

The Referendum Victory: Why a huge yes and where we go from here

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The huge vote Yes to repeal the 8th Amendment has finally put an end to the myth that the Irish are a naturally ‘conservative’ people. In a short space of time, the population voted in overwhelming numbers to support marriage equality and to liberalise abortion laws. It is not simply a matter of Ireland ‘catching’ up with the rest of liberal Western Europe as if there were some inevitable mechanical path to ‘progress’.

The reforms introduced elsewhere often came from parliamentary votes rather than popular suffrage. Ireland was the first country in the world to vote for same sex marriage by means of a referendum.

Moreover, the sheer scale of the endorsement for abortion rights (66 percent in favour) and marriage equality (62 percent in favour) would probably surpass possible votes in the US or some part of Europe. The dialectic of history shows that late-comers on the ‘march to progress’ often skip over gradual stages and develop a radicalism that surpasses their mentors.

Until recently, Ireland certainly led the way on social backwardness. The fulcrum point rested on the position

and power that the Catholic Church occupied in Irish society. This in turn derived from number of factors.

First, the Church was originally seen as an oppressed church because of colonisation by Britain. Until the eighteenth century, the Penal Laws were in force, designed to encourage the Irish population to move away from their traditional religion. Under these laws, Catholics were prevented from inheriting Protestant land; they were not allowed to occupy public office and were barred from Trinity College. Far from weakening Catholicism, the Penal Laws strengthened it by creating an identity between the religion and opposition to colonialism. One side effect was that the Catholic Church did not occupy the position of a great landowner or ally of aristocratic forces which it did elsewhere.

Second, even before the formation of the Irish Free State in 1922, the sexual morality promoted by the Catholic priesthood articulated the interests of a new class of small farmers. Ireland was relatively unique in the history of colonialism because the wealth of the British empire enabled it to buy out landlords and transform

peasants into small peasant proprietors. This co-incided with a growing understanding between the British elite and the hierarchy of the Catholic Church in the nineteenth century. The imperialists saw it as a bulwark of reaction against the republican ideals of the French revolution and encouraged its institutional expansion. As the priesthood was recruited from moderate sized farmers, they brought within them their obsessions with control of sexuality lest any claim to their land might come from 'illegitimate' children.

Thirdly, Catholicism was used as an instrument of social control by the new Free State. The Irish revolution of 1918-1922 ended in dashed hopes, with little distribution of land or any significant break from economic dependence on Britain. All that was left to the population was a spiritual anti-depressant whereby they could claim proudly that they lived in the most Catholic country in the world. The price they paid for this boast was the handing over of control of schools, hospitals and social services to a fanatically right wing hierarchy who thought that state support in any form would undermine the sacred role of the nuclear family.

Women bore the burden of this extreme form of social control. Their assigned role was to be placed within the home where they would give emotional support to their husbands and children. Any form of sexual activity outside marriage by women was met by the severest repression. Mothers and Babies Homes were set up for those women who became pregnant outside marriage. Those who were poor were forced to work as slaves to pay off the nuns who had imprisoned them. Contraception was banned until 1979 and even then it was only permitted for 'bona fide' family purposes; in more simple English, you had to present a marriage certificate to buy a condom. Divorce was only allowed in 1995 under fairly restrictive conditions. The effect was to imprison women in unhappy relationships where they were supposed to solely produce and nurture children.

How did all this change?

An RTE exit poll showed that 75% of voters 'always knew' how they would vote, even before the referendum on abortion began. This indicates that deeper changes were occurring in Irish society long before 2018 and that they exploded on May 25th. It was as if Ireland was kept in a conservative prison by institutional structures which

clamped down on more radical instincts for decades. Politicians who now claim to be leading the path to liberal modernisation played an active role in promoting this conservative image of the population. Three years ago, for example, the Labour Party TDs imposed a whip on its deputies to oppose a bill to allow abortions in the case of fatal foetal abnormalities. Leo Varadkar's position on abortion was even more conservative. He stated that 'I consider myself to be pro-life in that I accept that the unborn child is a human life with rights. I cannot, therefore, accept the view that it is a simple matter of choice. There are two lives involved in any pregnancy. For that reason, like most people in the country, I do not support abortion on request or on demand'. In reality, the conservatism of these two parties meant that thousands of women had to suffer needlessly for another four years.

There were a host of deeper social changes that reinforced each other over a number of years. At the heart of these changes lay the rapid industrialisation of Ireland which gathered pace since the 1960s. It changed the social landscape in many different ways.

One effect, for example, was to draw women out of the home and into the workforce in greater numbers. The industrialisation of Ireland was spearheaded by multinational firms who cared little for Catholic morality and tended to recruit women more than men. The result is that the participation rate of young women in the labour force grew very rapidly. Today, for example, 78 percent of women in the age cohort 25-34 are in the labour force.

A growing services sector of the economy led to a demand for more graduates and this in turn co-incided with a decision of the Irish state to expand third level education. One result is that huge numbers of women have been entering third level education. Today women outnumber men in Irish colleges by 51 percent to 49%.

Industrialisation has also meant a decline in farming and the rapid urbanisation of Ireland. Farmers accounted for only 4.6 percent of the workforce in 2016 compared to 31 percent in 1966. That is a drop of 88 percent. Today rural Ireland has become an urbanised space where people travel to work in cars on clogged up roads because of the lack of public transport.

These wider economic changes meant the population were no longer willing to tolerate some of the obscenities carried out in the name of religion. Since the 1990s, there has been a stream of revelations about the abuse

that thousands of children suffered at the hands of the Catholic clergy. In many cases, these included horrific sexual abuse. The result of these revelations, when combined with the change in people's life experiences, has led to a rapid decline in the Catholic Church. The bald figures are quite astounding. Weekly attendance at mass has dropped to 14 percent in Dublin and even lower in some working class areas. Since 1995, the number of priests has dropped by 43 percent and now stands at only just over 2,000.

These huge social changes ripped apart the roles assigned to women in Irish society. In 1994, Dympna McLoughlin suggested there were three main characteristics the traditional respectable Irish woman:

- (1) an overwhelming desire to marry and to remain faithful, dependent, and subordinate
- (2) an unquestioning readiness to regard the domestic sphere as her natural habitat and to engage in reproduction rather than production
- (3) a willingness to accept that women's sexuality was confined to marriage.

The enormous social change in Irish society means that these norms – which were not always adhered to – have become historical anachronisms. The days when sex outside marriage was a cause of shame and secrecy are long gone. Very few Irish women believe that their fate is to be economically dependent on a man. They seek meaningful relationships where they are treated as equals; sexual pleasure when they desire; and life where they can control their own fertility. Neither the bishops nor the politicians have the right to determine whether or not they will be pregnant or when or with whom they will have children. These shifts in the outlook of women mean young women regard abortion rights as a necessary back-up for the type for the type of lives they seek. They were never going to tolerate the shaming regime that previous generations had experienced.

Victory not inevitable

But these deeper social changes did not mean that victory in the referendum was inevitable. The Catholic Church decided to make a last stand and joined with a fundamentalist lay movement to oppose change. Together with support from the US alt-right, they funded a massive campaign of fear propaganda. Their rhetoric escalated from accusing their opponent of 'destroying

the unborn' to 'killing the pre-born' to 'murdering babies' and eventually even 'murdering children'. They thought they could use past ignorance and a culture of shaming to stop the changes.

After the referendum, a narrative developed in mainstream media that the fundamentalist forces were beaten by the 'courageous leadership' shown by two men, Leo Varadkar and Simon Harris. This then fed into further commentary articles about whether Harris might have 'leadership ambitions' which would lead to an eventual challenge to his mentor

However, while this story has many elements of a myth, it could claim some support from the leadership of the Together for Yes campaign, the main umbrella body which co-ordinated the campaign for a repeal vote. Their strategy was based on creating an alliance between civil society and a 'progressive government'.

The narrative about the two brave liberal men who brought about abortion rights, however ignores how 'people power' was the real game changer. This occurred in two main ways:

- 1 *The political elite only conceded a referendum because of huge demonstrations that were organised for abortion rights – particularly after the death of Savita Halappanaver.*

The case of Simon Harris illustrates this perfectly.

In 2011, he wrote to the Pro –Life campaign to assure them that he was 'pro-life' and that he would express 'grave doubts' inside Fine Gael if any attempt was made to liberalise abortion. But then he had a dramatic change of mind.

As an individual, it may be that tragic stories of people who suffered from the 8th Amendment helped to alter his opinion. But, as a politician who is obsessed with PR, he saw 20,000 people marching on the streets in 2016 for 'free, safe, and legal abortion' and Strike4Repeal occupying O'Connell Bridge for several hours on International Women's Day in 2017. More concerning from Fine Gael's point of view, these people were overwhelmingly young and female and the only politicians giving expression to their views were women like Brid Smith, Ruth Coppinger and Clare Daly from Solidarity-People Before Profit and the left.

The first response of the former leader of Fine Gael, Enda Kenny, to the movement for abortion rights was

to kick the whole issue to touch by setting up a Citizens Assembly to examine the question. The membership of the Assembly was chosen at random by a polling company and presented with expert evidence on abortion. To the surprise of many –including the radical left who saw it as a cynical delaying manoeuvre – it came out with a recommendation that abortion be available on request up to 12 weeks and, thereafter, under restrictive conditions if there was a danger to a women's health.

Within the strictures of conventional bourgeois politics this was bombshell. The political elite often set up commissions of inquiry or hire consultants to make policy recommendations safe in the knowledge that they will not stray too far outside the dominant parameters of neo-liberal or conservative thought. But here was a randomly chosen group of people, recommending abortion on request. Varadkar's initial response was to say 'I honestly don't know if the public would go as far as what the Citizens' Assembly have recommended.' But he conceded that it might change.

There is an implicit model among some leftists and an explicit one among conspiracy theorists that the ruling class always know how to plan and are capable of great foresight. This belief often arises from an experience of weakness where the elite seem to have awesome power of manoeuvre. The truth, in all probability, is far messier. Like the rest of us, the ruling elite sometimes seizes opportunities in an instinctive manner; at other times they adapt empirically to given situations; on still further occasions, changes in their ruling class strategies for domination are forced on them by movements from below. And, yes, sometimes they develop clear strategies for survival well in advance of anyone else.

Whatever the reason it is clear is that a small layer within Fine Gael began to look on the abortion rights movement not as a threat but an opportunity. It provided a chance to re-configure their party as a socially as well as economically liberal party. And the potential prize for an about turn was massive.

To understand why we need to look at the key problem facing bourgeois politics in Ireland: namely the collapse of the two and a half party system. This was an arrangement whereby two almost identical right wing parties, Fianna Fail and Fine Gael, swapped turns at being either the government or the main opposition. They only had to court the small Labour Party – the half element

in the equation – to support either one in a coalition government. By capturing BOTH the government and the main opposition benches and framing politics almost as a friendly clan rivalry, advocates of radical social change were entirely marginalised. Ireland was presented as a rock of stability to the wider capitalist world. But after the crash of 2008, the two parties could not muster enough votes to continue playing this game. They were forced into a temporary 'confidence and supply' agreement to effectively run a shadow partnership government. In the longer term, however, this only set up a challenge for who would become the one dominant right wing party in Ireland.

These calculations – prompted also by the mass pressure of the streets – brought about the incredible change in the Fine Gael leadership. Their leadership took a risk on losing its big farmer constituency in order to expand their support base within liberal urban Ireland. They did a huge about-turn to re-position themselves as the main right wing and socially liberal party. Their hope was that this would paint their rivals, Fianna Fail, as a backward, has-been party that would eventually be overtaken by Sinn Féin. This dramatic political gamble was initially only grasped by a small team around Harris and Varadkar while the rest of the party waited in the long grass to see how it would work out. But the crucial point is this: their change of heart was also driven by strategic and long term political and electoral considerations that were set in motion by a mass popular movement of youth.

2 The turning point in the campaign came when thousands of young 'inexperienced' people took hold of it and turned into a grassroots canvassing movement.

Originally, the Together for Yes leadership relied on focus groups to tap into Ireland's 'middle ground'. They considered language and messaging to be a key factor in this. As a result they sought to select canvassers by means of workshops that could control the message. The aim was to ensure that canvassers stayed 'on message' and did not frighten this middle ground. On some occasions this went to absurd lengths, with team leaders shadowing canvassers to ensure they used the right words.

The following is taken from a Together for Yes manual sent to team leaders. 'We know that certain language resonates with the middle ground and some of it does

not. See below a list of words and phrases that are of helpful use and some that are useful to avoid.

Words to avoid. – Choice; On demand; Without restriction / unrestricted; Free; Right to choose; on request; Bodily autonomy’.

The effect of this strategy was to put the Yes campaign on the defensive.

When activists are scripted, they do not perform as well as when they engage in natural conversations. By denying its own diversity, the campaign was in danger of creating a stilted uniformity. The suggestion that canvassers were not to frighten the ‘middle ground’ misunderstood this ‘middle ground’. In the world of focus group pollsters, the ‘middle ground’ conveys an image of a staid bourgeois family that holds fairly conservative view. In reality, however, the ‘undecideds’ were mainly people who were breaking from Catholic morality but were not sure about why abortion should be available on request for up to 12 weeks. It was necessary to genuinely explain.

The suggested prohibition of key words such as Choice was throwing away the strongest argument for Yes – namely the right to choose. Many people who would not have an abortion themselves readily agreed that it was a woman’s right to make a personal choice. As an internal memo sent by People before Profit to the Together for Yes pointed out, 62 percent of people were giving Choice as their reason for voting YES and subsequently ‘a woman’s right to choose’ was confirmed by the exit polls as the MAIN reason for voting yes.

However, the weakness at the start of the campaign was quickly overcome when thousands of activists joined the campaign. One motivation was the sheer alarm that many felt after the Clare Byrne Show on RTE showed clear bias towards the No side. Afterwards thousands of mainly young women joined the campaign.

The effect was to free the movement from the shackles of its own conservatism. Young people who had never canvassed before went on doorsteps and spoke spontaneously about their own experiences. They took on the argument about the provision for 12 weeks on request and showed how it was necessary for those using the abortion pill. Above all, they talked a language of choice that won huge sympathy.

The sheer scale and energy was astounding. The Dublin Bay South campaign began with mass canvasses of 90 or so people and then grew rapidly to over five

hundred volunteers who needed to be highly organised. They divided up into nine different local area groups and on any one night, there were about 200 people out knocking on doors. This huge army of enthusiastic volunteers numbering in total about 500 people was predominantly young and female. It is estimated that over 9,000 volunteers joined the canvas campaign on a national level.

This movement won the referendum. It demystified abortion and spoke of real people’s circumstances. It was a remarkable example of how grassroots activism extends and upends the boundaries of carefully laid plans.

However, these elements of popular mobilisation are being written out of history. When he entered the referendum count centre in Dublin, Harris was greeted with chants of ‘Simon, Simon’. This type of adulation is warmly welcomed by the liberal media – particularly RTE and The Irish Times who staff often come from the same social strata and outlook as the core members of Fine Gael. They are actively helping the strategy of the current leadership of Fine Gael to rebrand the party with a Macron style ‘modernising’ image and seize the growing liberal ground. These media commentators assume that the Irish population are innately conservative and can only be moved forward gradually by a force like a liberal Fine Gael.

One way the ‘Harris-the hero image’ was created was by systematically marginalising and excluding the radical left from major media appearances during referendum. At no stage were any of the three women TDs, Brid Smith, Ruth Coppinger and Clare Daly who pioneered the fight for abortion legislation in the Dail given a platform in the major debates. Instead, a key proponent chosen by RTE to present the YES was Mary Lou McDonald who represented a party that had not yet even supported abortion on request up to 12 weeks. Meanwhile her party colleague, Peadar Kirby, was chosen as one of the main advocates on the No side. The voices of the pioneers of abortion rights were deliberately excluded because they were associated with dangerous left wing ideas. RTE reached the height of absurdity when its last main debate was between two men – Harris and Kirby!

The role of the radical left

Despite this airbrushing, the truth is that the radical left played a central role in moving forward the debate

on abortion in Ireland. They operated as the voice of the movement inside the Dail on a number of occasions.

■ In 2013, the radical left were the main voices in the Dail criticising the restrictive provisions of the Protection of Life in Pregnancy Act. This stipulated that women could only access abortion when there was a real and substantial threat to their lives, including that of suicide. In the latter case, they had to appear before two psychiatrists and one obstetrician.

■ In 2014, Clare Daly introduced a bill to repeal the 8th amendment but it was defeated. Just 13 TDs voted for it and 110 opposed it.

■ In 2015 she introduced another bill to allow for abortions in the case of fatal foetal abnormalities but it was defeated by 104 votes to 20 with Sinn Féin abstaining. Only one Labour Party TD supported it.

■ In 2017, a People Before Profit bill to abolish the 14 year jail sentence and effectively de-criminalise abortion was voted down. This time the much diminished Labour Party voted for it but it was defeated 80 votes to 26.

This continued advocacy of abortion rights in the Dail in the teeth of opposition from Fine Gael and Fianna Fáil when combined with the rise of a mass movement, played an important role in bringing the huge change.

Most commentators believe that the Yes vote is a watershed for Irish society. And indeed it is. But there is no automatic escalator towards a liberal horizon. The reality is that Fine Gael's current liberalism is limited. Its leadership – though by no means all the party- want to take small 'modernising' steps that do not challenge the fundamental power structures that has served it so well in the past.

Thus, it makes certain moves to prevent the Catholic Church imposing a baptism barrier on entry to primary schools. But it will not push the Church out of controlling of those schools.

It will talk about a new curriculum for sex education in schools but it will not insist that religion should not be a school subject and only available after hours on a voluntary basis.

It will legislate for abortion but its deputy leader, Simon Coveney, promises that it will be the 'most conservative' version in Europe. By this he means that 'conscience clauses' and the imposition of a three day reflection period which will add to the costs will hinder access.

There are good reasons why Fine Gael will not carry through a battle to separate church and state. Church control of schools ensures that a safe conservative type of education still prevails. Children are taught not only obedience to spiritual but also temporal authorities. And, of course church control of schools plays well with a neo-liberal party that wants to limit state involvement and encourage 'voluntary effort.

All of this means that Fine Gael's advocacy of greater personal freedom and its neoliberal policies will come into contradiction with each other.

For the small upper professional strata who form the backbone of Fine Gael's support this is not a problem. As long as there are few legal restrictions on their lives, they can easily pay for greater freedoms. But for the majority it is a different story.

If abortion costs €300 because of the needless expense of having to see doctors twice or thrice, it will be harder for working class women.

If childminding costs remain among the highest in Europe, what real choice do working women have about whether or not to have a child?

And even if there is more bodily autonomy, that is diminished by the brutal fact that many have nowhere to live because rents are so high and owning a home has become an impossible dream.

For all these reasons we encourage the grassroots movement for abortion rights to continue as a fight for Choice and Equality. On three occasions in recent years a movement from below has brought big changes to Irish society. These were the water charges movement; the campaign for marriage equality and now the abortion rights movement.

Sometimes there are cultural differences between the outlook of a mainly working class movement that spearheaded the fight against water charges and the white collar element that formed the core of the marriage equality and abortion movement. But while there can be differences in style and outlook, there is one fundamental fact that can unite them in a common struggle. Namely, that there can be no genuine choices for the majority without greater equality. Personal freedom goes hand in hand with access to economic resources that enable that freedom to be exercised.

Two classical concepts of freedom are relevant here. Neo-liberals frame the issue in a negative way. For them,

it is all about ‘freedom from’ in the sense that one is free from state restriction or state laws. However, a broader concept of what constitutes freedom sees it in more positive terms. This looks to a ‘freedom to’ meaning that you are only truly free if you are enabled to fulfil certain choices. Thus, there may be no law which prevents an 18 year old from a poor council estate going to university but unless there is some enabling support from society, economic compulsion will prevent him or her exercising that choice. All of this means that a classic right wing discourse which counter-poses choice and equality must be challenged. For the majority of people, they go hand in hand.

■ While we have won the first major battle for abortion rights, we still need to create wider networks for social change. Here are some – but by no means all – of the key issues we need to change through people power:

Abortion legislation: The Dail should sit in special session to legislate for the will of the people. There should be no restrictive clauses which obstruct women’s access. That means abolishing the three day waiting period and ensuring that a ‘conscience clause’ is not used to restrict access in certain areas. We will need to face down the rearguard moves of the anti-choice brigade within the medical profession and among pharmacists to encourage people to opt out of provision of abortion pills. Their aim is to limit the number of outlets providing abortion services – so that they can mount US style protests at these venues.

Extend abortion rights to the North: Women in Northern Ireland should not have to travel. One of the best outcomes of the victory on Repeal is that it has helped to generate a spontaneous 32 county movement to de-criminalise abortion in the North. Not only is this a harbinger for a greater fight for women’s rights on the whole island, it also helps to create a new prospect for united Ireland on a very different basis to a simple merger of the 6 counties with the current corrupt 26 county state.

Free contraception: the government should keep its promise to provide free contraception. Long term contraceptives such as IUDs or implants can cost over €200. These should be included in the range of options available. Fine Gael’s neo-liberalism, however, will instinctively lead them to oppose anything more than the supply of cheap condoms.

Objective Sex Education: The school curriculum should cover contraception, sexuality, gender, LGBT+ issues and consent. There should be no opt-outs for ‘school ethos’ and the courses should not be outsourced to agencies controlled by Bishops. Solidarity-People Before Profit brought a bill containing these provisions into the Dail and it passed through its first hurdle. But the tactic of Fine Gael and Fianna Fail is to obstruct and delay such bills at a later stage.

Separate Church and State: Yes campaigners were called ‘baby killers’ and ‘murderers’ by those who used pulpits to preach for a No vote. It is now time to end church control of our schools and hospitals.

Make religious instruction an after-school voluntary subject: There should be no confusion between education about religions and religious instruction in any one religion. Those who wish to propagate their religious view of the world should only have access to community facilities such as schools for open free discussion – on the same basis as everyone else.

Childminding costs: Ireland has the dearest childminding costs in Europe –with over €200 a week being charged for a single child. We need a new system of public provision.

Housing for all: There are no real choices when you are paying huge rents and can never hope to own a home. We need proper rent controls and a new form of social housing with higher income thresholds. To continue the fight for this agenda, we should establish Choice and Equality networks that develop organically from activist who spearheaded the Yes campaign.

Notes

1 Speech by Leo Varadkar as Minister for Health, 17 December 2014, Merrion St.ie Irish Government’s news service

2 McLoughlin, Dymphna. 1994. “Women and Sexuality in Nineteenth-Century Ireland.” *Irish Journal of Psychology* 15:2-3:266-75.

3 ‘Abortion and What Simon Said’ *Broadsheet* May 10 2016

4 Varadkar doubtful eight amendment will be passed with citizens assembly recommendation’ *Irish Examiner*, 15 September 2017

6 Together for Yes, *Messaging Book*