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Pauline Jackson

ABORTION TRIALS AND TRIBULATIONS

and

Vicky Randall

THE POLITICS OF ABORTION: IRELAND IN COMPARATIVE PERSPECTIVE

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Abortion in Bygone Times

In August 1985, the first woman to have a legal abortion in the post-Franco reform of Spain's Socialist government was excommunicated from the Catholic Church. Her medical team were spiritually outlawed with her (Irish Times: 1985). In Ireland, during that same month, two women awaited a High Court hearing where an injunction would be sought to stop them directing two alleged abortion referral services. The medieval witchhunting of women taking control of their reproduction sweeps on to the brink of the 21st century.

While contemporary discussion of abortion suggests that the practice was invented or at least popularised by women's groups or forces external to Irish society, like British legislators, there is evidence that the practice of abortion has existed here since earliest times. This paper discusses some of the trials and tribulations of abortion in Ireland and attempts to restore an historical dimension to the debate on abortion prompted by the 8th Amendment to the Constitution and the 1985 'abortion referral' trials.

Abortion was known in early Irish society according to O'Corrain (1984). In early Irish society, he says, a man might divorce his wife for procuring an abortion or aborting herself. The wife was not apparently exiled or marginalised from her clan or communal unit. The penalty of divorce was in her case mitigated by her right to divorce a sexually unsatisfactory husband, such as one who was: "sterile, impotent or homosexual" (O'Corrain 1984 p 5). Studies in Irish folklore provide us with the clues that abortion was practiced over the centuries. O'Connor considers that abortion was certainly known and practiced but probably without great success (O'Connor 1985 p 7). The lengths to which women were prepared to go to terminate an unwanted pregnancy were quite perilous. Taking large measures of alcohol, disinfectant, herbs, potions or other drugs or severe physical exertion are among the methods cited in Irish folklore. Others were a combination of gin and castor oil, epsom salts, quinine and hot and cold baths (O'Connor 1985 p 88). Some of these are clearly 20th century practices, others may be centuries old. Going back to the medieval period, we find a strong preoccupation with the practice of abortion in the European Church.
The practice of abortion, the accusation of abortion or even the suspicion of abortion was sufficient to justify a charge of witchcraft during the period of the Inquisition. Women healers, herbalists, health workers and midwives were all liable to suffer from such accusations in those regions where the Inquisition was pursued. Why was this so? Rosemary Reuther provides an answer:

"The Inquisitioners feature prominently the accusation that witches interfere in the 'venereal act' by producing abortions or preventing conception. This reflects not only the Inquisitioners' obsession with sex and their projection of it upon women but the fact that such village witches knew folk methods of abortion and contraception that the dominant religion sought to suppress."

(Reuther 1974 p 292 also Ehrenreich and English 1974)

The handbook used by judges at witch trials was authored around 1484 by two Dominicans, Kramer and Sprenger, and called the 'Malleus Maleficarum'. With the papal endorsement of Innocent VII the authors listed abortion as one of seven methods by which witches could be identified (1948 p 47). The witch hunts spread after the publication of the Malleus and it is estimated that tens of thousands, maybe more, of women were tortured and put to death as witches between the 14th and the 17th centuries. The most famous Irish witch trial was that of a noblewoman - Dame Alice Kytler of Kilkenny who had survived the deaths of four husbands to accumulate for herself and her last son all their combined wealth. So incensed with jealousy were her disinherited children that they denounced her as a witch in 1324. She was put on trial along with seven other women and four men. She survived but at least one of her companions was hanged (Kierckhefer 1976 p 111).

The rise of the western medical profession in the late 19th century and the assertion of their scientific and political power over the women's occupations of midwife and healer removed reproduction from the 'woman's sphere' (Kaufmann 1984 p 219). The theme of abortion was repeatedly used by the ascendant male dominated medical profession to denigrate the activities of midwives (Ehrenreich and English 1974) and to assert the 'doctors' right to a legal monopoly over the practice of medicine. The Catholic Church was a follower rather than a leader in this patriarchal power struggle. It was not until 1917 that the abortion excommunication was extended to the woman concerned. This despite the passing of the Offences against the Person Act in England in 1861 which specifically criminalised a woman who attempted to procure an abortion on herself. The 1861 Act passed into the legislature of the Irish Free State in 1922 and in the absence of any legal challenge is presumed to be consistent with the 1937 Constitution. In the Six Counties the 1861 Act still governs the ban on abortion during the first 28 weeks of pregnancy. The 1929 Infant Life Preservation Act covers the remaining weeks (NIALRA 1984:6).
The medicalisation of reproduction combined with the subordination of women's reproduction and sexuality in the legal, social and cultural instances of the state drove the demand for abortion underground in Ireland. There, in a murky underworld of commercialism, it remained until the 1967 Abortion Act provided a medical and legal outlet for reproductive control. Yet from 1922 to 1965 backstreet abortion was practised in Ireland; a fact that is rarely if ever acknowledged by the medical, legal or social professions. Being a criminal activity, it is difficult to define its extent. What does remain open for perusal are the newspaper accounts of the trials of the period. The profusion of judicial proceedings during the pre-1967 period suggests that backstreet abortion was engaged in by women of different social classes throughout the country. This is particularly noticeable for the period of World War II when travel to England was restricted to those going for business purposes or for designated seasonal work (mainly male). As a consequence, women were 'trapped' inside the confines of this island. A sharp rise in prosecutions for backstreet abortion followed, but so apparently did cases of infanticide as well as illegitimacy (Commission on Emigration 1954) and high rates of infant mortality among illegitimate children (Commission on Emigration 1954 p 112). In the next section we can get an indication of the extent of backstreet abortion from reports of some of the trials of the period.

The Trials

Five defendants, three of them women, faced trial on abortion charges in Autumn 1943. Mr W., a chemist and his companion Mrs. M., a widow pleaded guilty. Mrs N. from Rathmines pleaded not guilty and was acquitted of "conspiracy to procure an abortion". The fourth person in the dock was Garda H. accused of "conspiracy to use an instrument to procure a miscarriage" (Irish times 26.10.43 p 2). Garda H. was attached to the Phoenix Park and had apparently become involved with a servant girl with two children of her own. On discovering she was pregnant again, the girl allegedly sought an abortion via her Garda boyfriend. He denied involvement and was acquitted. The fifth accused, Mrs R., was sentenced to fifteen months. The widow M. got fifteen years on nine counts of abortion and one of conspiracy (Irish Times 30.10.1943 p 1).

Abortion was not the only reproductive issue getting front page coverage during these years. The Autumn term of the Dublin Courts opened with no less than eight separate cases of infanticide awaiting trial arising from events in Dublin, Donegal, Tipperary, Mayo and Donegal (Irish Times 9.11.43 p 2). The backstreet abortion trials continued into 1944 and that summer newspaper readers discovered the bizarre case of the Merrion Street electrician
accused of practising backstreet abortions. The girl at the centre of the events which gave rise to this case was only 17 years old at the time. In the dock was Mr C., an electrician cum instrument maker with no medical qualifications whatsoever. He was accused of "procuring" an abortion on the girl by exposing her to X-Rays. The girl herself had married her husband, a former medical student, only the day after Mr C. was charged with abortion-related offenses. This was for the purpose of preventing her giving evidence against her husband, argued the prosecution (Irish Times 12.7.44 p 2). The girl in turn was accused of having procured the abortion herself at a cost of sixty pounds. Tragically the girl had suffered at the hands of whoever was the backstreet abortionist and had had to be taken to hospital for treatment.

According to news reports of the time, Mr C. normally charged £100 or £120 per client. This was equivalent to a fortune in those days. A poor labourer might have earned such a sum in 6 months. James Larkin was demanding a steep rise in the wages of agricultural labourers at the time, from 2 pounds and 60 shillings a week to three pounds. So the services of Mr C. were certainly not cheap, Mr C. in turn claimed, through his lawyers, that the girl was the victim of Trinity College medical students who had made awful errors and were "setting him up" to cover themselves (Irish Times 11.7.44 and 12.7.44). C. was a likely subject of a 'set-up', it was argued, because he had already faced two previous charges in connection with backstreet abortion. Mr C. was convicted and sentenced to 15 years in prison without leave to appeal (Irish Times 22.7.44 p 4). Justice Davitt who tried the case had clear views on backstreet abortion and on the girls involved. He had this to say at the end of Mr C.'s trial:

"These things do happen .... it is a melancholy reflection that for the past few weeks I have been trying these cases and nothing else. I have a similar one on Friday. This sort of thing does happen in every city and every person who performs an abortion is a criminal. Every girl who goes looking for an operation and has one commits a crime. In all these cases, the jury is faced with the necessity of considering the evidence of girls of that kind." (Irish Times 20.7.44 p 2)

That same month saw indeed another abortion case. There were as many as five accused in this instance including a Doctor from Merrion Square and a South Dublin accountant. Sean MacBride defended one of the accused – Mr B. The case arose from the plight of widow X. - mother of 7 children and at the time pregnant for the eighth time. Her husband was ill, she had nearly died during her last delivery and she wanted to terminate her pregnancy (Irish Times 25.7.44).
Mrs M. admitted carrying out an abortion on the widow X. for £25 of which £10 went to the referral agent. Mrs M., the referral agent and the widow's own doctor from Merrion Square were all put on trial. A complication of the line-up was the doctor. He was himself a medical examiner at the Matrimonial Division of the High Court and had declined to help the Gardai with the case (Irish Times 26.7.44). In the event he was acquitted. Judge Davitt was again presiding and articulated his views on abortion referral.

"The person who made the first approach before the Act was guilty, even if he did not know the person who subsequently committed the act ... offenses such as these are akin to murder or attempted murder and if they are allowed to multiply will strike at the very heart of this nation."

Mrs M. gave evidence against MacBride's client. It was alleged he had got £20 for acting as a referral agent (Irish Times 28.7.44). He was found guilty but before he could be sentenced, attempted to kill himself while in Mountjoy jail (Irish Times 29.7.44 and 1.8.44). The trials took their toll on public sensibilities and Judge Davitt again advanced his opinion on the subject.

"the public conscience has been rather badly affronted by the disclosures made in evidence during these trials. I hope no further cases confront us when we resume in October (Irish Times 1.8.44 p 2).

The Irish Times joined in the following day with an editorial on abortion which avoided using the dreaded word (Irish Times 2.8.44 p 3). The editorial deplored the fall in moral standards and moral fibre, parents' lack of standards, the excessive drinking among women and the influence of 'picture houses' on the youth. All these were held responsible for events in the recent trials. The editors even ventured to apologise to the readers for mentioning the subject at all.

"We have been forced, strongly against our will, to print matter which in ordinary circumstances we should be inclined to suppress." (Irish Times 2.8.44 p 3).

In contrast to the Merrion Square case was that of the widow G. from a rural area. She was charged in 1948 on 8 counts of intent to procure an abortion on 4 married and 4 unmarried women. A ninth charge was the manslaughter of an infant. Mrs G., according to the Press of the period, charged not 20 pounds but 20 shillings for the services she rendered her unfortunate neighbours. By 1948, agricultural labourers weekly wages had risen to the princely sum of
65 shillings a week. So her charges seemed to be pitched at the income level of her potential clients - the rural poor. Mrs G. pleaded guilty and was sentenced to 7 years in prison on each of the first 8 charges. This was a total of 56 years of prison - though not to be served consecutively (Irish Times 4.6.48). One cannot fail to note the stark contrast between the apparently undefended widow G. and the accused in the Merrion Square case of 4 years earlier.

The range of charges under the Offenses Against the Person Act of 1861 were numerous. There were also other forms of charge that could be advanced such as that of murder, manslaughter and conspiracy. Already mentioned have been the charges of 'intent to procure' 'conspiracy to procure' and use of 'an instrument' to procure an abortion. Besides these were charges such as 'manslaughter' or 'murder' when a woman or new-born infant died. In a 1939 case, the charge of 'conspiracy to abandon an infant' was employed and in 1945 the charge of 'attempt to induce a miscarriage'. These involved the owner of a Rathmines maternity nursing home, who was known in the city as Nurse Cadden. But it was not these charges which brought her to public attention but the charge of murder of Mrs O. in 1956.

In April of 1956 a crowd of about 500 gathered outside Hume Street Hospital in Dublin to view a spectacle - the arrest of a fifty-two year old woman - Nurse Cadden (Irish Times 28.4.56). Ten days earlier, the body of a five month pregnant woman had been found lying at the steps of the house where she occupied a flat. The deceased was a married woman in her thirties and mother of six children. Nurse Cadden was charged with unrelated offenses and was later charged with the murder of Mrs O.

Nurse Cadden went on trial in Autumn 1956 and was defended by Mr S. Siev. She denied the charge vigorously. She faced a jury of men (women were still barred from jury service) in front of Judge McLoughlin (Irish Times 23.10.56). The State went to considerable trouble to prosecute this case. A two-foot high scale model of the house she occupied was constructed and placed in court in front of the jury at all times. The "services" of Nurse Cadden were reputedly expensive and confined to the upper echelons of Irish society. The image of wealth was amplified by press reports of her planned holiday to the Canary Islands at the time of her arrest. Her appointment book was taken by the Gardai but not, as far as can be ascertained, produced in court. This was curious in that some of the entries may have made for interesting reading. Nurse Cadden however remained silent on the identity of her clients. She was
found guilty of the murder of Mrs O. and on November 1st 1956 she was sentenced to death by hanging (Irish Times 2.11.56). She was taken to Mountjoy prison. There her sentence was apparently commuted to life imprisonment and it seems she died in prison still guarding her secrets.

Judging by news reports, backstreet abortions did not end there. In 1965 Ms A. died following admission to Kevin Street Hospital in Dublin. She was pregnant on admittance and had been treated earlier that year (Irish Times 22/23/24 June 1965). A Dublin-based student was later put on trial for her murder in the course of an attempt to procure an abortion. The evidence was conflicting and the student denied the charges vigorously. Ms A. died just 18 months away from the passage of The 1967 Abortion Act in England.

So what conclusions can we draw, however tentatively, from these events? The first clear statement we can make is that backstreet abortion has existed in Ireland. The purging of its existence from official memory has hidden from our history that side of Irish society we might prefer to forget. Without exaggerating its importance, we can observe a tragic historical continuity in the deaths of young girls and new born infants in the 1980s with the deaths from backstreet abortions in 1948, in 1956 and in 1965.

A second observation we can make is on the consequences for women's reproduction of the free movement of labour between Ireland and England. The war years provide a small scale version of what happens when women cannot move out of Ireland and are obliged to resolve the problem of unwanted pregnancies on the spot. Many went ahead with their pregnancies and the rate of illegitimacy rose to almost 4% of live births. This happened in other countries during the war years except where there were army bases, armies of occupation and conscription of husbands and fiancés - none of which applied to Ireland. Others went ahead with their pregnancies but the death rate among illegitimate infants mysteriously rose. Were these the women who would have gone to England to have their babies but could not leave? Yet other women sought a backstreet abortion among their neighbours or through one of the networks which functioned in the city. The court cases reveal probably just a fraction of the extent of these networks - the moments or instances when something went wrong and a woman was admitted to hospital for later treatment or died.
The third observation we can make is that although it is a crime to attempt to abort oneself, the cases which came before the courts involved prosecutions of Third Parties only: the so-called referral agent, or person who was accused of carrying out the abortion. Prosecutions of the woman concerned seem to be rare. All of the cases involved acts or intentions which took place inside the jurisdiction of the 26 counties and all were State prosecutions.

A fourth observation, conveniently forgotten by those who lobbied for the anti-abortion Amendment to the Constitution in 1983, is that repeated use has been made of the 1861 Offenses Against the Person Act in relation to abortion. This is no dead letter or dustridden tome. Case law has been established on it in Ireland in relation to abortion; it has been used to prosecute, defenses have been constructed to rebut charges under it, juries have sat for days listening to the trials, newspapers have reported on them, many have served prison sentences as a consequence of its use and its enforcement by the judiciary and prisons have housed the condemned. Abortion is illegal under the 1861 Offenses Against the Person Act and were it not for the abortion law reform in England, such cases would continue to come before the judiciary today.

The Passage to England - 1967

With the passage of the 1967 Abortion Act in England a steady stream of women from the 6 and 26 counties sought pregnancy terminations in England. This had been possible previously under the Infant Life Preservation Act but in a restricted number of medical instances. Now the numbers rose steeply from 64 in 1968 (Walsh:1974:12) to 5012 in 1984 (OPSC) for women from the 26 counties. But these statistics only count women who have given Irish addresses when seeking a termination in England. The real figure may be closer to six thousand for 1984. Indeed in 1984 a single woman from County Dublin was MORE likely to have an abortion than her counterpart in England and Wales (Dean:1984:19).

The situation of women from the 6 counties is only slightly different (NIALRA:1985). Since the 1967 Abortion Act was never extended to Northern Ireland, only 250 to 500 abortions are performed there every year. The remaining 1,500 women go to England (OPSC:1984). So miles from home, Irish women from the 32 counties find themselves in common flight from patriarchal law - the 1861 Offenses Against the Person Act. To this may be added the constitutional ban on the legislature ever introducing a reform on abortion by the 8th Amendment to the Constitution. To these have to
be appended further administrative and policy decisions during the 1980s such as the restricted availability of sterilisation. As if this were not enough, the judiciary were once again invited to arbitrate on women's right to information on reproduction by the action of the Society for the Protection of the Unborn Child (SPUC) in 1985. On 22nd July SPUC sought an injunction in the High Court to prevent the Wellwoman Centre and Open Line from offering pregnancy counselling services to women with unwanted pregnancies. Among the counselling options which women could avail of was that of leaving Ireland and seeking a termination of their pregnancy in England. SPUC sought the injunction on several grounds including an allegation that the two services were corrupting public morals and that the State was failing to vindicate the right to life of the 'unborn' under the 8th Amendment to the Constitution. This was no rushed or spontaneous decision. In October 1984, following the referendum on abortion, an alliance of moral majority organisations including SPUC and the student Life organisation organised a Conference to discuss post-referendum strategy. Armed with analysis of the state of the women's movement and advised by a representative of the U.S. moral majority from Florida, the alliance decided to target pregnancy counselling services for attack. Between March and July 1984 leaflets had been printed, newsletters distributed and the then Minister for Justice, Michael Noonan, repeatedly lobbied to meet with the moral majority organisations to discuss a state prosecution of Open Line and Wellwoman. The Minister apparently refused to cooperate (Lifelines: 1984 p 7). The organisations took matters into their own hands and decided on a private prosecution. This was initiated in Autumn 1984 by two young women SPUC supporters making approaches to the two agencies to seek their advice on their 'unwanted pregnancies'. There followed a gap of 9 months until they were delivered of their next strategy phase: to inform the agencies of their intention to seek an injunction. As with the previous campaign to insert an anti-abortion clause in the Constitution, timing was crucial. Autumn 1985 was the prelude to a new election campaign.

Conclusion

Backstreet abortion is just one of the manifestations of the legal suppression of women's right to take control over their own bodies. It is the price to be paid for the maintenance of ideological control in the spheres of sexuality and reproduction. That need for control is enforced by the State but a more tangible desire for stability in family structures, sex roles and sexual norms can be observed in the voting patterns for the 8th Amendment to the Constitution, the nostalgia for religious obscurantism, and the mushrooming of zealous religious groups, hearkening for new crusades. The re-emergence of abortion trials in the political and economic confusion of the 1980s has much in common with the old witchhunts which acted as politico-spiritual companions to the
upheavals of the Plague and the tension of war-time Ireland which prompted the introduction of internment, the legal enforcement of tillage, a state-imposed Wages Standstill Order and a state of emergency. Inside the despairing and terrorised populism which rejects the hierarchical church and seeks movement in inanimate objects like statues, there is a fertile terrain for the malevolent planting of signs of evil - the latter day witch or the pregnancy advisory service.

In recuperating women's history, such as that of reproduction and sexuality we are also compelled to recognise that history persists and even intrudes into the everyday life of the politically abandoned. If only dividing lines fell neatly across class and cultural divisions. If only those who voted for the 1983 Amendment were not the same women who later seek to use a pregnancy advisory service. If only those who used the services were haunted by guilt and unease. Exploring the trials and tribulations of abortion in Ireland enables us to comprehend the ambiguity, crass commercialism and deathly fate which has inhabited this subject in the past, and better equips us to meet the challenge of the new abortion trials and witchhunts of contemporary Ireland.
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Abortion policy in the Republic of Ireland seems to be moving in an opposite direction to the trend world-wide. As Francome describes, from the 1967 Act liberalising abortion provision in Britain up till 1982 more than 40 countries had widened the legal grounds for abortion. The only three to narrow access in that period - Hungary, Bulgaria and Czechoslovakia - were modifying earlier liberalising reforms (Francome 1984). On the other hand, the Republic of Ireland in September 1983 reinforced the existing prohibition under the 1861 Offences against the Person Act by an amendment to the Constitution. While this could itself be seen as a response to perceived threats to the abortion ban, and thus symptomatic of an underlying current of liberalisation, the effect has been to place further obstacles in the way of abortion reform. Ireland's deviation from the norm is striking. One way to shed some light is by using a comparative perspective to identify those factors which have elsewhere proved most decisive in determining abortion policy and to see what part they have played in the Irish context.

THE AMENDMENT CAMPAIGN

Only a brief resume of the events of the amendment campaign is possible here (but for a fuller account see Randall 1986). Readers will recall that in April 1981 a Pro-Life Amendment Campaign (PLAC) was launched demanding a constitutional amendment enshrining the right to life of the unborn child and the law's obligation to protect that right. Originating from an initiative by members of the Irish Catholic Doctors Guild, it drew support from such organisations as the Responsible Society and the Council for Social Concern, as well as from the Irish branch of the British-based Society for the Protection of the Unborn Child (SPUC). Within three weeks the campaign had secured the pledge of Charles Haughey as Taoiseach and Garret FitzGerald, then leader of the opposition, to hold a referendum on the proposed amendment and in the General Election that shortly followed the manifestos of both their parties included such a commitment.

As the new Taoiseach, however, FitzGerald appeared to reconsider this commitment in the light of his 'Constitutional Crusade' aimed ultimately at removing sectarian provisions from the Constitution which might prejudice Irish unification. As a further crisis brought new elections in February 1982, PLAC was reassured when both Haughey and FitzGerald both reaffirmed their intention of holding a
referendum. The eventual outcome of that election was a Fianna Fail government. In the meantime an Anti-Amendment Campaign (AAC) was finally emerging, formally launched in June. Its primary instigators were the Women’s Right to Choose Group and initially its supporters consisted chiefly of prominent individual Church of Ireland and Methodist clerics, feminist groups and the Communist and Workers' Parties. By November the Fianna Fail government was once more in difficulties. In the run up to the ensuing elections, Haughey announced the wording of the proposed amendment, a modified version of PLAC's original suggestion but still sectarian in tone, and FitzGerald indicated his approval. But back as Taoiseach, FitzGerald faced increasing pressure from his coalition partners in the Labour Party and from the liberal wing of Fine Gael. The AAC was steadily gathering momentum, with the formation of doctors and lawyers' groups against the amendment. So FitzGerald now proposed revising the wording to make it less obviously sectarian. In April 1983 his revised wording was defeated in an unwhipped vote in the Dail, with a number of Fine Gael and Labour TDs voting against or abstaining.

Once it was clear that there would be a referendum, based on the Haughey Government’s wording, the campaign for and against intensified, reaching a crescendo in the three official campaign weeks, August 16 - September 7, leading up to the referendum itself. On the eve of the referendum, the Methodist Church, FitzGerald and the Labour Party urged a 'no' vote, Haughey urged a 'yes' vote, while the Church of Ireland and the Conference of Irish Bishops made it a matter of individual conscience. The result was a decisive majority, over 66%, in favour of the amendment, though turn-out at 54.6% was relatively low. Predictably, support for the amendment was greatest in the Western rural areas and least in Dublin.

Reviewing this sequence of events, several questions arise. In particular, why was PLAC considered necessary and why was it launched at this time? Then again, why did the two main party leaders agree with such alacrity to a referendum? I have sought elsewhere to answer these questions in terms of the immediate political circumstances (Randall 1986) but it may also be helpful to stand back and view the total configuration of interacting forces in a more comparative perspective.

ABORTION - WHAT KIND OF POLICY ISSUE?

Abortion does not sit comfortably in traditional political science attempts to classify types of policy issue. Perhaps its most salient feature is that it does not so much directly appeal to
individual or group self-interest as polarise conflict around alternative views of how people in a whole society should live (Tatalovich and Daynes 1981). As such, conflict over abortion is highly visible, intense and much less amenable to compromise than the classical 'distributory' or 'redistributory' issues of left-right politics. It has helped to bring down governments in Belgium, the Netherlands, Italy and West Germany. Lovenduski suggests that as a consequence politicians have characteristically sought to evade the issue of abortion or to 'depoliticise' it by redefining it as primarily a technical or administrative matter (Lovenduski 1985). In Ireland, the main party leaders would also probably have preferred to leave 'well' alone, but when forced to take a public position could not afford, given the balance of opposing forces, to appear prepared for compromise. Those who launched the campaign were seeking to defend not only the abortion prohibition but traditional Catholic values against what they experienced as a dangerous drift towards secularisation and moral decline, which was influenced by examples and encouragement from abroad. And though initially the campaign generated little public interest, by the time of the referendum it was the focus of a bitter struggle which rent Irish society.

PARTY POLITICS

Although, therefore, abortion is not a party political issue, it must be acknowledged that, in Europe at least, it is parties of the Left which have been most willing to support moves for abortion reform. Britain is a good example. Her two main parties, Labour and Conservative, tended to align themselves with opposing social class and economic interests and to define the abortion question out of party politics. Advocates of abortion reform had to rely on individual MPs introducing the issue into parliament through the Private Member's Bill. Nonetheless the Bill sponsored by David Steel in 1967 finally succeeded because the Labour Government gave it extra time. Since then Labour MPs have consistently shown a greater willingness than the Conservatives to defend the Act against repeated attempts to limit its provisions (Marsh and Chambers 1981).

Feminists in Italy found allies in the Socialist Party, as well as the Radical Party, in their earliest bid to bring abortion onto the political agenda, and eventually and most decisively won over the powerful Communist Party, while conservative Christian Democrats opposed the legalisation of abortion in 1978 and have since used their influence in the more traditional southern region to frustrate its implementation. Abortion policy in France was admittedly first liberalised by a Conservative government, despite opposition from the Catholic Right, but the present Socialist Government has taken the further radical step of introducing reimbursement by the state.
for the cost of abortions. In Germany it was the replacement of the Christian Democrat Government by a Social Democratic-Liberal (SDP-FDP) coalition in 1972, which opened the way for abortion reform. Though Belgium has yet to liberalise its abortion law, the Socialist Party has been pressing for reform for over a decade. While liberalisation of abortion policy provoked little political conflict in either Sweden or Denmark, in Norway, where the Christian People's Party still exerts considerable political influence, it was only with the support of the Labour Party that abortion reform was finally enacted in 1978 (Lovenduski 1985). Most recently, in Spain and Portugal it has been parties on the Left which have introduced legislation to permit abortion in a limited range of circumstances.

In this context, the weakness of Ireland's left-wing parties has clear implications for abortion policy. Not that in any case they took a strong stand on the issue of abortion itself, during the amendment campaign. The Labour Party was relatively slow to produce an official statement opposing the amendment and individual constituency parties continued to support the amendment. While the Workers' party declared its opposition earlier and more consistently, this was still justified primarily on constitutional grounds. But this caution reflects the weakness of left-wing parties which in turn has its roots in the origin of the Irish party system, prior to the 1921 Treaty, in Sinn Fein, the movement for national independence. The two main parties to emerge after Independence were divided chiefly by their degree of nationalism, otherwise embodying something like a social and religious consensus (Sinnott 1984). Though economic issues have assumed increasing importance in elections over the last 15 years these do not generally polarise around social class lines. The scope for left-wing politics has remained limited; even today the urban working-class is the electoral mainstay of the Labour Party but gives more votes to Fianna Fail.

**DOCTORS AND LAWYERS**

As the experience of the United States shows, left-wing parties are not an indispensable ally in the cause of abortion reform. The medical and, to a lesser extent, the legal professions can also play that role. If, in the United States, it was pressure from the emerging medical profession that first prompted states' legislation to prohibit abortion in the late 19th century, by 1960 the American Medical Association was supporting the first moves to liberalise the law and has steadfastly defended reform in the face of the subsequent 'backlash'. In Britain too the medical profession did not fully support the 1967 Act but the experience of having to work with it won them over; the prestigious British Medical Association and the Royal College of Obstetricians and Gynaecologists have
defended the Act against successive attempts to restrict its provisions. In a number of countries the willingness of doctors to perform abortions illegally on a large scale has brought vital pressure to bear on governments as it were to regularise the situation. The most dramatic examples are in the Netherlands and Belgium. Long before the Dutch States General in 1981 legalised abortion virtually on demand, women seeking abortions could turn to the 'numerous and accessible clinics' (Lovenduski 1985 p 276). As noted, abortion is still technically illegal in Belgium, but since the early 1970s, and particularly following the 'Peers Affair' of 1973, when a gynaecologist was arrested for openly flouting the law, a growing section of the medical profession has been prepared to provide abortions and campaign for abortion reform (Pereira 1984).

In Ireland on the other hand it was prominent members of the medical elite who led the Pro-Life Amendment Campaign. Admittedly many members of the medical profession sympathetic to the opposition may have been afraid to speak out while ethics committees, dominated by the Catholic clergy, had such a decisive say in the management of maternity hospitals. It was also true that by early 1983 groups of doctors opposed to the amendment were being formed. But the only senior medical figure to voice his opposition was Dr George Henry, Master of the Rotunda (Maternity) Hospital.

The legal profession, through court decisions or public campaigns, can also be an agent of abortion law reform. In Britain the Bourne decision of 1938 was an early milestone along the reforming road. In the Netherlands, the eminent Law Professor, Ch.J. Enschede, made a considerable impact on medical and political opinion when in 1966 he argued that the law should allow abortions on a wide range of social grounds (Francome 1984 p 136). Changing attitudes within the legal profession were most decisive in the United States where the American law Institute drafted the first model bill for abortion law reform in 1959 and where fourteen years later the Supreme Court ruled that the right to privacy under the Fourteenth Amendment extended to a woman's right to decide whether to have an abortion.

Fear that the Irish courts, following perhaps some new EEC directive, might challenge the 1861 Act was undoubtedly one motive underlying the Pro-Life Amendment Campaign. Its founders saw an ominous precedent in the Irish Supreme Court's decision of 1973 that the law banning the importation of contraceptives into Ireland was unconstitutional. It does not seem however that this decision reflected any overall trend towards a more liberal, secular outlook within the legal profession. During the amendment campaign, lawyers supporting PLAC were at least as numerous and vocal as those prepared to criticise it.
THE WOMEN'S MOVEMENT

While abortion reform has often depended upon the support of left-wing parties, or of the medical or legal professions, the impetus for reform has, typically, come from the women's movement. Individual feminists took up the cause in the 1920s and 1930s but as I have argued elsewhere, it is really with the resurgence of feminism in the late 1960s and the pace-setting role within it of a new 'radical feminist' tendency that abortion

'has emerged as almost the defining issue of contemporary feminism. This is primarily because for radical feminists it symbolises women's sexual and reproductive self-determination. But, under the influence of radical feminists, other feminists have also come to recognise its importance for women's individual freedom of choice and effective competition in the public sphere.'
(Randall 1982 p 169)

Though in Britain Steel's Act largely predated second-wave feminism, the movement has rallied to defend it against subsequent attack. In 1975 the National Abortion Campaign (NAC) managed to get out around 20,000 people in protest against James White's amending bill in the 'biggest demonstration on a women's issue since the suffragettes' (Marsh and Chambers 1981 p 47), and - a further notable achievement - with the support of the Trades Union Congress. An umbrella organisation, the Coordinating Committee in Defence of the 1967 Act (Co-ord) was set up in 1976 which by 1980 included 56 member organisations. NAC has of course campaigned to extend abortion provision beyond the terms of the Steel Act. Again in the United States, moves to liberalise abortion policy were already underway by the mid-60s but the new feminists took up and radicalized the campaign. Similarly in the Netherlands feminists recast the terms of a pre-existing abortion debate. In West Germany, France and Italy, however, feminists first brought the issue of abortion onto the political agenda. In France in April 1971, 343 female 'celebrities' publicly owned to having had an abortion. From 1973 the Mouvement pour la Liberte de l'Avortion et pour la Contraception (MLAC) was successfully organising illegal abortions. Likewise in Italy, the women's movement took up the issue as early as 1971. Influenced by the French example, feminists organised a series of public 'confessions' in 1972 and were soon arranging their own abortion clinics. They worked with left-wing and radical parties, the trade unions and the older 'reformist' women's organisation, the Unione Donne Italiane (UDI).
Ireland's feminists certainly supplied the main impetus and coordinating skills for the Anti-Amendment Campaign. Given limited resources and the fact that PLAC took them by surprise they put up a very creditable fight. Nonetheless they were at a serious disadvantage. Second-wave feminism emerged relatively late in Ireland and it was not until the mid-70s that it began to take up the issue of abortion. By the late 70s the movement was tending to diversify into a number of specialised activities and concerns. From 1978 Well Woman had provided an abortion referral service and in 1979 the Women's Right to Choose Group was set up to defend this service and to campaign for some relaxation of the abortion ban in Ireland. It did not hold its first large public meeting till March 1981 (incidentally scarcely justifying PLAC's allegations that the 1861 Act was in real danger). During the campaign divisions on tactics also arose between the Women's Right to Choose Group and the break-away Women's Right to Choose Campaign, while not all Irish feminists were in favour of abortion on demand. Such divisions are however endemic in movements of this kind and it is not clear that they did the campaign much harm.

THE ROLE OF THE CATHOLIC CHURCH

The fact is that Ireland's feminists were not campaigning to liberalise abortion, they were resisting moves to reinforce the abortion ban. Indeed much of their campaign depended on constitutional arguments that had little directly to do with abortion itself. Their predicament and the politics of abortion in Ireland reflected first the problem of timing but most fundamentally the moral ascendancy of the Roman Catholic Church.

As regards timing, the various interests behind PLAC had the benefit of hindsight. They were acutely aware of the movement towards liberalising abortion policy in other parts of the world, including Catholic countries, and determined that the tide should be stemmed at Ireland. In this they were encouraged by British and American anti-abortion groups.

But the fact that Ireland is a last bastion of the prohibition on abortion, and that leaders of PLAC could anticipate that a campaign mounted at that time would be victorious, in turn depended on the strength of Roman Catholicism. Studies of abortion policy elsewhere have repeatedly drawn attention to the resistance of the Catholic Church to abortion reform. Research in 22 non-communist countries found that Catholicism was the overriding variable in abortion policy (cited by Tatalovich and Daynes 1981 p 13). In the United States a
study of the National Right to Life campaign found that 70% of its membership was Catholic (cited by Francome 1984 p 186). As Irish readers will scarcely need reminding, the official position of the Catholic Church on abortion is uncompromising (for a fuller discussion, see Randall 1986).

It may be objected that in France, still more Italy where the Pope resides, abortion reform has been forced through in the face of powerful Catholic opposition. But in these countries, from the 19th century and for complex historical reasons, a countervailing secular culture has developed. What distinguishes Ireland is the continuing cultural ascendancy of the Catholic Church. This, I suggest, derives from the way in which Roman Catholicism came to be seen as the religion of the Irish nation oppressed by Protestant British rule (see Miller 1973). Despite tensions between militant nationalism and the Catholic hierarchy, cultural nationalism, in the sense of a preoccupation with Irish national identity, and Roman Catholicism have found a kind of modus vivendi, leaving little space for alternative movements or ideologies.

In this context the Catholic hierarchy has not generally needed to apply direct political pressure; it could rely on its indirect influence through the churches, educational system and network of health and welfare services, on the attitudes of politicians, professionals and the mass public (see Whyte 1980). Here it should be noted that it was not the bishops but lay organisations which launched PLAC. It must also be recognised that the referendum resulted in a clear victory for PLAC. Though some commentators at the time suggested that the high abstention rate concealed opposition or at least apathy, one careful analysis concludes that a higher turn-out could have produced a disproportionately higher 'yes' vote (Walsh 1984).

None of this is to deny that the ascendancy of the Catholic Church in Ireland is gradually waning. It seems probable that those sponsoring PLAC were precisely concerned at this erosion of traditional Catholic values. But in the sphere of sexual and family morality the hold of Catholicism, in terms of public debate at least, is still formidable. Abortion was an issue on which PLAC simply could not lose.
SUMMARY

Abortion policy in the Republic of Ireland seems to be developing against the trend worldwide, as indicated by the 1983 amendment to the Constitution. This essay uses a comparative approach to identify key political variables in the making of abortion policy and to consider their operation in the Irish context. Following a brief resume of the events of the amendment campaign, it is argued that abortion falls into a special category of political issues which polarise conflict around opposing views of how people should live in whole societies. Though not a party political issue, abortion reform has often been supported by left-wing parties but these are not strong in Ireland. Likewise the Irish medical and legal professions have not promoted abortion reform as they have in a number of countries. While elsewhere feminists have often initiated movements to liberalise abortion policy, Ireland's feminists have had to resist moves to strengthen the abortion ban. The fundamental reason for this distinctive politics of abortion in Ireland is the continuing and unrivalled moral ascendancy of the Roman Catholic Church.
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