State: Church, State and Capital*. p. 99-100

While this list could be containing every single Irish-Gaelic word used in regard to the legislative system of Ireland, it will only be the most commonly used words as it bears with no illusion in mind the difficulty behind the pronunciation of each word. First is the Irish parliament, the *Oireachtas* which contains three separate branches of power: The President of Ireland, the Upper House referred to as the *Seanad* and the Lower House, referred to as the *Dáil*.²⁶ The power structure is situated as such that the *Dáil* holds all the power, as it is built upon elected representatives of the Irish people. The President of Ireland holds therefore no real power, he is Head of State, not of government, as the majority in the *Dáil* nominates a candidate for the role of Prime Minister, referred to as the *Taoiseach*²⁷, hence the president merely functions as a figurehead for the country while signing the occasional bill. Same goes for the *Seanad* which functions as a check and balances assembly for the *Dáil*, though it often finds itself in majority with its counterpart due to the members having been chosen by several means other than public vote. The president is also elected by public votes but can be avoided if only a single nominee is chosen.²⁸ One last part of the Irish legislative system which has now had two separate lives are the Convention to the Constitution²⁹ and *An Tionól Saoránach* better known as the Citizens' Assembly.³⁰ Each of these two instances has held to rather new branches of legislative opportunities, which is to advise the government and the *Dáil* on changes to the Irish Constitution to renew it and modernize aspects of Irish society so that it may truly enter the 21st Century.

Another word which will be mentioned throughout this thesis, is the Irish Constitution or *Bunreacht na héireann* as is the official Irish-Gaelic name of the 1937 Constitution.³¹ It was drafted and written into existence to replace the former constitution from 1922 and in an upcoming paragraph the *Bunreacht na héireann* will be examined in further detail as it is the Articles from the 1937 Constitution that will be part of the analysis. Furthermore, as the next paragraph goes into detail on the selected Articles from the *Bunreacht na héireann*, it will contain the last mentions of its Irish-Gaelic variant. The rest of the thesis will use the English variant of *Bunreacht na héireann*,

²⁶ The Houses of the Oireachtas – How Parliament works. <https://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/>

²⁷ The Houses of the Oireachtas – How Parliament works. <https://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/>

²⁸ The Houses of the Oireachtas – How Parliament works. <https://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/>

²⁹ The Convention on the Constitution. <http://www.constitutionalconvention.ie/>

³⁰ The Citizens' Assembly. <https://www.citizensassembly.ie/en/>

³¹ Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013.

the Irish Constitution or the 1937 Constitution, which will be preferred over its Irish-Gaelic counterpart.

4 Bunreacht na hÉireann

The Irish Free State already had a constitution as the Irish concluded their independence from the British Empire in 1922. However, some entities believed this constitution failed to address several of the more radical separation wishes held by the Irish to their former ‘colonial’ master.³² This left a great number of Irish politicians and other significant influencers wanting something else and to some extent even radically different for this newly founded Irish Free State. One of these politicians was Eamon de Valera, whose ambitions led to him redrafting the Irish Constitution in his time at office as President of the Executive Council, a position which became Ireland's Taoiseach, which de Valera held three separate times before later becoming President of Ireland.³³

Although his legacy will be remembered for having spearheaded the redrafted constitution of Ireland, this was not the immediate goal, as he had hoped several reforms would have sufficed, but as tension grew between the Irish and British, and harsh words turned into an economic war, de Valera pushed forward with the decision to write an entirely new constitution, which would hold, in de Valera's mind, the true Irish values.³⁴ De Valera may have lacked legal skills to draft the document alone, yet the Irish Constitution is still considered and described as de Valera's Constitution to this day. De Valera's appointment of the constitutional drafting committee shows how he and several other key figures in Irish society at the time was working towards a radical different constitution than the 1922 counterpart.³⁵ Several key segments, which can be attributed to hold an important aspect of the Catholic Church's core values, were written into the

³² Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013. <https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

³³ Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013. <https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

³⁴ Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013. <https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

³⁵ Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013. <https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

draft of the Irish constitution during the drafting period which started late September 1936 and continued up until the first of May 1937 when the final draft was finally published and made available.³⁶ These ideas were pushed by politicians and delegates that believed in a strong State & Church fundament, which in their eyes would be essential for the future Ireland and her people. It would only take another two months from May to July for the Dáil to vote for the constitution and move it into a referendum. A vote won on a narrow majority — 685,105 for, 526,945 against. On ‘Constitution Day’, the 29th December 1937, the Irish Constitution finally came into operation.³⁷

Amongst several of the articles which are contained in the Irish Constitution, this thesis will focus on a few which have fundamentally held a certain importance in regard to upholding traditional Catholic core values. These are the articles under the collective category ‘*Fundamental Rights*’ and contain the following Articles: Article 40 ‘*Personal Rights*’, Article 41 ‘*The Family*’, Article 42 ‘*Education*’, Article 42A ‘*Children*’, Article 43 ‘*Private Property*’ and Article 44 ‘*Religion*’.³⁸ Each article holds several sections and sub-sections, where some of them contain deliberate wording or simple values, which correspond with Catholic ideals. An important note is how none of these articles - in their direct wording - recognize the Catholic Church as a singular institution which every Irish citizen must follow, nor does it in any wording proclaim that these points under each article hold any merit towards Catholic values. They are simply understood amongst the general population of Ireland as something that corresponds with the teaching of the Catholic Church, such as – though not limited to – the right to marriage, divorce, life and abortion.

While there will be no attempt to interpret every single section of each Article from the Irish Constitution, it is important to note how some of these Articles have been debated over throughout the years, specifically in between the years of each papal visit. Disregarding Article 42 ‘*Education*’, 42A ‘*Children*’ and 43 ‘*Private Property*’, the three other Articles 40 ‘*Personal Rights*’, 41 ‘*The Family*’ and 44 ‘*Religion*’ under the category of ‘*Fundamental Rights*’ have all been subject for amendments and subsequent referendums, while Article 44 ‘*Religion*’ has been

³⁶ Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013. <https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

³⁷ Keogh, Dermot, and Andrew McCarthy. "The Catholic Church and the Writing of the 1937 Constitution." History Ireland. April 10, 2013. <https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

³⁸ The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

subject to amendment and referendum before the time of the first papal visit. Perhaps it may be possible by looking at the wording of these Articles and Amendments, how the debates surrounding them were handled to see and understand how the influence from the Catholic Church might have had a role to play in Irish society for so long and by looking into the Amendments' final wording before being given to the people for Referendum, it might be possible to see and understand how the Irish politicians want to shape the future for Ireland. In the following paragraphs it will be the before mentioned Articles 40 '*Personal Rights*' and 41 '*The Family*' that will be looked upon and how some of their original wordings have been replaced, as it will not be subject for further analysis. It is not believed that a complete depiction of each Article is necessary as there are mostly no other changes to an Article besides a specific section or subsection. Unlike Article 40 '*Personal Rights*' and Article 41 '*The Family*' there will be a complete wording on the subject of Article 46 '*Amendment of the Constitution*' and Article 47 '*The Referendum*' as they contain important phrases and requirements necessary if any Amendments or Referendums are to be allowed to pass.

4.1 Personal Rights & The Family

This paragraph will stand to show a portion of each Article before they were amended between the years of 1979, the papal visit and 2018, the latest papal visit. The Article in question and as mentioned above, is Article 40 '*Personal Rights*' and 41 '*The Family*'. As some of the sections or subsections are themselves Amendments added to the 1937 Constitution, they will not be featured there but will instead remain part of the analysis and appear under their own paragraph. Unlike Under Article 41 '*The Family*' section 3 and subsection 2, the particular phrase in regard to the subject of marriage and divorce has been a contested point. In the 1937 Constitution it reads: 3.2 "No law shall be enacted providing for the grant of a dissolution of marriage."³⁹ This is the original phrase, which was contested during the 1986 Referendum and again, during the 1995 Referendum. This is the only original phrase changed in regard to these topics held by this thesis as important for the analysis.

4.2 Amendments & Referendums

As this thesis will focus on the public opinion and the subsequent referendums it is essential to understand how these amendments are held as an important part of the Irish

³⁹ The electronic Irish Status Book, "Constitution of Ireland". <http://www.irishstatutebook.ie/eli/cons/en/html>

Constitution and from their introduction into the Dáil as a bill and towards the eventual referendum if passed by both houses. From the 1937 Constitution there are two separate Articles, that of 46 ‘Amendment of the Constitution’ and 47 ‘The Referendum’ which both contain the procedure and consequences of attempting and holding a referendum.

Article 46 ‘*Amendment of the Constitution*’ reads as following:⁴⁰

1. Any provision of this Constitution may be amended, whether by way of variation, addition, or repeal, in the manner provided by this Article.
2. Every proposal for an amendment of this Constitution shall be initiated in Dáil Éireann as a Bill, and shall upon having been passed or deemed to have been passed by both Houses of the Oireachtas, be submitted by Referendum to the decision of the people in accordance with the law for the time being in force relating to the Referendum.
3. Every such Bill shall be expressed to be "An Act to amend the Constitution".
4. A Bill containing a proposal or proposals for the amendment of this Constitution shall not contain any other proposal.
5. A Bill containing a proposal for the amendment of this Constitution shall be signed by the President forthwith upon his being satisfied that the provisions of this Article have been complied with in respect thereof and that such proposal has been duly approved by the people in accordance with the provisions of section 1 of Article 47 of this Constitution and shall be duly promulgated by the President as a law.

These are the fundamental rights which are to be fulfilled if any Amendments are to leave the floor of the Dáil as a bill and make it into a referendum. There is fairly limited need for explanation towards the wording of this process, and it seems fairly easy to implement a suggestion if a majority can be found, who is willing to table a bill for an amendment, it will move towards a referendum if desired by set majority and they believe that it would pass by the Irish voters.

As mentioned, the process of a referendum has its own constitutional paragraph Article 47 ‘*The Referendum*’ which has a similar number of sections and subsections, however, the purpose of Referendums only for the Irish Constitution, section two and its subsections one and two, have all been forgotten:⁴¹

⁴⁰ The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

⁴¹ The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

1. Every proposal for an amendment of this Constitution which is submitted by Referendum to the decision of the people shall, for the purpose of Article 46 of this Constitution, be held to have been approved by the people, if, upon having been so submitted, a majority of the votes cast at such Referendum shall have been cast in favor of its enactment into law.
3. Every citizen who has the right to vote at an election for members of Dáil Éireann shall have the right to vote at a Referendum.
4. Subject as aforesaid, the Referendum shall be regulated by law.

As they are written, these are the conditions which must be fulfilled for a referendum to be accepted by the Irish Constitution. Again, the sections and subsections warrant little to no explanation as they are thoroughly phased out. An interesting note on this matter, however, is the lack of requirements needed to complete such a referendum to amend the Irish Constitution. No specific clause on how many or few participants are allowed and if any specific number of NO voters or eligible voters may cancel the process, only a YES and no matter how small is required for an amendment to pass through a referendum and get signed. So, if an amendment is to make it into the Irish Constitution, it must first be approved by the Dáil over several hearings, it must be seconded by the *Seanad* which it mostly will, before it is decided by the *Taoiseach* on which date the referendum will take place. If the referendum fails, the bill dies right then and there. If it gets the Irish people's approval it then reaches the office of the president who signs the bill into law and if it is an amendment to the Irish Constitution, it goes into effect on 'Constitution Day'.

5 Entrants and Laggards

This paragraph will serve as an introduction to the several participants, which in their own right have fought and continue to fight each other on how to view the before mentioned topics of divorce, same-sex marriage and abortion. This thesis will focus on six of these participants, four of which are political parties with a substantial voter majority in the Dáil, one is the Catholic Church who holds a significant influence in the Irish society and therefore has had an important role to fulfil in the campaigns leading to the referendums. The last entry is a combination of two separate entities, that of the Convention to the Constitution and the Citizens' Assembly, which shall be covered as a single instance. Furthermore, the paragraph on the Catholic Church will function as a steppingstone to further the analysis and subsequent discussion.

5.1 The Catholic Church

Although the 1937 Constitution has been ratified over the years since its original signing, one of the most noteworthy changes happened during the referendum of 1972. Before the rollover of that decade the Catholic Church had held a special position amongst the many religions recognized by the Irish State. As it was stated in Article 44 ‘*Religion*’ under the first paragraph, section two: “*The State recognises the special position of the Holy Catholic Apostolic and Roman Church as the guardian of the Faith professed by the great majority of the citizens.*”⁴² This meant that the Catholic Church held an elevated status in Irish society as an almost secondary power structure, holding the moral high ground for the State’s citizens. More so this was seemingly introduced by de Valera as a favour for keeping good faith between the papacy and the Irish State during the harsher times of Irish History, while still not recognizing the Catholic Church as the state religion of Ireland.⁴³ While holding a special position did at least on thesis elevate the Catholic Church, it did not outlaw or discriminate other religions or followers of set religions. Still in Article 44 ‘*Religion*’, same paragraph and under the previous statement it was stated that: “*The State also recognises the Church of Ireland, the Presbyterian Church in Ireland, the Methodist Church in Ireland, the Religious Society of Friends in Ireland, as well as the Jewish Congregations and the other religious denominations existing in Ireland at the date of the coming into operation of this Constitution.*”⁴⁴

While in the next paragraph it goes on to protect the ideals of religious freedom and independence from the State as it guarantees not to endow any religion.⁴⁵ These following subsections would remain untouched until the beginning of the 1970s where the Taoiseach from Fianna Fáil tabled the bill to remove the sections from the 1937 Constitution as it was generally believed that these lines now caused more harm than good in the question of reconciliation with Northern Ireland.⁴⁶ The bill was opposed by little resistance by church members but not by any significant political opponents and was hastily forced into a referendum on December 7th 1972. It would pass with almost 85% voting YES but with surprisingly only just above 50% voters turning out to cast their vote.⁴⁷ However, it was here, 7 years before the first pope visit to Ireland took

⁴² The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

⁴³ Finnegan and McCarron. 2000. p. 125

⁴⁴ The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

⁴⁵ The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

⁴⁶ Finnegan and McCarron. 2000. p. 133

⁴⁷ The Irish Times, December 8th, 1972 *50% of Electorate turn out for Referenda*

place, that the Catholic Church lost its special position as the passage was finally removed from the constitution on January 5th, 1973.⁴⁸ However, the Catholic Church would continue to hold and maintain to this day its validated position as the major player of religion and other prominent aspects of the Irish society.⁴⁹

5.2 The Institutions of the Church

The upcoming paragraphs will contain a selected few institutions which all are held by members or representatives of the Catholic Church. Regardless of the amount of influence these institutions have all been affected by the religious doctrine proposed and held in high regard by the church and its followers. These coming paragraphs will serve as a staging point for the analysis and give an idea behind why it may not be so easy to change certain aspects of Irish society through a referendum. As mentioned above, the Catholic Church held and to some extent still does hold several strong points in the Irish Constitution. Ivana Bacik brings-up to some of the Articles and their sections and subsections in her book. These are primarily on subjects regarding education, healthcare and marriage which are mostly controlled by the Catholic Church's ideals and core values.⁵⁰ This does not cover all of the presence that the Catholic Church might have had in the Irish Constitution, but it does give a rather concrete view of where the Irish are coming from in their beliefs and upbringing under such laws. Ultimately, this grants a peek into why several generations of Irish women and men might feel the urge to rebel against their church in these recent referendums.

5.2.1 The Educational System of Éire

The one place in Irish society where the Catholic Church seemingly reigns on its own accords is the Irish education system. As Bacik brings up in her book, the National School system was founded by the English in 1831, their idea behind the system was to keep the schools multid denominational, separating schools and education from religion and churches.⁵¹ However, this separation was not well received by the major churches in Ireland, at the time being the Catholic Church and The Church of Ireland (Protestant), while later also other organized religions would

⁴⁸ The electronic Irish Status Book, "Constitution of Ireland". <http://www.irishstatutebook.ie/eli/cons/en/html>

⁴⁹ Bacik, Ivana. 2004. p. 30

⁵⁰ Bacik, Ivana. 2004. p. 58

⁵¹ Bacik, Ivana. 2004. p. 33

enjoy these benefits such as Jewish and Islamic schools.⁵² According to Bacik: “[...]perhaps unsurprisingly given the wording of the Constitution (1937) and the historical development of primary schools, to this day (2004) the very structure of the Irish primary education system remains based on religious denomination, and support for this denominational structure may be found in the constitutional laws”.⁵³ By *constitutional laws* Bacik is referring to Article 42 ‘*Education*’ and Article 44 ‘*Religion*’ but primarily the latter which contains a section and subsection reinsuring the right for any religion to open and maintain primary schools that follow the religious edicts put forth. This could help explain the phrase of Ireland being seen as a ‘*Bastion of the Roman Catholic Faith*’ and why the Catholic Church continues to hold its position as a major influence in Irish society. With over 90% of the Irish primary schools being patronized by the Catholic Church and the rest being either Protestant or other minor organized religions, the very idea of separating State and Church on a basic level, as the original National School system attempted, might not seem genuinely possible. According to Bacik, less than 1% of the Irish primary schools are the intended multid denominational schools.⁵⁴ This is because although the State promises in Article 44 ‘*Religion*’ not to ‘discriminate between schools under the management of different religious denominations’, the Irish State guarantees in Article 42 ‘*Education*’ the right to education and in the fourth paragraph it states that: “*The State shall provide for a free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.*”⁵⁵

This grants any parents the option to not choose a school which contradicts their religious beliefs and opens for parents to choose home-schooling or another school which better suits their beliefs. However, this might not be possible due to location, and by the phrasing ‘when the public good requires it’, the State can argue that a single or few individuals alone do not meet the requirement for a school to be subsisted by the Irish State. This means that many parents find themselves forced to send their children to primarily Catholic schools, since almost every Church district holds such a school and since no other schools are available within a reasonable radius.⁵⁶ A purposeful reason for this intimate relationship also stems from the early years of the Irish Free

⁵² Bacik, Ivana. 2004. p. 33-34

⁵³ Bacik, Ivana. 2004. p. 34

⁵⁴ Bacik, Ivana. 2004. p. 32

⁵⁵ The electronic Irish Status Book, “Constitution of Ireland”. <http://www.irishstatutebook.ie/eli/cons/en/html>

⁵⁶ Bacik, Ivana. 2004. p. 35

State and their desire to nationalise the country, specifically in areas of culture and heritages. This led to an invitation from de Valera and his government to the Catholic Church in an attempt to seek help in the process. Amongst these national ideals is language and again it is the Irish-Gaelic which was preferred and enforced into the school system as a priority language on par and several times throughout the 1900s above its English counterpart.⁵⁷ According to Bacik, although major reforms to the education system were introduced and passed in 1998 under the *Education Act*, those reforms failed to make any real changes to the system of ‘patronage’, in this context, the difference between who owns the school and who runs the school, and as such the Catholic Church still holds most of its dominion on the public educational system.⁵⁸

5.2.2 The Religious dogma in Healthcare

There are few other subjects than what is about to be discussed in these paragraphs about religious influence in Irish society that can be summarized as ‘poking your head inside a hornet’s nest’. Pro-life versus Pro-choice is a debate which these days in our continuously modern world seems to have left most of the religious arguments behind and has started to root itself in personal feelings and desires from deeply invested individuals and organisations. However, as this thesis will return to the debate in a further analysis, it should be noted how in Ireland, in the case of Healthcare, these institutions are also traditionally, if not directly run by, supported in several aspects by the Catholic Church.⁵⁹ Bacik points this out by going through several incidents in which different attempt to reform the Healthcare system were halted by members of the clergy and how the Minister for Health occasionally does not seem to hold any real power or control over her field.⁶⁰ This does have a severe effect on how even treatment is received and given at local and public hospitals. Bacik point to the perhaps most obvious place where the doctrines of the Catholic Church overrule any modern medical practices, that of childbirth: “[...]the Church’s influence on dictating the kinds of reproductive health services available persists to this day, but happily not to the same extent as in the past; although this limiting of the Church’s role has been very hard won, and there have been many casualties in the process.”⁶¹ Bacik is referring to how the Minister of Health has stepped up over the years to confront the catholic doctrines held in regard by various

⁵⁷ Powell, Fred. 2017. p. 99-100

⁵⁸ Bacik, Ivana. 2004. p. 35

⁵⁹ Bacik, Ivana. 2004. p. 46-47

⁶⁰ Bacik, Ivana. 2004. p. 46

⁶¹ Bacik, Ivana. 2004. p. 48

public hospitals and the various medieval practices which have been commonly used up throughout the 20th century, such as Symphysiotomy.⁶² The finer details of the procedure behind a Symphysiotomy⁶³ is unnecessarily cruel in comparison to the similar operation of a Caesarean section but was a preferred solution by many doctors who held the Catholic doctrines to an equal or higher standard than common medical practice.⁶⁴ While this practice was halted in the early 1980s, other religiously influenced health services remained throughout the 1990s and had a substantial effect on the population of Ireland. Any methods to halter the grow of the Irish population, such as male vasectomy, female sterilisation, abortion, contraceptives and general protection was either hard to obtain, though legalised or in cases of abortion, unavailable and punishable by law.⁶⁵ Bacik points to this unwillingness as recently as 2002 during the attempt by Fianna Fáil to roll back on the 1991 referendum, where it was revealed that: “[...] women were being forced to carry dead foetuses to term because some doctors were refusing to terminate pregnancies even when they knew that there existed a foetal abnormality inconsistent with live birth.”⁶⁶ The immense influence held by the Catholic Church on the healthcare sector of Ireland is nothing but incredibly sturdy, but with the turn of the century it has started to gradually diminish.⁶⁷

5.2.3 The Good Irish Wife

The Catholic Church, as many other religions, has various ceremonies associated with it including the right to wed couples. This is not necessarily a bad thing, however, by committing to this idea of marriage before anything else and by Catholic standards no chance of takebacks it starts to become a point for debate. Bacik points out how this should be considered a problem, As there is an extremely limited option for civil partnership of heterosexual couples and as she finished the book, no such option for same-sex couples.⁶⁸ The Catholic Church simply holds a grand monopoly on this area which also meant that the option for divorce was non-existent throughout most of the 20th century. “Everyone knows of the ‘Irish Divorce’ – married couples who lived in the same

⁶² Bacik, Ivana. 2004. p. 48-49

⁶³ The procedure was done instead of a normal c-section and involved sawing through the patient’s pelvis so that it opens like a hinge. By doing so and instead of a normal c-section the patient would be able to continuously produce children unlike women whom has received c-section and can only be cut a limited time and have a higher risk of going through another c-section again. This process does leave the patient in worse health and severe pain unlike the discomfort experienced after a normal c-section.

⁶⁴ Bacik, Ivana. 2004. p. 48-49

⁶⁵ Bacik, Ivana. 2004. p. 49

⁶⁶ Bacik, Ivana. 2004. p. 49

⁶⁷ Bacik, Ivana. 2004. p. 51

⁶⁸ Bacik, Ivana. 2004. p. 56

house for years, without speaking to one another, staying together for the sake of convention and fear of social opprobrium.”⁶⁹ While most perhaps could relate to this statement by Bacik, as being something of a 1950s thing or earlier, this idea of ‘Irish Divorce’ existed well into the mid-1990s before getting dissolved but, and without putting my head on the chopping block, in most outskirts of the Irish island, one might still find people who stay together despite hating each other because their religion demands it. Nevertheless, things have changed since Bacik correctively stated how Ireland and her people would need to start demanding serious change if they were not to be left behind in the massively expanding and liberalising world of the 2000s and onwards. The Catholic Church still holds a place in Irish society but for how long does it gets to keep its position and immense influence, perhaps the next referendum will tell.

5.3 The Convention on the Constitution & The Citizens Assembly

Although separate entities, the Convention on the Constitution & the Citizens Assembly shared a common goal, to help shape Irish society and support the Dáil on difficult and moral conflicting questions. Let’s first look at how the Convention on the Constitution was created and for what purpose it served during its time, between 2012 and 2014.⁷⁰ It was comprised of 100 people, 66 representatives from Irish society, ordinary people selected by random and 33 parliamentarians of all over the island including the northern part on invitation from the Irish government, and with a single independent Chairman. The Convention was originally setup by a resolution of both the Dáil and the Seanad to consider and make recommendations on eight specific topics and two of its own choosing which it would then pass on to the Dáil to consider for possible future amendments to the Irish Constitution. It would conduct 38 different recommendations on 10 different topics, amongst these the question of ‘Same-Sex Marriage’. This report was submitted to the Dáil June 2013 and received its response in the Dáil December 2013.⁷¹ From there it would lay the foundations for the Marriage Equality bill, which led to the Same-Sex referendum in 2015.

Just like its counterpart the Citizens’ Assembly ran for a range of years between 2016-2018. It too was comprised of 100 people, however, these were all randomly selected citizens who were to represent Irish society.⁷² The Assembly would also answer to the Dáil on a similar

⁶⁹ Bacik, Ivana. 2004. p. 62

⁷⁰ The Convention on the Constitution. <http://www.constitutionalconvention.ie/>

⁷¹ The Convention on the Constitution. <http://www.constitutionalconvention.ie/>

⁷² The Citizens’ Assembly. <https://www.citizensassembly.ie/en/>

resolution where it was to consider five different issues, one of which was the Eighth Amendment of the Constitution. On the final report submitted to the Dáil in June 2017, the Assembly recommended an amendment to the Eighth Amendment. It would receive a response from the Dáil first in September 2017.⁷³ While the Citizen's assembly is non-active as of now, this is an establishment which probably will return as Irish society continues to move into the 21st century.

5.4 The Major Political Parties of Ireland

This paragraph aims to establish the four major political parties' history and political agendas as they have all shaped the Irish landscape throughout their years as members of government, opposition or supporters of social reforms and subsequent referendums.

5.4.1 Sinn Féin

As a quick summary, Sinn Féin started out as so many other political parties in pre-independent Ireland as a nationalist movement bent on freeing the integrity of Ireland from England and English influence.⁷⁴ With the exception of the Irish Labour party, Sinn Féin is regarded as the fundamental building block in all major Irish political parties. Founded in 1905 as a purely nationalist party with goals identical with other minor nationalist parties in Ireland it had the sole purpose of freeing Ireland from any and all British influence and would continue this fight even after the defining change to the Irish Constitution in 1937. Having faded into political obscurity Sinn Féin emerged back on the political scene in the late 1960s and 1970s after an internal split between Marxist-Leninist leaning members of the party and the Left-winged republicans which resulted in the Communist Worker's Party but left Sinn Féin with a chance to modernization of what it stood for as a political party. However, throughout the 1980s the party abstained from participating in any real political work within the Dáil, as it would not recognize the political process at the time. It would take another decade before the Left-winged Sinn Féin would emerge as a political figure on a contestable scale as the 2000s and onwards have truly shown that the Irish people still believed in the need for a Left-winged option in the Dáil. Now considered a much more leaned Left-winged political party, Sinn Féin has since held a significant presence in the Dáil as

⁷³ The Citizens' Assembly. <https://www.citizensassembly.ie/en/>

⁷⁴ Finnegan and McCarron. 2000. p. 241-242

they are continuing to be amongst the four biggest political parties in Ireland and the biggest political party on the left side of Irish Labour.⁷⁵

5.4.2 Fianna Fáil

Having split apart from Sinn Féin already in 1926, Eamon de Valera founded the Fianna Fáil and took most of Sinn Féin's members with him.⁷⁶ Fianna Fáil would throughout the first many decades hold considerable power in the Dáil and only ever lose the Taoiseach post twice between 1932 and 1973. This meant that an overall majority of any legislative work can be passed on to the political deals made by Fianna Fáil, often by its own majority in the Dáil. The party would though suffer in the 1970s and more so in the 1980s as Ireland joined the Common Market, and modernization began to pressure the political climate. Internally this meant conflict on matters such as the "moral agenda", consisting of legalization of divorce and abortion. This also meant that by the 1982 election, Fianna Fáil would lose the government to Fine Gael and Labour who had vowed to give these questions a chance at a separate referendum. Fianna Fáil's return to power happened at the following election and was held strong for nearly another decade before the infamous *X-case* forced them to unite with Labour on the matter after they lost their amendment to the following referendum. From there the last time Fianna Fáil held power would be between 1997 to 2011, where they were, for now, toppled by Fine Gael. While Fianna Fáil is seen as a central leaning conservative party, it also holds several nationalist ideals close. Fianna Fáil has reputation as a "catch-all party" which will speak to its supporters and has shown to attract support from across disparate social classes. In its time as leader of the government between the years 1992 to 1994, and 2007 to 2011, it led coalition governments with parties of both sides in the Dáil.⁷⁷

5.4.3 Fine Gael

While not having directly split from Sinn Féin, they as well as Fianna Fáil started their political party as Irish State steadily grew independent from the British.⁷⁸ Founded in 1933, Fine Gael held little to no solitary power, relying on major coalitions to hold power the few times it was in office between 1933 and 1973. These coalitions mostly consisted of political parties leaning left, so in these early decades the Irish Labour Party was the best suited candidate, while Sinn Féin had

⁷⁵ Britannica – Sinn Féin. <https://www.britannica.com/topic/Sinn-Fein>

⁷⁶ Finnegan and McCarron. 2000. p. 242-248

⁷⁷ Britannica – Fianna Fáil. <https://www.britannica.com/topic/Fianna-Fail>

⁷⁸ Finnegan and McCarron. 2000. p. 248-253

faded away, and Fianna Fáil stood as their main political rival. Having won the election in 1973, Fine Gael, supported by Irish Labour once more, started to switch from their nationalist ideals, which they had held alongside every other major Irish political party who split from Sinn Féin, and started instead on a more social reform agenda. Fine Gael would hold office a few times between the 1980s and 1990s and be the driving force alongside Irish Labour behind several of the first referendums on social topics, such as the right to abortion and the possibility for divorce. However, these early referendums did end in mixed results. As of the 2000s and beyond, Fine Gael has held a majority as the second largest political party after Fianna Fáil but has again held office during the last two elections with Irish Labour's support, and this partnership has once again born new social reforms to the table, the referendums on equal marriage rights for same-sex couples and the right to abortion. Fine Gael is generally considered a liberal party with a greater focus on the private market than on the welfare system, however, their preferred partnership with Labour and their social reform policies does tend to lean towards something resembling social-liberalism, firmly placing them on the left side of Fianna Fáil on these matters.⁷⁹

5.4.4 The Irish Labour Party

Being the only political party who does not have its root in those early years of Sinn Féin, the Irish Labour party has not had an easy start compared to its political counterparts.⁸⁰ The Irish Labour needed to find themselves a political battlefield to stand on and while they started with the worker class, the following passage tells just how difficult the political landscape was: "The difficulty in the early years was that if Labour moved closer to Fianna Fáil and took a more nationalist tone workers would have no reason to vote Labour and could vote for Fianna Fáil. If the party moved to a more militant socialist tone it ran into opposition from the Church. If the party sought to be a broader-based Leftist social movement it encountered the social conservatism of an agricultural economy of small farmers. If it stayed close to industrial works and trade unions in agricultural Ireland its base would always be small and the party would become, as it did, embroiled in the conflicts of the trade union movement."⁸¹ Seemingly, there was not much political space to move on, and if they moved, they risked aligning themselves with the other major parties, but they stayed and risked becoming lost in the political wilderness. They would though find themselves in position of power a few times during the years between 1937 and 1982, but these were all short-

⁷⁹ Britannica – Fine Gael. <https://www.britannica.com/topic/Fine-Gael>

⁸⁰ Finnegan and McCarron. 2000. p. 253-256

⁸¹ Finnegan and McCarron. 2000. p. 254

lived possibilities. It would not be until the 1990 presidential election that Irish Labour would receive a major political victory as their candidate for the presidency became the first woman president of Ireland. Irish Labour did also try with Fine Gael to institute different social reforms, notably on the topic of abortion and divorce, and although the 1980s Irish population was not ready for such reforms, the referendum in 1991, after the *X-case*, and again in 1995, did start to show a promising future for Irish Labour's policies. The Irish Labour party stands as a social-democratic movement, a worker's party from the industrial era, they have stood the test of time and now generally hold the left side of Fine Gael on different social topics.⁸²

6 Source Presentation

“They approach the evidence in as unbiased a manner as possible, and seek to reconstruct the past from the evidence that remains.”⁸³ This statement from Stefan Berger sums up the ideal depiction of a historian at his work and holds true to its teachings as it is our most important task as historians to understand and tell the history of any sides and as unbiased as humanly possible, if not more. These next paragraphs will serve as a presentation of the various sources which have been chosen for the analysis, but it will also serve as to clarify why some sources have been chosen to do without.

6.1 The Irish News Outlets

One of the several disciplines commonly associated with the practices of studying history is the ability to work directly with any source material presented. In this thesis it will be any primary sources provided through the major news outlets in Ireland and to lesser extent other venerable outlets situated outside of Ireland. These sources will be but not limited to; articles of relevance, personal letters to the editor and editorials, contributions to the referendum or the specific topics of debate, accounts or reports from meetings or personal experiences and other short notices present in the newspapers or websites. It is the primary goal to limit the analysis to the Irish news outlets as they would more likely contain details on how the Irish population has divided its voices in public poll, during the different campaigns and voting patterns in each referendum, while

⁸² Britannica – Irish Labour. <https://www.britannica.com/topic/Labour-Party-political-party-Ireland>

⁸³ Berger, Stefan. 2003. p. 163

also having the opportunity be more direct with the Catholic Church and its presences and opinion on these selected matters.

6.1.1 Newspaper Sources 1972 – 1996

All the major Irish news outlets have collectively archived their newspaper from 1738 to present day in a database known as Irish Newspaper Archive. This has made it relatively easy to simply retrieve any related material from this one database, which is the reason for why I have decided to only bother with sources in digital form. I have used a variant of different keywords and dates to pinpoint some of the most relevant and important sources to the analysis. Simple searches such as ‘referendum’ or one of the specific topics have not really given much but headaches as over 1000 results would appear each time. This amount of results would continue still under combinations and with different limitations tactics, which is an indicator that the overall topics are frequently debated. While this is naturally a great thing, showing just how much there seems to be written about these topics, it does not help to limit the overall search and in regard to ‘referendum’ as keyword, it is important to remember that this thesis’ chosen topics are not the only amendments during this time. By confining in the academic research from earlier in this thesis, it was instead possible to limit the results to specific years, months and in the cases of each result from the early referendums, specific dates were used. It was also possible to use more modern articles, many which have yet to be achieved to find references to older public opinion polls which tells how the population has viewed these topics in their own time.

6.1.2 Website Sources 1996 – Present

The switch to using only digital sources from 1996 and onwards lies with the establishment of several Irish news media websites, and with that a possibility for producing digital content as an additional news source for many people. This search engine function is very much identical to the Irish Newspaper Archive, but instead as the archive consist of mainly ‘real’ newspapers digitalised for the purpose of preserving. Each different news organisation has a limited amount of their digital works, from 1996 and forward available as stored data on their own websites. This has made it possible to find specific articles directly from the publishers. This also mean that several of the sources have not been archived it and is still directly obtainable from the webpages of each news site, which in some cases have made the navigation towards the proper articles much smoother.

6.1.3 The Irish Times

The reason for choosing Irish Times as the main source provider lies with the possibility for gaining access to their exclusive articles and archive. These are all digital copies of newspapers dating back to 1859 which is easily navigated through a search engine and date selection option. It is a known fact that this paper used to be a protestant nationalist paper, which until the 1980s was held as such within the population. However, it has since then removed itself from its roots and become, like so many other good newspapers a more relaxed version of its former self. However, it is still regarded as a liberal oriented newspaper, which means that any polls referred to made directly from The Irish Times, may have a tendency to swing towards a progressive stand in the issue presented to the public in a referendum.

6.2 Source Critic

It remains, as a student of history, important to stay critical to the many choices of sources available. As an example, many would not be aware that some of articles related to public polls could be criticised for not including enough diversity in their sample population and that some of the news outlets have a political background and may have chosen a specific segment of the population who better fits the organisation's narrative. This could have severe consequence for the overall analysis if not considered already here as the results produced later may be inaccurate. Any student of history or aspiring researcher needs to uphold Berger's advice on remaining unbiased and to the best of their abilities attempt to view the topics from multiple sides. This extends to this thesis' sources as well, every article, personal letters to the editor and editorials, contributions to the referendum or the specific topics of debate, accounts or reports from meetings or personal experiences and other short notices present in the newspapers or websites contain an author, which is often more so in the archived newspapers than the modern websites though there may still be a few anonymous sources amongst those. This, as well as the before mentioned is the greatest challenge of any historians, to be aware of the sender's intentions and how one may be lured in on a specific path if not careful. With that being the case, the personal opinions of the people is something which in the thesis is found interesting but on a greater scale, as it is the shifting opinions of the masses which are easier to see and how it may have moved over the years between each referendums that is interesting for the analysis.

As a standing note, the upcoming polls from the sources are almost all identical in their structure of obtaining data. A large number of individuals, from around 1000 to 1250, have been asked each time a poll is mentioned, and they have been selected throughout the Irish constituencies so to gain a proper representation of the whole island. This is considered an acceptable amount of individuals by the Irish medias and therefore not to much concern for this thesis, however it is a critic towards how this data is collected and that readers of this data should be aware of its not complete representation of the Irish population. This also means that it has not been possible to gain directly access to the polls themselves, but instead relying on there results as they are illustrated in the news articles.

7 The Irish Referendums

Presented with academic journals and books on the subjects and the massive number of different articles provided from the biggest news medias and papers in Ireland, this analysis aims to set the stage, to compare how these referendums came to be, how the Irish voted, the end result of each referendum chosen and attempt to answer the given problem formulation. The intent is to use the knowledge gathered by the past referendums supplied with additional data from the newspaper sources and to compare them with how the people of Ireland have changed their votes over the time period between the visits of the popes. Besides the concluded results of each referendum, it will be possible to learn how each of the major political parties have stood on these referendums and to provide an understanding of how the people's vote might have changed accordingly. As mentioned, the sources are concentrated around news articles which directly have a relation with a referendum or in the special case from BBC, the major factors of each pope's visit to Ireland. These paragraphs have been divided into three different sections to ease readability and provide the possibility to compare each important referendum to the next. It will be in order of the fewest referendums held to resolve each issue.

7.1 The Same-Sex Marriage Referendum

Unlike the other referendums on divorce and abortion, which both have been challenged and changed throughout the years, no other referendum has dealt with the idea of marriage equality and same-sex marriage. Another notable circumstance is how this change on the right to marriage is unprecedented as Ireland becomes the first country to have a popular vote on the

matter instead of simply having it enforced by a country's politicians.⁸⁴ Considering the enormous influence held by the Catholic Church and its sustained grasp on the many Irish institutions as mentioned earlier, it is an impressive accomplishment to go against and change such an important aspect of what Catholicism and good Christians should stand for in the eyes of God. However, this is not done overnight or without a decent fight from either side of the argument. The following paragraphs will attempt to showcase the build-up throughout almost a decade, the campaigns and the different positions taken by the major political parties and the Catholic Church while diving into the result and its meaning towards a different Ireland.

7.1.1 The First to Change

While it is the public opinion which is the overall focus, there were made several political acts towards thwarting or embracing these new ideals of equal rights to marriage. The modern concept of legalising same-sex partnerships first began in 1989, as Denmark was the first country to recognize and allow this type of unions, while the argument for making same-sex marriage a legal and on level with a tradition marriage first started back in 2000 as the Netherlands became the first country to adopt same-sex marriage for its own citizens. Since the implementation of the law became a reality in 2001, the debate has spurted all around the world and specifically in Ireland has the debate truly taken shape and lasted well throughout the decade.⁸⁵ Ireland saw different support groups rise to the challenge, most significant amongst these was *The Gay and Lesbian Equality Network* (GLEN) and *Marriage Equality*, both organisations have lobbied for an amendment to the Irish Constitution on the rights for equal marriage to same-sex couples for over a decade.⁸⁶

7.1.2 Civil Registration Act

As a direct result of the Netherlands and other western countries allowing same-sex marriages in the early 2000s, 2004 in Ireland would become important for any partnerships outside the traditional Catholic marriage as several bills and motions were brought to the Dáil in attempts to change the status quo. The most prominent of these bills was the *Civil Registration Act*, courtesy of the Fianna Fáil administration which determined how the 1937 Constitution classified the act of

⁸⁴ The Irish Times, May 23th, 2015. *Ireland becomes first country to approve same-sex marriage by popular vote*

⁸⁵ The Irish Times, December 13th, 2006. *Concept of same-sex marriage has a long history*

⁸⁶ Parker, Susan. 'The Path to Marriage Equality In Ireland: A Case Study. December 2017.

marriage as a union between individuals of opposite sex only and therefore prohibited any marriages or official partnerships by same-sex individuals. The bill is much larger than just this specific clarification on the matter and it serves to this day although it has been amended over the years. The particular wording of the *Civil Registration Act* is rather clear on the prohibition of any same-sex marriages or unions. It reads under section two and following subsection: “(2) For the purposes of this Act there is an impediment to a marriage if — (e) both parties are of the same sex.”⁸⁷ This line alone denied any rights for partners of same sex to gain any similar rights as other traditional married couples. An important note is that this is still a catholic country where partnership outside of marriage is not a traditional public thing and therefore does this act also contribute to this, however, in any cases of same-sex couples, they would now find themselves, not criminally, outlawed and not recognized by the Irish State in regard to rights provided by the constitution on rights given to traditional married couples. On the other hand, this was not a new law as such, but a reinforcing statement to insure complete transparency on this matter, as Article 41 “*The Family*” under section 3.1 already states: “the State pledges itself to guard with special care the institution of marriage, on which the family is founded, and to protect it against attack”.⁸⁸ As viewed by its interpreters, “to guard with special care” and “protect it against attack” means that there can only be one kind of marriage, that which is situated in the core beliefs of the Catholic Church and should it be threatened by any means, the Irish State will step in to protect its citizens.

7.1.3 The Civil Unions Bill

A few more attempts were introduced to make “equal rights of all” include same-sex couples, starting in 2006 and finally coming to a conclusion in 2010 where a bill on the subject of same-sex couples registration to provide a similar right as traditional marriage couples would be passed through the Dáil and Seanad. The road to achieving this started with a public poll and a bill tabled by the Irish Labour Party, which in 2006 was in opposition to the Fianna Fáil administration. Although gaining much support on the floor by several parties, including Sinn Féin, Fine Gael and members of Fianna Fáil, the government eventually postponed the bill just long enough to avoid it before a general election, something which effectively killed the bill as the new administration, still Fianna Fáil, voted the Labour proposed bill down in favour of their own promise to introduce a similar bill on a later date, but within the timeframe of newly held election.⁸⁹ In several articles

⁸⁷ The electronic Irish Statues Book, Civil Registration Act 2004, section 2.2.e

⁸⁸ The electronic Irish Statues Book, “Constitution of Ireland”

⁸⁹ The Irish Times, October 31st, 2007. *Government to legislate for civil partnerships*

from December 2006 in the Irish Times, the Irish Labour representative, Brenda Howlin, who tabled the bill, recalls the reasons behind the decision for why it was right then and there necessary: “We want the Dáil itself to put in place this very robust legislative provision we believe will give a legal acknowledgement and status to same-sex unions.”⁹⁰ Going further Howlin expressed: “I believe that the time for consultation is over and the time for decision making is approaching. I am also confident that Irish society has matured and attitudes changed sufficiently to the point where the majority of Irish people would now have no problem with legislation that would provide same-sex couples with the same rights and duties that are generally available to married couples.”⁹¹ Howlin hits on the notion that Irish society has been through enough changes over the last decades that the Dáil now can ready the people for another aspect of change.

At this point in time, 2006, both previous referendums have facilitated the 1937 Constitution on other important issues, such as divorce and abortion, which makes the idea of any formal partnership between same-sex couples relevant. Irish Labour’s proposal did not originate suddenly without backup as prior to the bill being tabled for the Dáil a larger public poll had been published, and Howlin points to this as an important point, it has the Irish people’s backing: “The recent Lansdowne Market Research poll showed that 51 per cent of Irish people were in favour of full civil marriage for same-sex couples and a further 33 per cent were in favour of civil partnership: 84 per cent of people are in favour of legal recognition,”⁹² A quick read of this statement would seem confusing, but the important numbers are 51% and 84%, however while 51% believes same-sex couples should receive the same rights as any other marriage couple, 81% believes that same-sex couples should receive their own legal recognition but nothing stating that it should be on the same level as a traditional marriage. So, the proposed bill from Labour leans on the 84% who believes that a recognition as civil partner should at least be the option for any couples of the same sex. While not possible to find the specific poll in question, another article from Irish Times November 24, 2006 also refers to these numbers from the Lansdowne Market Research poll. Unfortunately does this article not give much more inside to whom participated besides referring to the participants as “voters” and how: “Support levels for greater legal recognition for gay couples were highest among the poorer sections of the community and lower among the higher-earning

⁹⁰ The Irish Times, December 14th, 2006. *Labour publishes same-sex Bill*

⁹¹ The Irish Times, December 14th, 2006. *Labour publishes same-sex Bill*

⁹² The Irish Times, December 14th, 2006. *Labour publishes same-sex Bill*

respondents.”⁹³ This detail about support is interesting when compared to other public polls and how the Convention of the Constitution later would recommend this change.

7.1.4 Civil Partnership and Certain Rights and Obligations of Cohabitants Act

There are several distinctions which makes up the process of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act* which was proposed as a bill, labelled Civil Partnership Bill by the Irish government, spearheaded by Fianna Fáil just after the general election in 2006 which meant that the Labour proposed bill, Civil Unions Bill never made it off the floor in the Dáil. For coherence, the *Act* will be referred to in its Bill format as it has been throughout its coverage in Irish news media. The government’s Fianna Fáil representative, Minister for Justice, Equality and Law Reform, Brian Lenihan opposed Labour’s bill on recommendations from several advisers, including the Attorney General for going against the 1937 Constitution on the previously mentioned Article 41 “*The Family*” under section 3.1.: “the State pledges itself to guard with special care the institution of marriage, on which the family is founded, and to protect it against attack”.⁹⁴ By this classification Labour’s proposed bill was effectively halted, however, this meant that Fianna Fáil now was free to make its own promise of a similar bill, which would be a more suitable proposal dealing with the issue of granting same-sex couple similar rights as married couples and it would pressed during this government’s lifespan.⁹⁵ The Civil Partnerships Bill was presented in small details late June 2008 over several days, however, the reception amongst supporters and critics was miscellaneous. As stated in an article from The Irish Times on June 24th, 2008, the Civil Partnerships Bill would set out to do three distinct things: establish a statutory mechanism for registration of same-sex partnerships, set out the duties and responsibilities of registered partners, and set out the consequences of dissolution of such partnerships.⁹⁶ However, this would fall short of the recognition on par with traditional marriage although done purposely by the government as it otherwise would again, as argued in Irish Labour’s proposed bill, go against the very fundamental right to uphold marriage in general as pointed out in Article 41.3.1.

So, this bill would help to establish a forum for couples to register to gain several rights which are associated with and given to a married couple, without recognizing this registration

⁹³ The Irish Times, November 24th, 2006. *Most back legal recognition for gay couples, poll shows*

⁹⁴ The electronic Irish Statues Book, Constitution of Ireland.

⁹⁵ The Irish Times, November 1st, 2007. *Same-sex couples to get legal recognition next year*

⁹⁶ The Irish Times, June 24th, 2008. *Outline Civil Partnership Bill unveiled*

on the same level as being married, which was the idea behind Labour's Civil Unions Bill. As pointed out this proposed bill not even released as full text before early 2009 would cause several demonstrations from various support groups for same-sex individuals who to one side was happy that change and recognition now was on the table and it had support from several major political parties, while so demanding full and equal recognition on par with traditional marriage, something if it was to be implemented would require a referendum.⁹⁷ The importance of this bill can also be viewed through the backlash it received internally amongst members of Fianna Fáil and by Catholic representatives. Taken in short strokes, several members of Fianna Fáil took the stand immediately after the bill was proposed that they would not be part of this attempted legislation to "belittle" the special status held by heterosexual marriages under the 1937 Constitution.⁹⁸ This does raise the question on how one should view the overall party of Fianna Fáil, remembering how this is the political party who in reference to the other mentioned topics would stand against any liberalisation of these topics even though it now comes from their own party, though under pressure from the Irish people, shown in the many public polls on the subject and pressure from the other political parties who stand to gain a serious marker to use against Fianna Fáil in future debates and elections. While on the subject of public resistance, the Catholic Church seemed just as divided as Fianna Fáil. Several archbishops made it clear that they rejected the proposal altogether⁹⁹, while there were a more diverged opinion between the bishops, even to a stage where several of them applauded the government for this upcoming bill.¹⁰⁰ Although this particular bill is not the true subject of this analysis, it is important to understand and recognize the amount of material provided by letters to the editors and other more personal published opinions in different news medias. For the sole purpose of moving forward towards the eventual referendum on the matter, which would eliminate these previous discussed acts, it will remain certain how this topic stirred strong feelings in several individuals, public figures and private citizens at the time, but as it would seem, the most outspoken against the issue of same-sex rights, might have been the majority.

7.1.5 Public Opinion Polls

The idea of allowing civil marriage or at the very least civil partnership for same-sex couples was brought forward in several public surveys ordered by the several interest groups and

⁹⁷ The Irish Times, June 27th, 2008. *Groups to protest Civil Partnership Bill*

⁹⁸ The Irish Times, June 27th, 2008. *FF Senator leads move to deny gay couples right to register*

⁹⁹ The Irish Times, November 4th, 2008. *Archbishop warns against marital rights for cohabitation*

¹⁰⁰ The Irish Times, November 26th, 2008. *Bishops differ over emphasis on civil unions*

Irish news media. These polls were published during the process of the Civil Partnership Bill, between the year 2008 and 2010. In an article from Feb 2009 in the Irish Times there is yet another presentation of the results regarding a poll on the Same-sex Marriage, conducted by Lansdowne Market Research in October 2008. Over 1000 Irish citizens were asked to answer several questions in regard to same-sex marriage, equality and their opinion on Civil Partnerships Bill. The poll showed that 62% of the asked participants would indeed vote YES if a referendum was held to extend civil marriage rights to same-sex couples.¹⁰¹ This is an almost identical position taken in comparison to the Lansdowne Market Research poll from 2006, even more so it is a 11% increase on the specific question if same-sex couples should receive the same rights as traditional marriage couples. The 2008 poll helped to reinforce the idea that many supported a call for change, even though this would mean a major shift in the traditional Irish conservatism way of seeing marriage and a blow to the Catholic Church which still holds any such practices as a possible sin. Furthermore, in the article a breakdown of the numbers shows how majority of the given YES votes would be from young voters in general and, predominantly all ages voters in urban areas.¹⁰² This particular poll was part of the news media's coverage of the upcoming Civil Partnerships Bill which would have given the politicians a stronger mandate to go through with this bill without involving the public in a referendum. The goal of the bill as it was, was to grant same-sex couples the same rights, without the equal status of traditional married couples. These two mentioned polls from Lansdowne Market Research clearly show that a majority part of the Irish voters would have supported something further at the time.

Another poll in this timeframe was published September 2010, less than three months after the Civil Partnerships Bill had been passed in the Dáil and signed into law by the President of Ireland. In the article from Irish Times, which had conducted the opinion poll itself in cooperation with *Behaviour Attitudes*, it was shown how there seemingly was a greater age-related difference in the numbers in favour of changing several issues in Irish society, such as the question of equal marriage right to same-sex couples. According to the author of the article, a surprising number of elderly citizens was in favour of these changes, while not so surprising nearly all younger voters was too in favour.¹⁰³ A closer look at these elderly voters shows that the split is somewhere between

¹⁰¹ The Irish Times, February 27th, 2009. *Same-sex marriage gets poll support*

¹⁰² The Irish Times, February 27th, 2009. *Same-sex marriage gets poll support*

¹⁰³ The Irish Times, September 15th, 2010. *Yes to gay marriage and premarital sex: a nation strips off its conservative values*

dead even, which does indicate that the most divided group on these social issues, in this case same-sex marriage, is the elderly. The overall consent seems given from multiple generations, who does support the idea of a universal willingness to change the social laws and churchly doctrines which have been a part of these many generations' childhood. Furthermore, does this poll contradict a statement from the Fianna Fáil government that a referendum on the subject of equal marriage rights for same-sex couples would fail and their solution for this dilemma, the Civil Partnerships Bill, was the best and only solution. To further this contradiction the poll provides again a substantial increase of the numbers of potential YES voters in such a referendum, now stationed at 67%.¹⁰⁴ While this poll was not specifically on the issue of same-sex marriage but contained several other topics interesting for discussion, this poll did provide enough backbone for Fine Gael and Labour to press the issue in the 2011 election, as stated, promising real change should they win majority in the Dáil.

7.1.6 The Stand for Marriage Equality

The referendum would not take place before May 2015, the promise to initiate its development into a suitable bill for the Dáil started with a promise from the winning parties of the 2011 general election, which saw Fine Gael and Labour form a coalition government.¹⁰⁵ Already here does the first few signs of movement in political opinions towards these issues present itself. Fine Gael once held a significant nationalist stand which tended to lean more towards the agenda of the Catholic Church on any of these subjects. However, as noted this was a Fine Gael led coalition which initiated this call for a possible amendment. This, in accordance with the coalition partner Irish Labour may have shifted Fine Gael even more to its liberal roots rather than its nationalist. Not much is to be added towards Irish Labour, who as a social democratic party and the only political party not born out of the old Sinn Féin, has stood on this issue for change the longest.¹⁰⁶ The biggest difference between the previously held positions is the shift in Fianna Fáil which for the first time stands united with its political rivals in asking the people to vote YES for the amendment.¹⁰⁷ Almost unheard of the old conservative party and supporter of the Catholic Church stands with the people's desire to gain the freedom of choice. Same goes for the other of the four greater political parties in

¹⁰⁴ The Irish Times, September 15th, 2010. *Yes to gay marriage and premarital sex: a nation strips off its conservative values*

¹⁰⁵ The Irish Times, Marts 6th, 2011. *Fine Gael, Labour agree to form coalition government*

¹⁰⁶ Labour already back in 2006 tabled the issue in the Dáil with its Civil Unions Bill, which failed to get further support due to the 2006 election.

¹⁰⁷ Fianna Fáil. "Fianna Fáil Launches National Campaign for YES vote in Marriage Referendum"

Ireland, Sinn Féin that on their official website can be quoted: “The recognition before the law of the rights of same sex unions is long overdue. This is vitally important in recognising that all people should have equal rights before the law regardless of sexual orientation, race, religion. This will send out an important message about the rights of homosexual people.”¹⁰⁸ These positions are further supported in an article from the Irish Times from April 2014, in which it is shown how the differences are presented in each political party’s voters: “Labour voters the most enthusiastic for change with 80 per cent support followed by Independent/Other voters on 74 per cent. Among Fine Gael voters the Yes support is 69 per cent, 68 per cent among Sinn Féin voters and it drops to 55 per cent among Fianna Fáil supporters.”¹⁰⁹

If nothing else, at least on the subject of right to choose one’s partner and the recognition of that partnership, the otherwise very polarized political parties stand united. A separate matter was how the Catholic Church would find itself in the referendum. While not supporting the referendum as a collective church, as there were several outspoken priests and higher ranking individuals from the Catholic Church who spoke against it, the official statement from the Catholic Church at the time of the referendum was that it would not recommend a change to the ideals behind marriage and by extension ask for a NO to amend the Irish Constitution.¹¹⁰ It is rather hard to determine if this happened to be a major blowback or a simple acceptance from the Catholic Church should the referendum turn YES. However, for the Catholic Church it is another step down on the ladder, considering the Catholic Church’s previous stand on Sodomy, it had already seemingly lost the battle in 1993 as homosexuality, which is a part of the overall concept of Sodomy, was removed as a criminal offence.¹¹¹ This might have forced the Catholic Church in Ireland to rethink its position and with the upcoming referendum pointing towards a resounding YES, the official Catholic Church might just have given in and thought to save it from any backlash provided had they held firm and said it would be regarded as a sin to vote against this religious belief.

¹⁰⁸ Sinn Féin “Recognition of same sex marriage long overdue.”

¹⁰⁹ The Irish Times, April 7th, 2014. *Support for same-sex marriage increasing, poll finds*

¹¹⁰ The Irish Times, December 3rd, 2014. *Bishops say same-sex marriage would be ‘grave injustice’*

¹¹¹ The Irish Times, December 13th, 2006. *Concept of same-sex marriage has a long history*

7.1.7 The Convention of the Constitution

Without being misleading, let us take a look at another public poll presented the same year 2013 in which the Convention of the Constitution had its starting date. The poll touches on how since the poll from 2008, which was analysed earlier, the support for a referendum to extend civil marriage to same-sex couples has risen to 75% which is a staggering 8% increase since the implantation of the Civil Partnerships Bill. In the article which delivers on these poll results, it is also mentioned how the age gap of those, where the majority of individuals asked in that age range would vote no, is those over 65 years. This majority lies around the 43% mark, which does not give an indication of those remaining undecided or supportive, but the mark presented is not in an overall majority.¹¹² Nevertheless, this poll was conducted late 2012 just as the Convention of the Constitution was to start its work beginning early January 2013. The Convention wasted no time in attempting to solve the issue and by June 2013 it had delivered its report to the Dáil. While the report is rather long, this analysis will focus on the recommendations provided with votes casted so to understand the support for the recommendation.

The overall question which was asked is a following: “Should the Constitution be changed to allow for civil marriage for same sex couples?”¹¹³ 79 voted YES, 19 NO and 1 No opinion. A rather similar result to the before mentioned public poll. On the following question: “If the Constitutional Convention votes in favour of change, what form should this amendment take?”¹¹⁴ Three options were presented, Option 1 which gained 17 votes, was that the amendment should be permissive, so not to force the government to make a specific law, Option 2 with 78 votes, went further and stated that the amendment should be directive, so the government would be forced to create a law in support for the amendment. Option 3 was a No opinion with a single vote. The third and final question went a bit further than the question of marriage: “In the event of changed arrangements in relation to marriage, the State shall enact laws incorporating necessary changed arrangements in regard to the parentage, guardianship and upbringing of children.”¹¹⁵ This gained 81 votes for, and 12 against, with 2 sporting the No opinion option. These recommendations

¹¹² The Irish Times, January 28th, 2013. *75% support same-sex marriage: poll*

¹¹³ Third Report of the Convention on the Constitution, Amending the Constitution to provide for same-sex marriage, June 2013. Chapter 2. Convention Recommendations.

¹¹⁴ Third Report of the Convention on the Constitution, Amending the Constitution to provide for same-sex marriage, June 2013. Chapter 2. Convention Recommendations.

¹¹⁵ Third Report of the Convention on the Constitution, Amending the Constitution to provide for same-sex marriage, June 2013. Chapter 2. Convention Recommendations.

where all brought to the Dáil as mentioned in December 2013, which started the official countdown towards the referendum.

7.1.8 The Failed Wording

Hinted at in the paragraphs above the referendum itself did not suffer from any notable political backlash as the aforementioned political parties all officially agreed that the equal right to marriage was an important issue and it had support amongst the general population according to public polls. However, this does not mean that there was no attempt to delay or obstruct the referendum. With no ill intent towards the overall goal of the same-sex marriage referendum a problem quickly arose with the Irish-Gaelic wording in the proposed text. According to several journalists and lawmakers the wording was flawed when comparing the Irish-Gaelic to the Standard English which sparked a debate and wish for changing set wording or if not changed to vote against the presented referendum at the time. In an article from *The Irish Times* in February, just three months away from the scheduled vote, it is pointed out how the Irish-Gaelic text had a different and much more specific wording compared to the English.¹¹⁶ The Irish-Gaelic version: “Féadfaidh beirt, cibé acu is fir nó mná iad, conradh a dhéanamh i leith pósadh de réir dlí.”, which directly translated to English: “A couple may, whether they are men or women, make a contract of marriage in accordance with law.”, makes a different interpretation of whom is allowed to marry should this pass into law. In the wording of the Irish-Gaelic, it does not make the distinction for couples of opposite sex which would mean that *only* same-sex couples would be legal for future marriages in Ireland, rendering traditional catholic marriage illegal.¹¹⁷ While it was clearly not intended and corrected before the scheduled debates and upcoming referendum, this stands as a reminder that it is not the first time that there has been a significant difference in the reading between the Irish-Gaelic and modern English.

7.1.9 The Referendum

From the Oireachtas own homepage the official debate surrounding *The Thirty-fourth Amendment of the Constitution (Marriage Equality) Bill 2015*, started on the 10th of March that year. It was without contest moved through the Dáil and Seanad during that month and was then

¹¹⁶ *The Irish Times*, February 21st, 2015. *Experts say constitutional changes should look at subtlety of Irish translation*

¹¹⁷ *The Irish Times*, February 21st, 2015. *Experts say constitutional changes should look at subtlety of Irish translation*

scheduled to the referendum which was to be held on the 22th of May.¹¹⁸ The Amendment reads “Provided that marriage may be contracted in accordance with law by two persons without distinction as to their sex”.¹¹⁹ This corresponds with the Convention’s proposal on that the Amendment should be directive, ‘in accordance with law’ means that the government is forced to add bill reflecting on the Irish people’s wish for equal marriage rights. As stated earlier in this thesis, there will not be a concrete focus on the many campaigns held throughout Ireland, as many Constituencies had different approaches to what they wanted the referendum to focus on. A major difference was in how the urban areas versus the rural areas attempted to persuade their voters. While in the rural areas it seems to have come down to a religious question on the issue, the urban areas seem to have had a focus more relying on the positive and negative consequences of equal rights and families on the question of surrogacy and adoption.¹²⁰

While it is not possible to gain much additional data from the referendum as of who and what age categories might have voted where on the day of the referendum, it is possible to see in another poll just two months away from the referendum how different generations would perhaps vote in the coming referendum. As stated by the Irish Times, who ordered the poll: “The findings of the latest poll, [...], reveals a big difference in voting intentions across the age groups.”¹²¹ The poll showed that all age groups, except the 65+, which was also the only group last time in 2013, that age was a measurement, would be in favour of a YES to the amendment. However, the most important age grouping, in this thesis regard, is the 50-64 group as they were the *youth* of the referendums in the 1980s. Impressively enough they retain a majority towards YES on 59% with 28% to the NO.¹²² This could indicate that the *youth* of the 1980s has not forgotten where it stood at the time.

On the day of the referendum, the 22th of May, a substantial majority of the Irish people voted YES with a majority of 62% against the NO of 34% to the amendment on legalizing marriage between two individuals of the same sex came to be.¹²³ Only a single constituency had a

¹¹⁸ The Houses of the Oireachtas – Bills & Acts: Thirty-fourth Amendment of the Constitution (Marriage Equality) Act 2015

¹¹⁹ The electronic Irish Status Book, “Constitution of Ireland”

¹²⁰ The Irish Times, April 25th, 2015. *Kathy Sheridan: Less about marriage, more ‘you’re one of us’*

¹²¹ The Irish Times, Marts 27th, 2015. *Poll shows same-sex marriage referendum could be close*

¹²² The Irish Times, Marts 27th, 2015. *Poll shows same-sex marriage referendum could be close*

¹²³ The Irish Times, May 23rd, 2015. *Same-sex Marriage Referendum Results*

majority towards the NO, while the rest had comfortable majority in the YES, more so above the result in the major urban areas.¹²⁴ The Thirty-fourth Amendment of the Constitution was added as subsection 4 to section 3 of Article 41 ‘*The Family*’ and gives the right of marriage to any genders before the law. The law in this case became the following *Equal Marriage Act* which was hastily pressed forwards in the Dáil and Seanad upon the President of Ireland signing the amendment into the Irish Constitution on the 29th of August.¹²⁵ The Equal Marriage Act would simply add the possibility to further the civil partnerships into actual marriages for all couples who already or would register their partnership and the act would then remove the need for registering in the future as any couples now would have the right to marriage.¹²⁶ With all of this concluded before the end of the year it would now seem that the question of equal marriage before the law has been settled as Ireland now faces in the years after this referendum a much more contested subject.

7.2 The Divorce Referendums

The title implies that there is more than a single referendum on the matter of divorce, and that is indeed correct as the question of divorce has been contested twice with only a small decade part. This does not, however, exclude the presence of major movement for change in this short period, but it does make the case of divorce rather interesting as the time between these two, very similar proposals have not given way to that many new voters. Furthermore, an exception has been made in this part of the analysis: as this time period lies outside of the digital media age, it will be archived newspapers that will make up most of the sources, but there will remain a great support from research conducted after the referendums as well to insure that no significant details are lost between the newspaper pages.

7.2.1 The Divorce Movement

1980s saw several bills determined to solve the constitutional prohibition against divorce, although none were successful on the matter as they lacked the overall support to pass the first few rounds with the Dáil. It did create a movement which promoted the Fine Gael, leading the government at the time, to propose its own bill on the subject, *Tenth Amendment of the Constitution*

¹²⁴ The Irish Times, May 23rd, 2015. *Same-sex Marriage Referendum Results*

¹²⁵ The Houses of the Oireachtas – Bills & Acts: Thirty-fourth Amendment of the Constitution (Marriage Equality) Act 2015

¹²⁶ The Irish Times, November 10th, 2015. *Same-sex marriage signed into law by Ministers*

Bill.¹²⁷ Naturally, this made headlines in the Irish Times newspaper the day after it was introduced by the Minister of Justice. In the article it was revealed that the government was not united on this issue and although it would not meet resistance with the Dáil, members of government would fight it in a scheduled referendum.¹²⁸ Within that same frontpage it is also possible to read that the supporters for the bill, *Divorce Action Group*, praised the government's decision to go forward with this bill and give it to the people, a motion supported also by the members of government who would oppose the referendum in their constituencies.¹²⁹ The government had already prior to introducing the Dáil to the bill contacted the opposition leader Fianna Fáil on the objection question. It found that the Fianna Fáil members of the Dáil would not oppose the bill. With this secured, the proposed amendment was formulated and hastily forced through the Dáil in May 1986.¹³⁰ This did not halter any of the upcoming debate, however, specifically with the Catholic Church that was quick to sharpen the pitchforks and declare this proposal too broad for their support to be had. In a column from the 28th of April, the Minister of Justice had to defend his choice of words within the proposed amendment and attempted to correct the Catholic Church on its stands.¹³¹ Little did it help as the Catholic Church continued to stand against the proposed amendment. The Archbishop of Dublin went on ahead and spoke against the referendum shortly after it had passed both the Dáil and Seanad. He stated that this referendum would have long lasting consequences for Ireland would it pass, and without directly implying it he urged his congregation to vote against.¹³²

7.2.2 Public Opinion Polls

An early poll introduced in the Irish Times the 5th of May showed that 57% was indeed in favour of the divorce amendment. The highest level of support was found within the major cities while the rural areas did not reach above threshold. Furthermore, this poll showed how the different political parties' supporters stood on this issue, with a divide down the middle of Fianna Fáil, a 60-40 majority with the government part Fine Gael and another closely divided Irish Labour group, which begs the question of whether the instituters to this bill really had thought this referendum through or whether it was doomed to be failed attempt this early in the campaigning,

¹²⁷ Finnegan and McCarron, 2000, p. 174

¹²⁸ The Irish Times, April 24th, 1986. p. 1 *Government Bill allows divorce only after 5-year break*

¹²⁹ The Irish Times, April 24th, 1986. p. 1 *Divorce Action Group 'relieved' at referendum*

¹³⁰ The Irish Times, April 26th, 1986. p. 1 *FF takes neutral stance on divorce*

¹³¹ The Irish Times, April 28th, 1986. p. 1 *Dukes dismisses bishops' claim on divorce proposal*

¹³² The Irish Times, May 31st, 1986. p. 11 *Archbishop's warning on divorce referendum*

weeks before it would leave the Dáil and the Seanad.¹³³ Remaining with the poll, as it also shows the age gap between the poll participants positions, a larger majority of potential voters, age 18 to 34 would support the amendment, and while 34 to 49 is a bit lower, it is still above the threshold of 50%. This left the age groups 50 and up, including most voters in the rural areas despite age, against the amendment.¹³⁴ The day before the referendum another similar poll showed up in the Irish Times that, however, no longer showed any favour towards the amendment. The harsh campaigning done by members of the *Anti Divorce Campaign* had left the support for the amendment shattered and without much support. Yet, the groupings before still held some minor favour amongst age 18 to 34 and still primarily urban dwellers. However, age 34 to 49 would now vote against divorce, identical with the overall poll numbers. The different political parties' supporters had also dwindled with Fianna Fáil now leading the against vote with a majority while Fine Gael and Irish Labour had remained in the positive, though only just above the threshold.¹³⁵

7.2.3 The 1986 Referendum

One thing became certain very quickly on the day of the referendum, which was that the amendment had failed. Days later the results were finally counted, and the majority had voted against it with 63% to the NO and 36% YES. This was a major setback for any of the supports of the referendum. A further breakdown of the numbers showed how only half of Dublin's districts had voted YES while the rest of the country had with overwhelming majority voted against.¹³⁶ One of the reasons could be found the day before in a column from The Irish Times, as it documented how a large numbers of Dublin's senior citizens had found their way towards the ballot boxes.¹³⁷ While this indicates how important this vote was for some, it would also suggest that a majority of the NO voters were, precisely as the polls would had suggested, elder citizens. This would also help to explain the reason behind Dublin city's divided outcome towards the result.

7.2.4 Inter 'referendum' Period

Although this upcoming paragraph does not do much in analysing the people of Ireland's movement on the issue of divorce, it does show a lot of how the politicians handled the

¹³³ The Irish Times, May 5th, 1986. p. 1 *57% favour divorce amendment – poll*

¹³⁴ The Irish Times, May 5th, 1986. p. 9 *Poll shows 57% intend to vote for amendment*

¹³⁵ The Irish Times, June 25th, 1986. p. 9 *Big swing against the amendment in poll*

¹³⁶ The Irish Times, June 28th, 1986. p. 1 *Voters reject divorce by massive majority*

¹³⁷ The Irish Times, June 27th, 1986. p. 7 *Dublin's senior citizens turn out in force*

intervening years. While the 1986 referendum did not pass and was left best forgotten by those who had supported it, the remnants of the idea behind the Tenth Amendment of the Constitution Bill was still there to be picked up and reforged into something more eatable for the Oireachtas and without the need for another referendum. The last days of 1987 saw the proposal of Alan Shatter's *Judicial Separation and Family Law Reform Bill*, a bill which was intended to do what the 1986 referendum could not, make the act of separation easier on the Irish people without dealing with the changing of the Irish Constitution which still prohibited actual divorce. Not until the 4th of February the next year was it possible to read about it in the Irish Times newspaper. In a column on page 19, readers were made aware of the bill and what Shatter had proposed. They were also able to read that this bill was broadly supported by members of each side, being that Alan Shatter was from Fine Gael, opposition to the government led by Fianna Fáil, but was welcomed by members of Fianna Fáil and Irish Labour.¹³⁸ A week later, on the 11th of February readers of the Irish Times could again read that all political parties within the Dáil had given their support for the proposed bill and that the purpose of the bill would enable couple whose marriage had broken down to separate in a civilised way.¹³⁹ From here it would take another year before the bill would move further along the process in the Dáil, as the government headed by Fianna Fáil attempted over several times to amend Shatter's bill. In the last week of November 1988, readers of the Irish Times newspaper were able to follow the inherent chaos which plagued the proposed bill as it survived without being changed by a single vote.¹⁴⁰ Shatter's bill would though return to the Dáil amended after a negotiation period which was confirmed in the Irish Times on the 7th of February 1989.¹⁴¹ From here it would pass the Dáil on the 23th of February without further attempts of halting the bill as it was signed by the Irish President the 19th of April.¹⁴² This was considered major news for any supporters of the previous referendum. Not only had a bill been passed by an incredible majority in the Dáil, it was the first bill proposed by a TD to pass in 30 years, updating Victorian legislation dating back to the 1870s. This benchmark made headlines in the Irish Times in a column from the 8th of June dedicated to remind the readers of the many failures to reform Irish social policies.¹⁴³ However, this was not the end of it as although the bill now had made it easier for a separation to take place, the real question

¹³⁸ The Irish Times, February 4th, 1988. p. 19 *Welcome for Shatter's family law Bill*

¹³⁹ The Irish Times, February 11th, 1988. p. 8 *Second stage of Shatter family law Bill agreed*

¹⁴⁰ The Irish Times, November 30th, 1988. p. 9 *FF defeated by one vote on separation Bill*

¹⁴¹ The Irish Times, February 7th, 1989. p. 1 *Government and FG agree on separation Bill*

¹⁴² The Houses of the Oireachtas – Bills & Acts: Judicial Separation and Family Law Reform Act, 1989

¹⁴³ The Irish Times, June 8th, 1989. p. 9 *Divorce referendum casts a long shadow*

of allowing for a true divorce would begin as Fianna Fáil was left in a coalition with Irish Labour in the beginning of the 1990s.

7.2.5 The Build-up

Prior to the expected referendum things had gone off the rails for several governments in Ireland, but as the year 1995 became a reality, a new government spearheaded by Fine Gael had taken over from the previous Fianna Fáil and Irish Labour government, although Irish Labour had followed through and stayed in government.¹⁴⁴ In the Irish Times already back in January 1993, readers were told that an amendment was already under way and that the current government at the time was going to support it, however, it would take almost three years before the final date for the referendum was agreed upon.¹⁴⁵ By proving that they could work both sides of the political spectrum, Irish Labour should be considered the true architects of this attempt to redo the failed 1986 referendum, for which they also had been supporters. However, much political turmoil during the subsequent years did not do much for the possibility to amend the constitution, but in late May 1995 the first real poll was showcasing the coming possibilities for different amendments, as the government, now Fine Gael, had not made their proposal official. Like the previous decade's public opinion poll this gave the idea that a majority of the population was behind the amendment of the divorce ban, but instead of a simply for or against, different possibilities for the content was presented. With numbers such as 70 to 30 on removing the ban altogether and 55 to 45 on allowing remarriage to separated or divorced people, it would have seemed like the upcoming proposal and referendum was in good shape.¹⁴⁶ Unfortunately, this rather detailed poll did not give any indications of movement within the age groupings. However, on the day of the first hearing in the Dáil, The Irish Times could reveal in a small column how the combined youth parties of the major political parties had banded themselves together as a united front for the removal of the divorce ban. This encouragement to vote for was aimed towards the many first-time voters, who would have remembered the outcome of the last referendum and were unsure of where to vote in their own best interest. Their argument seemed to be surrounding the right to remarriage as the thought of binding oneself to a single person indefinitely and without chance for regret did not sit well with this new generation of voters.¹⁴⁷ By October the in favour had already shrunk to a 61% majority for with still

¹⁴⁴ Finnegan and McCarron, 2000, p. 181-183

¹⁴⁵ The Irish Times, January 4th, 1993. p. 1 *Divorce poll date may be agreed*

¹⁴⁶ The Irish Times, May 27th, 1995. p. 7 *Recent divorce polls show the majority of voters in the mood for change*

¹⁴⁷ The Irish Times, September 27th, 1995. p. 3 *Divorce unites youth of parties*

30% against. Interestingly enough, the against campaign had not rallied more to their specific side but had instead seemingly managed to make more people doubt their first decision. Still the article from *The Irish Times* showed that all political parties still held a majority amongst their voter for a change to the constitution and would vote YES in the coming referendum.¹⁴⁸ In a last pitch effort, just days before the referendum, the Catholic Church went out into the newspapers and publicly declared that there would be “a free” vote to the members of the Catholic Church¹⁴⁹, and that it was not to be considered a sin to vote YES to the amendment.¹⁵⁰ A rather deliberate choice of words, considering how the same members of the Church would state that they had not been out there instructing their followers to vote a specific way, still they had seen a need to go out and insure that people would vote, and in any case it would not be considered a sin. Nothing indicates that this was needed to be clarified in the previous election so one would wonder what may have changed over the last decade. Few things do come to mind, such as the before mentioned *X-case* of 1991, and several new allegations against the Catholic Church were brewing under the surface, although they had not been part of the YES campaigns, as both sides stood by the principles of the State and not the religious doctrines.¹⁵¹

7.2.6 The 1995 Referendum

Three days before the vote, it looked grim for the YES campaign as the latest and last poll before the referendum shown in *The Irish Times* could provide its readers with a rather even looking graph. With 45% for and 42% against, the undecided had again grown but also the NO voters had gained ground. Finally, some age numbers were provided to clarify where the votes were coming from. In the rural constituencies, it looked like a clear NO, as any age groups above 24 saw their votes cast against the amendment. On the other side of that, the YES votes saw a majority in all constituencies of Dublin with the youth again leading the charge. Also, the major political parties Fianna Fáil, and Fine Gael now saw their voters turn against them. Nevertheless, the majority was there, if only by 2%.¹⁵²

¹⁴⁸ *The Irish Times*, October 5th, 1995. p. 1 *61% favour removing the ban on divorce, poll shows*

¹⁴⁹ *The Irish Times*, November 13th, 1995. p. 5 *Catholic free to vote YES or NO in divorce poll, says theologian*

¹⁵⁰ *The Irish Times*, November 14th, 1995. p. 7 *Catholic may vote YES, says bishop*

¹⁵¹ Finnegan and McCarron, 2000, p. 181-183

¹⁵² *The Irish Times*, November 21st, 1995. p. 1 *Slender poll majority for divorce*

The referendum vote went by, and on the 25th of November, The Irish Times could deliver the news that nothing was decided. The margin was so narrow that several recounts were proposed all over the country as the results seemed inconclusive. Dublin had though delivered its support and was the only clear YES majority. However, the results were not finalised as the newspaper print went out, The Irish Times presented an exit poll, which showed a 46% for and 42% against with 12% undecided or refused to state their vote, the Irish people would have to wait for the evening news to tell them the result.¹⁵³ Close it was, with just 55% of the voter registered Irish going to the ballot box, a paper-thin margin for 0.3% had swung the vote towards a YES, with the final result 50.3% for and 49.7% against.¹⁵⁴

Still, it would take another six months before the results were finally certain as it became an issue for the High Court to decide if the referendum would have to re-run due to flawed tactics from both sides. By the midst of June 1996, the Irish President could finally sign The Fifteenth Amendment of the Constitution Act, 1995. The final text as it was written into the Irish Constitution, Article 41 ‘*Family*’, would be under section 3, subsection 2: “A Court designated by law may grant a dissolution of marriage where, but only where, it is satisfied that –

i. at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years,

ii. there is no reasonable prospect of a reconciliation between the spouses,

iii. such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law, and

iv. any further conditions prescribed by law are complied with.”¹⁵⁵

This would go on to replace the previously mentioned subsection 2, under section 3, which had stated: “No law shall be enacted providing for the grant of a dissolution of marriage.”¹⁵⁶ Pretty self-explanatory, but on the note of clarification, the court must be satisfied with all four aspects, whereas the fourth opened for several new laws to be enacted if needed. With such a thin majority voting for this referendum it has long be known that the Irish people would have to return to this

¹⁵³ The Irish Times, November 25th, 1991. p. 1 *Dublin to decide poll outcome*

¹⁵⁴ The Irish Times, November 27th, 1991. p. 1 *Petition against validity of poll result likely to go to High Court*

¹⁵⁵ The electronic Irish Status Book, “Constitution of Ireland”

¹⁵⁶ The electronic Irish Status Book, “Constitution of Ireland”

subject again. This does, however, end the rather short run to gain the possibility for divorce, but it did not, in many eyes, resolve the issue of a final divorce. The limitations put in place before a divorce could be finalized was not what many wanted or expected which may also be a part of the reason for this narrow YES. In any case, this referendum would conclude the Irish divorce issue until the 2016 election as it brought divorce back into the political scene with a promise for another referendum to resolve the issue once and for all. This referendum took place late spring 2019.

7.3 The Abortion Referendums

This is the third and final part of the analysis, which will contain the many referendums to facilitate and alter the Irish Constitution on the subject of abortion. As there is more than enough material and data to provide for a whole other paper on just this particular subject, the overall analysis of each referendum leading up to the last referendum, conducted in 2018, will be shortened to make room for further analysis on the last referendum. The previous referendums of 1983 and 1992 have all been without question thoroughly examined and debated in a multitude of academic works, peer reviewed articles and books by politicians and common people alike. However, this does not mean that there will not be any analysis of these early referendums as not all of them provide sufficient data on how people voted, although most of the events surrounding the referendums will be helped explained by scholars rather than newspapers. This also includes the lack of bills and acts introduced and voted on between some of these referendums, in particular the longer period between the last touched upon referendum of 1992 and the latest referendum of 2018.

7.3.1 The 1983 Referendum

Something which needs to be understood before diving into pits of abortion discussions in 1980s Ireland is that at no point in Irish history abortion was legal. However, as the world around the island modernized and new forms of medical procedures were invented, so the necessity rose for an outright wording within the Irish Constitution to emphasise the collective Irish stand on the illegal practice, which already was being performed on the neighbouring island.¹⁵⁷ The Irish political landscape at the time was not the most stable, either, which meant that although the original proposal for the Amendment was introduced by Fianna Fáil's Minister of Health, it was left

¹⁵⁷ Muldowney, Mary. "Breaking the silence on abortion: the 1983 referendum campaign" History Ireland. <https://www.historyireland.com/20th-century-contemporary-history/breaking-the-silence-on-abortionthe-1983-referendum-campaign-2/>

to the succeeding government led by Fine Gael and Labour to pass it through the Dáil.¹⁵⁸ There was a single attempt to change the original wording as it was presented at the time by Fianna Fáil, but as there was not sufficient support within the government's own ranks for the change, many had already declared themselves supporters or neutral on the issue, the original words remained as it was passed through the Dáil and Seanad to be presented before the people of Ireland in a referendum the 7th of September 1983.¹⁵⁹ In *The Irish Times*, in the intervening period before the referendum, a poll could be found on page 11 the 4th of July that read: 48% against poll. As it continued, the first statement of the paragraph was that there was actually no real support for holding this referendum, that a majority 2 to 1 did not believe in its necessity. However, further down the column it was revealed that a 60% majority of the Irish people were for the proposed amendment in its original wording.¹⁶⁰ An interesting poll which at the time did not give much for either side of the argument and simply presented the hard-rounded numbers of each previous poll conducted. Not a real surprise since there was not that much difference between the numbers, only showing a small but steady upward shift towards a YES in the question of abortion. The Catholic Church did also present itself as a supporter for the clarification of the stand against abortion. While not officially joining the campaign, it had several members of the clergy step forward and declare their support for a better wording and a constitutional right directly implemented in the Irish Constitution.¹⁶¹ The referendum was held the 7th of September, and it was passed by a two-to-one vote ratio of 66.9% for the amendment and 33.1% against, which was available to readers in *The Irish Times* on the 9th of September.¹⁶² In this newspaper it was possible to see how a majority of the rural voters had the highest ranking YES in each of their constituencies while the southernmost part of Ireland was the only to vote against the amendment. It was signed into law by the Irish President with its original wording: "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."¹⁶³ This means in a simply manner that as soon as a pregnancy is discovered, that life which is now held in accordance with the Irish

¹⁵⁸ Muldowney, Mary. "Breaking the silence on abortion: the 1983 referendum campaign" History Ireland. <https://www.historyireland.com/20th-century-contemporary-history/breaking-the-silence-on-abortionthe-1983-referendum-campaign-2/>

¹⁵⁹ *The Journal*, December 27th, 2013. *History lesson: What happened during the 1983 abortion referendum?*

¹⁶⁰ *The Irish Times*, July 4th, 1983. p. 11 *48% against poll*

¹⁶¹ *The Irish Times*, August 22th, 1983. p. 6. *Bishop urges 'YES' vote in referendum*

¹⁶² *The Irish Times*, September 9th, 1983. p. 1 *Two-to-one vote in favour of amendment*

¹⁶³ The Houses of the Oireachtas – Bills & Acts: Eighth Amendment of the Constitution Act, 1983 <https://www.oireachtas.ie/en/bills/bill/1982/35/>

Constitution is sacred and it retains its guarantee to life through this right, however, should the life of the mother be endangered and risk of death is imminent, then one life may be sacrificed to save the other if no other possibilities are given in regard to saving both individuals. With this wording in mind, let us proceed to the next referendum which had to deal with this specific wording.

7.3.2 The 1992 Referendum

Nothing truly could have prepared the Irish people for this terrifying event which would lead them towards a quick referendum and a facilitation of the wording in the Eighth Amendment. As stated earlier in this paper, there will not be any attempts to analyse directly on the unfortunate circumstances which make up the *X-case* as it remains a separate discussion from the goal of this paper. While that is the decision made, there were still three attempted amendments to the Eight Amendment which will be analysed for their meaning in the complexity of the previous amendment. As these were all additions to the Irish Constitution and nothing was removed, these became subsections to the Eight Amendment during a single referendum held in the aftermath of the final court decision which resolved the *X-case*. A poll from The Irish Times the 1st of October showed promising numbers for willingness to amend the existing Eight Amendment. It referred back to a separate poll from June which had held an 80% approval towards a constitutional change rather than a legislative, and on the question of allowing travel outside of Ireland to receive an abortion, a majority of 65% was for.¹⁶⁴ What quickly became apparent with the Taoiseach strategy of allowing a referendum of three separate amendments was the lack of unity amongst the many different organisations which was either Pro-Life or Pro-voice. This confusion was reflected upon in an Irish Times newspaper article from days before the referendum. It here became apparent that many voters were not sure of yet what they were actually supposed to vote in according to their own beliefs when looking at the support levels from each different political party's supporters, where none of them with the exception of Irish Labour could find a majority.¹⁶⁵

Two days after the referendum the results were in, and a single amendment was defeated as it only gained a moderate 34.6% support. This was the Twelfth Amendment and had the wording to exclude the mental health of a pregnancy as ground to receive an abortion: "It shall be unlawful to terminate the life of an unborn unless such termination is necessary to save the life, as

¹⁶⁴ The Irish Times, October 1st, 1992. p. *Majority against holding abortion ban referendum*

¹⁶⁵ The Irish Times, November 13th, 1992. p. *Voters confused by a lack of debate on abortion issues*

distinct from the health, of the mother where there is an illness or disorder of the mother giving rise to a real and substantial risk to her life, not being a risk of self-destruction.”¹⁶⁶ Rather convincingly was the other two results, granting the Thirteenth Amendment a solid YES with 62.3% of voters. This amendment dealt with the grand issue as it was presented in the *X-case*, which is the right to leave Ireland and receive an abortion. The following formulation was to be added as a subsection to the Eighth Amendment: “This subsection shall not limit freedom to travel between the State and another state.”¹⁶⁷ The third and final proposed amendment was the Fourteenth Amendment, which was supported by 59.9% of YES voters. It was to deal with the limitations which had been in place to avoid the Irish learning about the options provided by abortion clinics within England’s borders: It reads as another subsection under the Eighth Amendment: “This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.”¹⁶⁸ With this referendum completed the two approved were signed into the Irish Constitution by the Irish President on the 23rd of December 1992, which ended any constitutional changes on abortion to the Irish Constitution the next 26 years.

Although there was a real attempt just one decade later as the Twenty-fifth Amendment and subsequent 2002 referendum were held in attempt to strengthen the abortion ban again but going further than the previous Twelfth Amendment on the subject of mental health, which under the new amendment would no longer be considered a valid risk of life for the mother. While this referendum was defeated narrowly by 0.4% in voting difference towards the NO, it did seemingly spark the begin of the end for the combined might of the anti-abortion movement, Fianna Fáil’s stand on abortion and the Catholic Church’s influence on this subject.¹⁶⁹

7.3.3 The Citizen’s Assembly

During its short run between 2016 and 2018, the Citizen’s Assembly was presented by the newly elected government, headed by Fine Gael, to report on possible changes to the Eighth

¹⁶⁶ The Irish Times, November 28th, 1992. p. *Party talks starting next week expected to decide the shape of a new coalition*

¹⁶⁷The Irish Times, November 28th, 1992. p. *Party talks starting next week expected to decide the shape of a new coalition*

¹⁶⁸ The Irish Times, November 28th, 1992. p. *Party talks starting next week expected to decide the shape of a new coalition*

¹⁶⁹ Bacik, Ivana. 2004. p. 125-127

Amendment, which would be considered by the Oireachtas before the government would respond officially to the debate in both the Dáil and Seanad. The Assembly discussed the issue of what to do with the Eighth Amendment from November 2016 to April 2017 and voted to recommend repealing the existing amendment and replacing it with a new amendment which would give explicit right to women to decide for themselves if they wanted an abortion within the 12 week mark of pregnancy.¹⁷⁰ While the report is rather long, this analysis will focus on the recommendations provided with votes cast so to understand the support for the recommendation.

The Citizen's Assembly presented three options towards Article 40 'Person Rights' section 3, subsection 3. The first ballot reached a majority of 87% of members voting for that any change to the constitution was indeed necessary.¹⁷¹ The second ballot reached 56% on that Article 40 'Person Rights' section 3, subsection 3 should be amended or replaced to any degree.¹⁷² While the third ballot made the following statement: "Article 40.3.3° be replaced with a Constitutional provision explicitly authorising the Oireachtas to address termination of pregnancy, any rights of the unborn and any rights of the pregnant woman."¹⁷³ This won with 57% of the votes and would mean that it was a matter for the Dáil to decide how legislation on these issues should be handled. As this reached a majority of the votes, the Assembly then reached an agreement on what should be included in this legislation. Specifically, what kind of termination should be legal in Ireland, while including any limits to this termination. The Assembly reached a majority on 64% who recommended that the termination of pregnancy without restriction should be lawful, and within that group of people 48% voted it should be lawful up to 12 weeks, 44% voted for an extended 22 weeks while 8% did not set a limit of weeks.¹⁷⁴ As a last ballot, the Assembly recommended a series of reasons for which termination of pregnancy should be lawful, which included but were not limited to amongst other questions, the previous the grand question of if mental health should be considered a reason for termination of pregnancy, which was agreed upon by a majority of 78%.¹⁷⁵

¹⁷⁰ The Citizens' Assembly – Recommendations to changes for the Eight Amendment
<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

¹⁷¹ The Citizens' Assembly – Recommendations to changes for the Eight Amendment
<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

¹⁷² The Citizens' Assembly – Recommendations to changes for the Eight Amendment
<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

¹⁷³ The Citizens' Assembly – Recommendations to changes for the Eight Amendment
<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

¹⁷⁴ The Citizens' Assembly – Recommendations to changes for the Eight Amendment
<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

¹⁷⁵ The Citizens' Assembly – Recommendations to changes for the Eight Amendment
<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

With these recommendations in hand the Dáil set out to find a common ground for how to proceed on the issue. By early January the combined efforts of the Assembly and the members of the Dáil reached end, and the Minister of Health stepped forward with his proposal for The Thirty-sixth Amendment on the 7th of March 2018.

7.3.4 Public Opinion Polls

This process through the Citizen's Assembly did give the Irish news media time to collect polling data so the average citizen could follow the general feeling of which way the compass swayed. Already during the final days of debate with the Dáil on the recommendations from the Citizen's Assembly a poll showed a majority of 62% towards amending the Eighth Amendment while only 26% would vote against it.¹⁷⁶ Importantly this was a poll conducted very early in the process of what kind of amendment the Minister of Health would propose after the Dáil was done with the Assembly report. Still this does already show that a number of the Irish people were ready for a proper amendment to modernize the Eighth Amendment. This article did also spark the debate surrounding if the Assembly had been wrongfully connected as it was accused by Pro-life groups of having a pro-choice bias, something which was denied by the chairman several times, though the doubt lingered. Another survey followed up on these prediction late January as it became clear from sources within the government that the proposed amendment would contain the 12-week mark as a limit to terminate a pregnancy. The Irish Times could present another majority of YES voters, this time only 56% but the against did not muster more than 29% which left 15% undecided which was considered hugely important in the matter of swaying these voters towards either side, but if these undecided were to be excluded, the majority would raise with another 9% and the against would raise with only 6%, making room for error on the YES campaign.¹⁷⁷ These numbers would all though over the next few month as the referendums closed in, but never did it reach a critical threshold of 50% but stayed closer to 60% or above. This would indicate that the Irish people now were ready for change, something which could be seen far better within the age groupings.

The Irish Times poll from January also introduced a few data points on some of the age-related support questions. This showed a majority towards the YES with 74% of the *youth*

¹⁷⁶ The Journal, December 9th, 2017 *Most people want Ireland's abortion law changed, according to new poll*

¹⁷⁷ The Irish Times, 26th January 2018 *Clear majority backs abortion on request up to 12 weeks, poll shows*

between age 18-24, while the only other number that was presented in the article was 65+ which had 36% towards the YES.¹⁷⁸ However, these numbers there followed up in another poll from The Irish Times in April which again showed a massive majority amongst the *youth* of age 18-24, 67% and 25-34, 58% while the elderly held 49% against any amendments.¹⁷⁹ These numbers do indicate a broader balance towards a voter population which is supportive of the issue but unfortunately the age groupings between 35 and 64 was not represented which would have shown a clearer picture of these tendencies. In a last poll from mid-May before the referendum, new numbers showed that all age groups between 18-49 had a collective favour for the proposed amendment with 68% while the 65+ was still considerable towards the NO with 60% shared.¹⁸⁰ These last few poll numbers show that there had been a movement building up towards this referendum: as it previous was only the *youth* who would stand in support for facilitating this issue of right to abortion, they are now joined by the next generations and the old *youth* have become middle aged at best.

7.3.5 The Politicians & The Catholic Church

While the issue of abortion always has been rather sensitive for the main political parties, Fine Gael and Fianna Fáil, it was not hard for the leading TDs from Irish Labour and Sinn Féin to make their decision on the amendment. While Irish Labour wholeheartedly now supported the referendum, in contrast to their position a few decades earlier on the Eighth Amendment, the newcomer in this debate Sinn Féin had little trouble in reigning its member in, only losing a single. This would not stop the political leader of the party declaring: “Be very clear: we will be out campaigning very vigorously for repeal of the Eighth Amendment.”¹⁸¹ While the YES parties aligned with each other, Fine Gael and Fianna Fáil had to let their TDs go and vote as individuals and not necessarily as part of the party. Fianna Fáil in particular seems to have had several problems with a completely divided group which would oppose each other on the issue. Fine Gael had better luck reigning in most of its members towards the YES however, they did suffer from small division within the TDs. Some Fine Gael TDs hitting the nail on their own coffins: “Pressure from both sides on the repeal issue is very strong, particularly in some constituencies, with an election likely this year, TDs are living a pressure-cooker existence.”¹⁸²

¹⁷⁸ The Irish Times, 26th January 2018 *Clear majority backs abortion on request up to 12 weeks, poll shows*

¹⁷⁹ The Irish Times, 20th April 2018 *‘Irish Times’ poll: Public favour repeal of Eighth despite slip in support*

¹⁸⁰ The Irish Times, 17th May 2018 *‘Irish Times’ poll: Figures highlight reservations among Yes voters*

¹⁸¹ The Irish Times, Marts 8th, 2018 *SF unlikely to update abortion stance before referendum*

¹⁸² The Irish Times, January 15th, 2018 *Majority Fine Gael view on abortion referendum expected*

The Catholic Church did also time in during the referendum campaign period with their view on the issue of abortion which in their Catholic doctrines should not be allowed and they stood their ground on the issue for the duration of the campaign. Being cited during the annual spring gathering of the Catholic Church within Ireland, one Bishop said on the repealing of the Eighth Amendment to the Constitution, which guarantees the equal right to life of mother and unborn that it “would leave unborn children at the mercy of whatever permissive abortion laws might be introduced in Ireland in the future”.¹⁸³ Having taken the side of the ‘unborn’ the Church hoped to sway the Irish with the argument that: “today we see more clearly that human life begins at conception. There is no later stage in a baby’s development where we can say; ‘up until now the foetus was not a person and now it has become a baby’.”¹⁸⁴ It seems unlikely that the official Catholic Church had not already seen the colour on the wall and knew that they were in for a long road ahead if they lost on another issue, like the previous referendums from 2002 and less so from 1992. The bishops concluded their statement by inviting “people of faith to pray earnestly that Ireland will ‘choose life’ and that the lives of all women and their unborn children will always be loved, valued, welcomed and respected in this country.”¹⁸⁵ Signalling that they would do their best to support the NO supporters without directly getting involved with the campaign.

7.3.6 The 2018 Referendum

The day of the vote and the now almost inevitable result towards the removal of the Eighth Amendment and replacing it with the Thirty-sixth Amendment, a rather significant exit poll cast some new light on the specific topic of which age groups would vote what. As discussed in the previous paragraph regarding sources and critic of those, it was determined that most polls conducted within the chosen decades consisted of at least 1000 individuals from across Ireland, sometimes a few more, but with this exit poll an even larger amount of voters were asked than previously claimed. 4500 were interviewed as they left the polling stations, which gives a better look at how these different age groupings might have performed. According to the poll, age 18 to 24 had 87% towards YES, age 25 to 34 had 83% towards YES, age 35 to 49 had 74% towards YES, age 50 to 64 had 63% towards YES, while age 65+ had 60% towards NO.¹⁸⁶ These numbers are

¹⁸³ The Irish Times, Marts 6th 2018 *Catholic bishops: Repeal of Eighth would be ‘manifest injustice’*

¹⁸⁴ The Irish Times, Marts 6th 2018 *Catholic bishops: Repeal of Eighth would be ‘manifest injustice’*

¹⁸⁵ The Irish Times, Marts 6th, 2018 *Catholic bishops: Repeal of Eighth would be ‘manifest injustice’*

¹⁸⁶ The Irish Times, May 25th, 2018 *Irish Times exit poll projects Ireland has voted by landslide to repeal Eighth*

significant because they show the specific age group of 50 to 64, the now old *youth* from the 1980s, and this could indicate that should any more social reforms be enacted within Ireland the coming years, this progress would most likely continue.

The result came as it was predicted. With the final votes counted, the turnout landed on 64% and the YES votes won with a majority of 66.4% which meant that the Eighth Amendment with the added Thirteenth Amendment and Fourteenth Amendment would be replaced with the Thirty-sixth Amendment which reads: “Provision may be made by law for the regulation of termination of pregnancy.”¹⁸⁷ Minister of Health had already prepared the necessary legislation to support this amendment in legalising the abort within the 12 week mark of the pregnancy.

8 Discussion

This paragraph will aim to complete the work done within the analysis as the data from the different referendums are compared with each other to see how the Irish have moved on these issues during the last four decades. Also, the political parties will be looked upon to give an indication of how they have changed viewpoint. It will also be here I return to the idea presented by Wolman earlier in the thesis as the data provided from the many polls leading up to each referendum help illustrate this point. Finally, the discussion returns to the papal visits and how these visits have been received and how the Catholic Church now stands within the modern Irish society.

8. 1 The Final Results

Nothing is as certain as the results of each referendum analysed within this thesis. But how do they compare to each other in terms of results? If we look back at the earliest referendums from the 1980s, it is very clear how the Irish population is still very conservative in its beliefs and stand on social liberties such as the right to abortion or divorce. The Catholic Church stands strong amongst the people and the politicians which makes it hard to be liberal on these specific subjects. The voter turnout tells something similar, that between the two referendums in the 1980s 54% and 61% turned up at the ballot box and these were mostly individuals from Dublin with its multitude of constituencies. These two referendums were both ‘won’ by the conservatives of the Catholic

¹⁸⁷ The Irish Times - Referendum Result <https://www.irishtimes.com/news/politics/abortion-referendum/results>

Church, while the referendum of 1992 is special and does not consist with what the other two referendums from the mid-1990s and early 2000s showed. Staying with the unprecedented results of the 1992 facilitation of the Eighth Amendment, it is rather obvious how the *X-case* hit the whole country in shock and that a new approach was needed to ensure such horror would never happen to anyone again. Even the Catholic Church took a lighter stand on this as it did recognize the terribleness of the situation while trying to convey the message that these cases were perhaps one every 10 year, and perhaps a such strong need for facilitation was not needed. The 1992 referendum is special as the turnout was a lot higher, 68%, and the Irish voters were presented with three amendments at once in which two passed with a solid majority just as it was seen in the 1980s. Then come the 1995 and 2002 referendums which had similar results, and they stand as the turning point in Irish voters' commitment to the old conservative ways. As shown in the analysis both of these were narrowly won and defeated with only 0.3% and 0.4%, which, of course, is a massive drop in the otherwise very clear referendum results just one decade earlier. There may be several reasons for this, some of which will be touched upon in the upcoming paragraphs, but notable is the turnout of each referendum from 1995 and 2002, a 62% turnout for the 1995 divorce referendum while only a 42% turnout for the second attempt to remove mental health as a proper course for abortion. A strong argument for explaining that could be how it is hard to take something back from people when they first have had it for nearly a decade. Or perhaps this issue simply did not interest people enough to bother turning up which made the close result even so much more striking. This then leads to the last two referendums, the most recent ones from 2015 and 2018. How the tables have turned on these numbers as voters came out in force with similar turnouts as in the 1980s, 60.5% and 64.1% and the result tells a comparable history as well but in the opposite direction. As it stands, it does look like the conservative Ireland from the 1980s is slowly dying as it continues to lose its ground towards a much more liberal and young population, who is ready to continue the social reforms started in this decade.

8.2 The Political Movements

It is not as easy to compare how the four major political parties have moved throughout these four decades as Sinn Féin first really joined the referendum fray in the most recent ones. Nevertheless, they have moved from not wanting to participate or even be represented within the Dáil to now standing as the four largest political parties within Ireland. Looking at Irish Labour it becomes clear as well how they have managed to modernize themselves with younger and more

social reform-minded politicians. The early referendums showed clearly how divided Labour actually stood on several of these issues, but in the most recent ones it is now a united front of social democrats who carry the torch. The same cannot be said about Fine Gael, unfortunately, if compared to the early referendums the most recent ones still show the need of Fine Gael to let its members go by themselves on these issues while the political top does stand firm on their own choices. Rather interesting is it how all these major referendums have all been initiated by or during an either Fine Gael government or in participation with Irish Labour. This is truly a testament to these political parties as they have not had the governmental power more than a few times during the last four decades. Speaking of government, Fianna Fáil is perhaps the political party with the least comparable movement between these referendums as they have either held their position as conservative party and friend of the Catholic Church or have abstained from voting against, simply to give each issue to the people to avoid deciding themselves. Sharing the habit of releasing its member to vote as they please in the most recent referendums is the most movement shown by Fianna Fáil, which may be the reason behind their lowered numbers with the Oireachtas

8.3 A Rebellion of the Ages

This is the paragraph where we return to those age groupings which have been a part of almost every poll analysed. The argument presented is that through these numbers it is possible to see the 1980s *youth* rebel throughout the decades of different referendums as the approval for progressive change keeps increasing amongst the different age groups. As it was shown in the early referendums of abortion and divorce, the only majority voting towards a liberal stand were the *youth*, young voters. This did slowly change as we looked surrounding the voters particularly around the 1995 referendum where the *youth* now gained its support for a larger majority of the middle-aged groups as well, while still having a greater majority of the elders stand with their conservative beliefs. So already here we can start arguing for the theory of a quiet rebellion taking place. Having realized their fear of being expelled from society, the younger generation of the 1980s voters stood and watched as their parents and grandparents decided to outlaw and reject change, having taken this to heart the previous young generation, now perhaps parents themselves, saw their chance to better their own status with the referendums of the 1990s and early 2000s. They did now have the *youth* on their side, and their grandparents were on their way out. The process would then further grow over the next two decades as the *youth* of the 1980s now were in the high end of the age groups but not a majority with the 65+ as of yet. However, together with the new

youth, the previous *youth* now made up the majority of the 2015 and 2018 referendums. As Walmon points out: “The adult society has created most of the current ills and it is its moral duty to offer friendly help and guidance to the perplexed younger generation.”¹⁸⁸ This argument is supported from these numbers as it is now the old *youth* which gives the new generation a choice on the matters which they were denied.

8.4 Between Popes

This is the last part of the discussion which will focus on how papal visits from the Catholic Church may have had an impact on the overall feeling and situation in Ireland surrounding the Catholic Church and the referendums from the analysis. As it is well stated throughout this paper, the Catholic Church holds a lot of influence over several different aspects of Irish society, and a visit from the pope might indeed have had an effect on how willing people may have been to commit to change after such a visit. Looking at the situation from the 1980s there is some argument to behold that after such a visit the ideals supported by a strong Catholic Church would be firmly implanted in the Irish population. What talks against this is the several years between the 1979 visits and the first and second referendums of 1983 and 1986. But perhaps it is not as much the presence of the pope which fuels the conservative spirit and ideals, but its members situated with the Catholic Church and the political parties in government. In that case, the ‘boost’ experienced from the papal visit may have given enough to secure these important issues towards the doctrines practiced by the Catholic Church. Another simpler argument for the papal visit lies within the referendum prior to this thesis’ timeframe as the Catholic Church lost its special position held with the 1937 Constitution. The Papal State might then have seen it necessary to launch this campaign towards Ireland, to reign the ‘rebellious’ before they committed themselves more to other courses. If we return to the argument of the ‘boost’ experienced after the pope’s visit, the situation changed as the year went by and the Catholic Church had to face several unforgivable cases over horrible things committed by its members across Ireland and other Catholic countries. Perhaps the situation with the Catholic Church responds to the Amendments presented during the aftermath of the *X-case* might also have pushed the Irish people and the Catholic Church apart, in particular the younger generations. This time period does seem to mark the end of Catholic dominance as the next referendum on same-sex marriage pushed the Catholic doctrines aside. So, in this otherwise

¹⁸⁸ Wolman, Benjamin B. 1972. p. 259.

gruesome light, how do we interpret the latest visit from the current pope? It cannot have been easy to see or even understand what may have transpired with the Irish minds these few years, but if the Catholic Church believed it could reawaken the 'boost' from the 1980s, then it was sadly wrong. The pope arrived just as the referendum to repeal the Eighth Amendment had taken place and could do nothing to change the fact that the Catholic Church in Ireland seemingly had lost all connection with the youth. That, and certainly not helped by the many scandals surrounding the Catholic priests all over the globe, have not really brought the Irish Catholic Church any favours. Undoubtable is the fact though that the Catholic Church remains in many of the Irish institutions despite the current setback and perhaps when another pope returns one day to Ireland, he will be met by a modernized Irish Catholic Church that has found its place in the new developing Irish society.

9 Conclusion

Has it been possible to explain the Irish diversion from the Catholic Church's influence through a historical point of view, in regard to the social reform pushed through six different referendum over the last four decades? It depends on how you categorise the Irish people, as some would indeed argue that with only participation numbers below 45 at worst and just above 65 at best, these results does mirror the total of the Irish population, so how can I truly state that the Irish have moved passed their previously dominating Catholic Church and taken a new path towards something oddly familiar to something best found in Scandinavia. For starters, let's look back to the polling data surrounding the age groupings. Here it is very clear how the once young voters of 1980s have become adults yet no forgotten what they once fought for as it returns to the ballot box. It is this idea of a generation, which feared expulsion from their society, who kept quiet and said nothing as their parents and grandparents held the conservative high ground alongside the Catholic Church throughout the 1980s. Then as they became older, while some embraced their parent's ideology, other kept on rebelling in silence and the tide turned in the mid-1990s. This progress reached its current high as the latest referendums won with the same amount of support as they referendums in the 1980s did but now in the opposite direction.

Did the Catholic Church then really hold that much power over the Irish? Well I believe it still does. Each referendum left a steady number of non-participants, around 40% of the population, who did not bother to cast a vote, so why would they not want to vote regardless of

what is on the ballot. Perhaps this is where the Catholic Church and religion really stands its last ground, cause if we were to consider these those who do not simply care or does not believe in the democratic system, there has be to a reason behind it. Thus, maybe these people do not believe it really matter, that their God have already made out a plan for them and then why vote, if in God we trust. Purely speculative but it does give the Catholic Church some merit as these numbers seem within each result from the referendums show how it is the most rural of constituencies which hold the lowest voter participation. The Catholic Church have other areas as well besides the loses to the issues in the referendums where they stand strong, as of yet. With several institution, such a primary school and throughout the educational system, it is still the Catholic Church which holds the mantel of patron, owning most of the building and enforcing its religious beliefs on young generation. But perhaps this is what ultimately went wrong, sometimes when you have ‘eaten’ the same thing over, and over and over again, you start to grow tired of it, perhaps you reach a point where you never want that thing again, but then comes back to it very now and then when you need something else, something you used to like, only to be reminded that you still do not want it or that you are again ready to have some of it, but in smaller portions. The Catholic Church has taken a rather heavy beating over the last few years, much to their own fault, but it does have a place and a lot of influence within the Irish society.

So if we were to take a step back from all that has been interpreted, analyzed and discussion done throughout this thesis and look at the conclusions presented, perhaps it was possible for the Irish to find themselves a solution to that age old saying: “To be caught between a rock and a hard place”. Having escaped the inner most clutches of the Catholic Church and fought off the advancements made to keep Ireland in the old, perhaps the parodied lyrics from Stealers Wheel’s 1972 hit song “Stuck in the Middle with You” does hold some merit as Ireland is surely better off with the rest of us, *Trump to the Left of me, Brexit to the Right, Éire I am Stuck in the Middle with EU*.

10 Sources and Literature

Irish News Archives and Digital Articles

The Irish Times, December 8th, 1972 *50% of Electorate turn out for Referenda*

The Irish Times, July 4th, 1983. p. 11 *48% against poll*

The Irish Times, August 22th, 1983. p. 6. *Bishop urges 'YES' vote in referendum*

The Irish Times, September 9th, 1983. p. 1 *Two-to-one vote in favour of amendment*

The Irish Times, April 24th, 1986. p. 1 *Government Bill allows divorce only after 5-year break*

The Irish Times, April 24th, 1986. p. 1 *Divorce Action Group 'relieved' at referendum*

The Irish Times, April 26th, 1986. p. 1 *FF takes neutral stance on divorce*

The Irish Times, April 28th, 1986. p. 1 *Dukes dismisses bishops' claim on divorce proposal*

The Irish Times, May 5th, 1986. p. 1 *57% favour divorce amendment – poll*

The Irish Times, May 5th, 1986. p. 9 *Poll shows 57% intend to vote for amendment*

The Irish Times, May 31st, 1986. p. 11 *Archbishop's warning on divorce referendum*

The Irish Times, June 25th, 1986. p. 9 *Big swing against the amendment in poll*

The Irish Times, June 28th, 1986. p. 1 *Voters reject divorce by massive majority*

The Irish Times, June 27th, 1986. p. 7 *Dublin's senior citizens turn out in force*

The Irish Times, February 4th, 1988. p. 19 *Welcome for Shatter's family law Bill*

The Irish Times, February 11th, 1988. p. 8 *Second stage of Shatter family law Bill agreed*

The Irish Times, November 30th, 1988. p. 9 *FF defeated by one vote on separation Bill*

The Irish Times, February 7th, 1989. p. 1 *Government and FG agree on separation Bill*

The Irish Times, June 8th, 1989. p. 9 *Divorce referendum casts a long shadow*

The Irish Times, November 25th, 1991. p. 1 *Dublin to decide poll outcome*

The Irish Times, November 27th, 1991. p. 1 *Petition against validity of poll result likely to go to High Court*

The Irish Times, October 1st, 1992. p. *Majority against holding abortion ban referendum*

The Irish Times, November 13th, 1992. p. *Voters confused by a lack of debate on abortion issues*

The Irish Times, November 28th, 1992. p. *Party talks starting next week expected to decide the shape of a new coalition*

The Irish Times, January 4th, 1993. p. 1 *Divorce poll date may be agreed*

The Irish Times, May 27th, 1995. p. 7 *Recent divorce polls show the majority of voters in the mood for change*

The Irish Times, September 27th, 1995. p. 3 *Divorce unites youth of parties*

The Irish Times, October 5th, 1995. p. 1 *61% favour removing the ban on divorce, poll shows*

The Irish Times, November 13th, 1995. p. 5 *Catholic free to vote YES or NO in divorce poll, says theologian*

The Irish Times, November 14th, 1995. p. 7 *Catholic may vote YES, says bishop*

The Irish Times, November 21st, 1995. p. 1 *Slender poll majority for divorce*

The Irish Times, December 13th, 2006. *Concept of same-sex marriage has a long history*

The Irish Times, December 14th, 2006. *Labour publishes same-sex Bill*

The Irish Times, November 24th, 2006. *Most back legal recognition for gay couples, poll shows*

The Irish Times, October 31st, 2007. *Government to legislate for civil partnerships*

The Irish Times, November 1st, 2007. *Same-sex couples to get legal recognition next year*

The Irish Times, June 24th, 2008. *Outline Civil Partnership Bill unveiled*

The Irish Times, June 27th, 2008. *Groups to protest Civil Partnership Bill*

The Irish Times, June 27th, 2008. *FF Senator leads move to deny gay couples right to register*

The Irish Times, November 4th, 2008. *Archbishop warns against marital rights for cohabitation*

The Irish Times, November 26th, 2008. *Bishops differ over emphasis on civil unions*

The Irish Times, February 27th, 2009. *Same-sex marriage gets poll support*

The Irish Times, September 15th, 2010. *Yes to gay marriage and premarital sex: a nation strips off its conservative values*

The Irish Times, Marts 6th, 2011. *Fine Gael, Labour agree to form coalition government*

The Irish Times, January 28th, 2013. *75% support same-sex marriage: poll*

The Journal, December 27th, 2013. *History lesson: What happened during the 1983 abortion referendum?*

The Irish Times, April 7th, 2014. *Support for same-sex marriage increasing, poll finds*

The Irish Times, December 3rd, 2014. *Bishops say same-sex marriage would be 'grave injustice'*

The Irish Times, Marts 27th, 2015. *Poll shows same-sex marriage referendum could be close*

The Irish Times, April 25th, 2015. *Kathy Sheridan: Less about marriage, more 'you're one of us'*

The Irish Times, May 23th, 2015. *Ireland becomes first country to approve same-sex marriage by popular vote*

The Irish Times, May 23rd, 2015. *Same-sex Marriage Referendum Results*

The Irish Times, November 10th, 2015. *Same-sex marriage signed into law by Ministers*

The Journal, December 9th, 2017 *Most people want Ireland's abortion law changed, according to new poll*

The Irish Times, January 15th, 2018 *Majority Fine Gael view on abortion referendum expected*

The Irish Times, January 26th, 2018 *Clear majority backs abortion on request up to 12 weeks, poll shows*

The Irish Times, January 26th, 2018 *Clear majority backs abortion on request up to 12 weeks, poll shows*

The Irish Times, Marts 6th 2018 *Catholic bishops: Repeal of Eighth would be 'manifest injustice'*

The Irish Times, Marts 8th, 2018 *SF unlikely to update abortion stance before referendum*

The Irish Times, April 20th, 2018 *'Irish Times' poll: Public favour repeal of Eighth despite slip in support*

The Irish Times, May 17th, 2018 *'Irish Times' poll: Figures highlight reservations among Yes voters*

Webpages

Britannica – Fianna Fáil.

Accessed April 29, 2019

<https://www.britannica.com/topic/Fianna-Fail>

Britannica – Fine Gael.

Accessed April 29, 2019

<https://www.britannica.com/topic/Fine-Gael>

Britannica – Irish Labour.

Accessed April 29, 2019

<https://www.britannica.com/topic/Labour-Party-political-party-Ireland>

Britannica – Sinn Féin.

Accessed April 29, 2019

<https://www.britannica.com/topic/Sinn-Fein>

Donnelly, James S., Jr. "A Church in Crisis." History Ireland.

Accessed March 10, 2019.

<https://www.historyireland.com/20th-century-contemporary-history/a-church-in-crisis/>.

Fianna Fáil. "Fianna Fáil Launches National Campaign for YES vote in Marriage Referendum"

Accessed May 20, 2019.

<https://www.fiannafail.ie/fianna-fail-launches-national-campaign-for-yes-vote-in-marriage-referendum/>

Flanagan, Eimear and Nuala McCann, “What happened to Catholic Ireland?”. August 23, 2018. Accessed March 20, 2019.

https://www.bbc.co.uk/news/resources/idt-sh/Ireland_between_Popes

Keogh, Dermot, and Andrew McCarthy. “The Catholic Church and the Writing of the 1937 Constitution.” History Ireland.

Accessed March 10, 2019.

<https://www.historyireland.com/20th-century-contemporary-history/the-catholic-church-and-the-writing-of-the-1937-constitution/>.

Muldowney, Mary. “Breaking the silence on abortion: the 1983 referendum campaign” History Ireland.

Accessed March 10, 2019

<https://www.historyireland.com/20th-century-contemporary-history/breaking-the-silence-on-abortion-the-1983-referendum-campaign-2/>

Sinn Féin “Recognition of same sex marriage long overdue.”

Accessed May 20, 2019

<https://www.sinnfein.ie/contents/1901>

The Citizens’ Assembly

Accessed May 12, 2019

<https://www.citizensassembly.ie/en/>

The Citizens’ Assembly – Recommendations to changes for the Eight Amendment

Accessed May 20, 2019

<https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Recommendations/>

The Convention on the Constitution

Accessed May 12, 2019

<http://www.constitutionalconvention.ie/>

The electronic Irish Statutes Book, Civil Registration Act 2004, section 2.2.e

Accessed May 20, 2019

<http://www.irishstatutebook.ie/eli/2004/act/3/section/2/enacted/en/html#sec2>

The electronic Irish Statute Book, “Constitution of Ireland”

Accessed May 5, 2019

<http://www.irishstatutebook.ie/eli/cons/en/html>

The Houses of the Oireachtas – Bills & Acts: Eighth Amendment of the Constitution Act, 1983

Accessed April 23, 2019

<https://www.oireachtas.ie/en/bills/bill/1982/35/>

The Houses of the Oireachtas – Bills & Acts: Judicial Separation and Family Law Reform Act, 1989

Accessed May 23, 2019

<https://www.oireachtas.ie/en/bills/bill/1987/53/>

The Houses of the Oireachtas – Bills & Acts: Thirty-fourth Amendment of the Constitution (Marriage Equality) Act 2015

Accessed May 23, 2019

<https://www.oireachtas.ie/en/bills/bill/2015/5/>

The Houses of the Oireachtas – How Parliament works

Accessed April 23, 2019

<https://www.oireachtas.ie/en/visit-and-learn/how-parliament-works/>

The Irish Times – Referendum Results

Accessed May 24, 2019

<https://www.irishtimes.com/news/politics/abortion-referendum/results>

Third Report of the Convention on the Constitution, Amending the Constitution to provide for same-sex marriage, June 2013. Chapter 2. Convention Recommendations.

Accessed May 21, 2019

<http://www.constitutionalconvention.ie/AttachmentDownload.ashx?mid=c90ab08b-ece2-e211-a5a0-005056a32ee4>

Literature

Bacik, Ivana. *Kicking and Screaming: Dragging Ireland into the 21st Century*. Dublin: O'Brien, Press, 2004.

Bacik, Ivana. 'The Irish Constitution and Gender Politics: Developments in the Law on Abortion'. *Irish Political Studies* 28, no. 3 (September 2013): 380-398.

Berger, Stefan, Heiko Feldner, and Kevin Passmore, eds. *Writing History: Theory & Practice*. Writing History. London: New York: Arnold; Distributed in the United States of America by Oxford University Press, 2003.

Finnegan, Richard B., and Edward T. McCarron. *Ireland: Historical Echoes, Contemporary Politics*. Nations of the Modern World. Boulder, Colo: Westview Press, 2000.

Parker, Susan. 'The Path to Marriage Equality In Ireland: A Case Study. December 2017
https://www.atlanticphilanthropies.org/wp-content/uploads/2018/01/Marriage_Equality_Case_Study.pdf

Powell, Fred. *The Political Economy of the Irish Welfare State: Church, State and Capital*, 2017.

Wolman, Benjamin B. 'The Rebellion of Youth'. *International Journal of Social Psychiatry* 18, no. 4 (December 1972) p. 254-259.