

Ireland: government attack on abortion rights defeated in referendum

Julie Hyland
13 March 2002

An attempt to impose further restrictions on the right to abortion was narrowly defeated by just 10,000 votes in Ireland's referendum held March 7.

Nevertheless the wafer thin margin marks a set back for the Fianna Fail government, the Catholic Church and anti-abortion groups which wanted to strengthen Ireland's archaic abortion laws. The referendum was the fifth time in 20 years that Ireland has voted on proposed abortion laws.

Ireland and Portugal are the only European Union members that have strict laws against abortion. Terminations are banned on Irish territory, but in 1992 the Irish Supreme Court ruled that a suicidal 14-year-old rape victim was entitled to an abortion. The young girl had to travel abroad, as Irish doctors had no legal guarantee that they would not be prosecuted if they carried out the procedure. A 1995 referendum supported a constitutional amendment giving women the right to information about overseas abortion facilities and the right to travel abroad to terminate their pregnancy. Approximately 18 women leave the Irish Republic every day seeking an abortion, usually in Britain.

Anti-abortion groups have long sought to end even this limited provision, complaining that the constitution's acceptance of abortion on the grounds of an expectant mother's suicidal state was a reform that had gone too far. With a general election due in May, Prime Minister Bertie Ahern had announced the referendum earlier this year as a means of shoring up support for his Fianna Fail coalition government.

Voters were asked not to vote for or against abortion, but to approve Ahern's proposal to amend the constitution so as to prevent a mother's suicidal state being used to justify an abortion. But to all intents and purposes a "yes" vote would have meant that abortion

in all circumstances, regardless of whether a mother was suicidal or if the pregnancy resulted from rape or incest, would be a crime. Anyone seeking an abortion in Ireland, attempting an abortion, carrying out an abortion or aiding and abetting an abortion would have been liable to a prison sentence of up to 12 years.

The Catholic Church, and Ahern's coalition partners, the Progressive Democrats, supported the change. Some anti-abortion campaigners had opposed Ahern's amendment on the grounds that it was not draconian enough. Ballad singer and media personality Dana Scallan, for example, had argued that the referendum would still not protect the unborn as it defined human life as beginning not from the moment of conception, but at the moment of implantation. In effect, Scallan and others were demanding the outlawing of all contraceptives. By defining abortion law as applying to embryos "implanted in the womb", they argued, the constitution was giving legal protection to the use of the morning-after pill, which prevents a fertilised egg becoming implanted in the womb, and contraceptives such as the IUD that work in a similar manner.

Pro-abortion campaigners pointed out that the government had refused to rule out the imposition of penalties on the use of such contraceptives, raising the possibility of legal action against proscribing doctors and the women using them. The government was equivocal on the issue, stating only that it would seek legal opinion on the matter. However, the a new definition of abortion, which would have come into effect in the event of a "yes" vote, "presumes that the IUD and the morning after pill will have legal protection."

Although the amendment's defeat has no immediate legal consequences for abortion rights in Ireland, its political ramifications are significant. Having placed

his personal prestige on the line, the result portends badly for Ahern and his Fianna Fail government. Ahern is now the first prime minister in Irish history to lose two referenda campaigns. Last year voters rejected another government-backed referendum on supporting the European Union's Nice Treaty.

The government's defeat came, moreover, despite an embarrassed and feeble campaign by its political opponents to defend the right to abortion. Whilst calling for a no vote, Sinn Fein for example refused to challenge the religious doctrine underpinning the anti-abortion campaign by complaining that the problem with Ahern's amendment was that it did not have "due regard to the equal right to life of the mother".

The result is also a serious blow to the Catholic Church, underscoring as it does the extent to which it is no longer able to acquire automatic support for its reactionary theology. The Catholic Church vigorously denounced even the minimal provision for abortion and abortion information presently allowed. Ireland's 35 Roman Catholic bishops had urged church members to support the proposal, and Pope John Paul II endorsed the bishops' position. At masses held before the vote, priests had instructed their congregations to vote "yes".

In the space of 20 years Ireland's ban on contraceptives, divorce and homosexuality have all been overturned. The Church had pinned its hopes on preserving the abortion ban on a high turnout in Ireland's rural communities. Whilst these areas delivered the strongest support for Ahern's amendment, the Church was not able to get sufficient numbers out to secure victory.

The diminishing authority of Ireland's traditional institutions is symptomatic of more fundamental changes. What Irish politicians have praised as the country's great success story—the economic "miracle" of the "Celtic Tiger"—has led to a sharp growth in the urban working class, which turned out in force to defeat Ahern's amendment.

Whilst overall turnout was just 42 percent, it was significantly higher in the main towns and cities. This meant that the large no majorities in the capital and other big population centres outweighed the yes vote throughout the rest of the country. Nineteen constituencies rejected the amendment, including all 11 in Dublin, home to a third of the Republic's population. A preliminary count showed that

approximately 80 percent of voters in the capital had rejected the government's amendment. There were similar figures recorded in Cork, Kildare, Wicklow, Limerick, Galway and Waterford.

In its editorial prior to the vote, the *Irish Times* was moved to complain, "What was presented as an attempt to secure a broad consensus has broken down under public debate." It continued, "It is a paradox that so much passion and energy should be invested on behalf of the unborn in a state that is confronted daily with its failure to provide for the weakest and most vulnerable of its living. The elderly and dying are jostled about on hospital trolleys. The disabled and their helpers struggle for basic rights. The accident and emergency system is daily and nightly in crisis at the hospitals."

After the referendum, many political commentators were at pains to play down its significance. But in casting the light on abortion, the referendum highlighted social divisions within the country that cannot simply be pushed to one side.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact