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## IRELAND: The Lost Divorce Referendum Of 1986

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***Irish Political Review* is a magazine which has been in existence in 1986. It was a follow-on from the *Irish Communist*. There was much interesting material produced in *Irish Political Review*, both stimulating to thought and giving an account of what was happening in society. At this lapse of time, the *Irish Political Review* provides a historical record of what happened a generation ago. *Problems Of Capitalism* proposes to issue selections of articles from these early magazines, not necessarily because it would stand over every word that was said, but as an aid to recalling what is in many ways a different world.**

## **IRELAND: The Lost Divorce Referendum Of 1986**

**IRISH POLITICAL REVIEW  
Volume One, Number One, July 1986**

### **Upon This Rock** *(The Divorce Referendum)*

Many activists and observers on the losing side of the divorce referendum have responded to the result as if it had changed things, as if it had established a Catholic state for a Catholic people. In fact it was a purely conservative result.

Legislation by referendum is not designed to facilitate rapid change. The referendum is the most conservative of legislative devices, as the history of Switzerland clearly demonstrates.

The Catholic state for the Catholic people was the achievement of the national revolution which was won sixty five years ago. The abolition of divorce was one of the first acts of the independent political power of nationalist Ireland. It is therefore very odd that commentators such as Michael D. Higgins, who are nationalists to the core, should have responded as petulantly as they did to the referendum result.

(If Michael D. thinks that June 26th was anything other than a decision by the people that the kind of state which they made for themselves in the first generation after the revolution remains basically the kind of state which they want two generations later, one wonders what strange

notions of the national revolution he communicates to his students.)

Maurice Manning had personal reasons for being upset by the decision of the people of the Republic to stay with the social values of the national revolution. His job in recent months has been to tell the British fairy stories about the Republic in order to keep up their enthusiasm for the Hillsborough Agreement.

We thought that he was fooling the Brits. But it now looks like he was fooling himself.

His article in the *Irish Independent* on June 28 was entitled *Now the Bishops Must Count the Cost Of Victory*. He wrote:

"The Bishops put the full weight of their authority against the proposal; ...and they have won overwhelmingly. That much is clear.

"What is not so clear is what the Bishops will do with this victory or if they have fully counted the cost of the victory itself and of some of the methods used to attain it.

"From a political point of view, the most significant intervention in the entire campaign came from the Cardinal Primate, Dr.

O'Faich. What was most significant about his weighty condemnation of the divorce proposal was that he made no attempt whatsoever to address the question of the rights of the minority churches within the Republic.

"This is especially stark in view of the fact that all of the minority churches had spoken out in favour of the proposal..."

That is the very silly argument of a politician who has been let down by the people, and who has lost face before the British whom he has been spinning yarns to for the past twelve months.

The "other churches" are about 4% of the population and falling.

Is it reasonable to expect that a Prince of the Roman Catholic Church should, amidst the most Catholic people on earth, discard Catholic social doctrine with regard to marriage law, and give precedence to the views of the minute remnants of the Protestant Churches?

Mr. Manning, in his fit of pique, says that, because divorce has been rejected, no change in marriage law is possible: *"One option not open to the Church is its own seemingly preferred solution of civil nullity"*. He gives no serious reason for this. He just says that a civil annulment *"created as many problems as it resolves since it wipes out the rights of the first family, makes children illegitimate, and the process itself is fractious and humiliating to at least one of the spouses"*.

Mr. Manning needs to brush up on the theology of *"the common good"* before he pontificates on these matters.

The Church bases itself on the notion of *"the common good"* and keeps free of the endless ramifications of individual rights. Many individuals would be hard done by if the Dail decided to bring civil annulment into correspondence with Roman annulments as a way of clearing up the anomalies which now arise. But the great central Catholic idea of the indissoluble marriage would retain its public status in the life of the nation.

And of course property would main intact. In this great property-owning democracy, created by A.J. Balfour through the 1903 Land act, the essential requirement is that property should remain intact. The one enduring inheritance from the Gaelic past in the Irish countryside is a horror of the sub-division of land. It is an inheritance by contraries. The people of Gaelic Ireland lacked an individual sense of property, and therefore as tenant-farmers in the 18th and early 19th century they facilitated the random sub-divisions of the rack-renting system, which led to the Famine.

The economic structure of present-day Ireland began

around 1850 with "The League Of North And South"—a tenant right movement in which the peasantry of the South caught the bourgeois spirit of property from the tenant-right movement of Protestant Ulster. Ever since then the maintenance of landed property has been the basic economic impulse in Southern society.

Divorce raises the prospect of sub-division. Annulment does not. Annulment decrees that no marriage existed, and therefore implies no property settlement. Annulment leaves both the ideal and the material intact.

We must agree with Mr. Haughey that many people in the Coalition have lost contact with the realities of Irish life. We may wish that the realities were not what they are. But what has been demonstrated by the referendum is that people who do not start from the realities cannot change them.

Mr. Manning again:

"The Cardinal's position is all the more striking because... his own Archdiocese crosses both sides of the partition. In addition, he more than most, has been deeply involved in the attempt to find peace and reconciliation in Northern Ireland".

People who live in glass houses shouldn't throw stones. What is disrupting peace and reconciliation in the North just now is not the Cardinal's honest stand on divorce but the Agreement in which Mr. Manning is heavily involved and about which the Cardinal has been very lukewarm. The chief result of the Agreement so far has been a revival of the sectarian assassinations which had all but disappeared last year. And the effect of the referendum will be to weaken the hand of Mr. Manning, Mr. FitzGerald and Mr. Spring under the Agreement, to ease the provocation which the Inter-Governmental Conference offers to the Unionist people, and to make the development of peace and reconciliation more possible than it has been since last November.

This statement is made in the editorial of the Irish Independent on June 28th:

"It will be said that the Catholic Church, its bishops and its clergy exercised an undue influence in their very committed campaign against the introduction of any form of divorce.

"That view is insupportable. The Church's teaching on divorce is as well known as it is worldwide. It has a right and a duty in this country as elsewhere to place its moral teaching on the record in any public debate.

"This the Catholic Hierarchy did with great vigour..."

"They are to be commended for the responsibility of their conduct in this referendum campaign."

We cannot disagree with a word of that. Nobody in

Ireland has valid grounds for being ignorant of the doctrines of the Catholic Church and the obligations of its Hierarchy.

Alongside this editorial of the Independent was a long article by Conor Cruise O'Brien.

It is strange that Dr. O'Brien can write as he does. He was a senior civil servant of the Republic when it was a much more thoroughly Catholic state than it is now, and when Fianna Fail was in its prime. And he must have been a supplier of ammunition to the great Anti-Partition Campaign of 1949-50, which all parties took part in on the assumption that the 1937 Constitution was entirely suitable for a 32 county Republic.

The article is a bitter and unintelligent tirade against "*the Grand Alliance between the Catholic Hierarchy and Fianna Fail*":

"Hurting Fine Gael, and splitting it, and beating it on the Referendum, and weakening its leader, were all fully comprehensible and acceptable as tactical steps towards the supreme end of reinstating Fianna Fail as the party of government.

As against that, such consideration as the sufferings of a small minority of people whose marriages have broken up could not be expected to weigh very heavily. When we are talking about Fianna Fail grassroots members—and about the party's leader as well—we are talking about politically hungry people; the hungriest in the land, famished political hyenas, one and all" etc. etc.

This is spleen. It has nothing to do with objective reality. Dr. O'Brien is incapable of admitting that the people, whose social development has been intimately bound up with the Catholic Church for a century and a half, gave serious consideration to a proposal to introduce a Protestant marriage law (and a very miserable one) and rejected it.

"As a result... our overtures—such as they were—to the Northern Protestants are now stripped of their last vestige of credibility.

"We are now seen by our former well wishers in that community as essentially a Catholic State, seeking to expand its power over Protestant territory. This is, of course, an oversimplification."

That is embittered party feeling running amok. The comprehensive loss of Ulster Protestant "*well wishers*" occurred with dramatic suddenness on November 15th of last year. Dr. O'Brien must know that since he explained it very lucidly when he wrote for the Irish Times. Since November the "*well wishers*" have been a couple of eccentrics.

Dr. O'Brien must also know how Dr. FitzGerald played the nationalist card in the referendum campaign. Mr. Haughey rightly described that as a great mistake. The marital anomalies resulting from Church annulments should have been dealt with strictly as an internal problem of the

Republic. (These are the only *legal* anomalies which result from the absence of divorce. Extra-marital unions are not legal anomalies, but are voluntarily embarked upon.) The reason they weren't is that the Coalition saw the divorce referendum as a tactic in its Northern strategy.

If the referendum had been won, Mr. FitzGerald and Mr. Spring would now be putting pressure on Mrs. Thatcher to tighten the screws on the Unionists, and a very bloody July and August would be in prospect. But because the referendum was lost there is a reasonable possibility that the summer will be comparatively peaceful.

Dr. O'Brien has lost his bearings as a political commentator to such an extent that he comes out with historical nonsense like this:

"the breakdown between Dublin and the Rest, which declared itself this week on the 10th Amendment, was already apparent nearly a hundred years ago in the Parnell Split, when the rest of the country went along with the Hierarchy and Dublin held out".

There is no split between Dublin and the Rest. Dublin continues to be submerged in the rest. In this great metropolis, with its large floating population, its various little coteries of superior people, and its Anglo-Irish survivals, the Church still holds the allegiance of the working class. Due to the confusion of recent times it has suffered some loss in the new housing estates—which it may well recover now that the religious disorientation caused by Vatican 2 is over. But the referendum shows that the traditional working class of Dublin retains its intimate relationship with the Church.

The Parnell Split was a very complex affair, as Dr. O'Brien should know. He has chosen to misrepresent it in a gross oversimplification because the behaviour of the people makes him feel bad. The remarkable thing is that the blind allegiance to Parnell in Dublin did not generate anti-clericalism. During the fifteen years following the death of Parnell the nationalist movement was completely subordinated to the Church, and it was Dublin that became the bastion of Catholic nationalism. Serious resistance to the subordination of nationalism to religion was offered only in Cork, which had not indulged in blind Parnell worship in 1891.

The first great obstacle to secularisation is that our metropolis does *not* behave as other metropolises, and exert an enlightening influence on the rest of the society. It tail-ends the rest of the society.

There has been talk of the existence of divorce law in other Catholic societies. And there is an absurd suggestion that it was introduced with the approval of the Church in those societies. But France, Italy and Spain produced

powerful anti-clerical movements, sustained them over long periods, and even fought wars on the issue.

Our bold reformers, however, evaded the issue. They thought they could outwit the Bishops and persuade people that Catholic doctrine was not Catholic doctrine.

## IRISH POLITICAL REVIEW

Volume One, Number One, July 1986

# Brother Taig's Column

*"Ho brother Taig, dost hear the decree?"*

*Lilibulero Foldaralee!"*

June 26th was the worst day for the stage-Irish since the banning of divorce and the introduction of literary censorship in the 1920s.

By "*stage-Irish*" I mean the Anglo-Irish remnants and the small but pretentious fringe of nationalist society which is influenced by them.

Yeats was the most substantial of the stage-Irish. There is nobody to compare with him today. They all live in his memory. They are all thrilled by his scolding of the people: "*You have disgraced yourselves again!*" But there is nobody amongst them with a fraction of Yeats's force in them.

Yeats's scoldings were theatrical performances delivered on theatrical occasions. The people, who were intent on developing by their own lights, were untouched by them and paid little heed to them. And it has now been demonstrated that the people are still intent on living by their own lights. The Anglo-Irish revival of the seventies, which sprang up in the fissures caused by Vatican 2 and culminated last year in an embarrassing conglomeration of stage-Irishness called "The Irish Mind", has passed them by.

The Editor of The Irish Times is a very poor relation of Yeats. He is an Ulster Protestant who turned against his own people and has done well out of running them down in his editorials. He has been living in a stage-Irish wonderland for many years. Living in Dublin literary circles he made the natural mistake of supposing that Killiney was the cultural nucleus of nationalist Ireland. How could such a great body of talented, enlightened and pretentious people not be the nucleus of any society in

Perhaps we can now begin a genuine secularising movement, which proclaims its own principles and stands up for them instead of pretending that what it stands for is a valid variant of Catholicism, and which does not cry "foul" when the Bishops state patent truths about Catholic doctrine.

which they existed? Douglas Gageby has spent the past ten years or so showing up the bigotry of Protestant Ulster by contrasting it with the urbane tolerance of Killiney and Dun Laoghaire, and imagining that he was thereby contrasting Unionist Ireland with nationalist Ireland.

But as polling day approached Mr. Gageby sensed that the people were going to humiliate him before the English. He wrote in his eve-of-poll editorial:

"It comes down to this. What sort of people are we? ...Strong enough in our commitment to our marriages and to our religious beliefs that we can afford to do without the prop of the State? Or something quite different?" (IT, 25.6.86).

Mr. Gageby could not, in his editorial on the result, say "*You have disgraced yourselves yet again!*" Yeats was at least an independent personal force, and out of that independence he could pronounce judgement on a people he had thought that he was in some degree representative. But what is Mr. Gageby that he should pronounce judgement on the people? He is plenty of nothing.

The Irish Times editorial of June 28th is aggrieved.

There is a hint that it will be something more than aggrieved—that it will answer its eve-of-poll question: what sort of people are we?: "*So the voters are saying: we have two countries? It may well be.*"

And on June 30th:

"The SDLP, according to John Hume, were very disappointed (a mild word) that the question of the North failed to be a feature of the amendment debate... And the rights of conscience of all Irish people... were not a major factor in the campaign. Neither was the question of the self-confidence of the people to exercise

their rights of conscience without needing Acts of Parliament to help them or make them do it. Mr. Hume might have added that those elements and instincts used to be regarded as the epitome of the Republican spirit..."

"The Catholic Church's views are one thing... But how such views are to be implemented is another thing—by laws, or by personal conviction..."

"It has to be pointed out that not only Fianna Fail abandoned the people of the North. Voices of weight were heard carrying the same conviction from Fine Gael too. When Mr. Barry or the Taoiseach draws to the attention of Mr. Tom King some anomaly in the North, how much backing will they feel they have from the Republic?"

"The North has been let down. Perhaps Wolfe Tone should be exhumed from Bodenstown and reinterred in Templepatrick or Mallusk in County Antrim among the original republicans."

Perhaps Mr. Gageby will follow through on that line of thought, but past performance suggests that it is unlikely. The Republic did not decide to become a Catholic state on June 26th. It has never been anything but a Catholic state. The Irish Times has been kidding itself about that for twenty years. It will probably go back to kidding itself once the sense of disappointment about the referendum wears off.

Here is an editorial by Denis Reardon, for a publication which is less well known than the Irish Times but more influential: *Clara News*—a magazine published in Ballydaly, Cullen and Millstreet in Co. cork. We quote from the issue of June 1st:

"'Ye shall venture your all, lest ye lose what is more than all', was Pearse's appeal which was answered by countless men and women all over Ireland. They took on the might of the British Empire because they were proud of being Irish and saw no reason why Irishmen in their own land should bow their heads or tilt their caps to any other person. Most of that noble generation who took part in the War of Independence came of a strong Catholic tradition and though they believed their cause was just, they did not lightly come to the decision to resort to arms. Indeed, as soon as the Troubles were over most of these heroes returned to their original destinies of trying to eke out a bare existence at home or abroad while lesser people climbed on their backs to fame and fortune. Tureengariffe, Clonbanin, Rathcoole, Drishanebeg were destined to become household words all over Britain as reports were published of Generals, Majors, 'Tans' and 'Auxies' falling at the hands of the small farmers and working men from along the Cork-Kerry border..."

"These men risked all to pass on to us a free, independent and Irish Ireland. Our fidelity... demands of us not a slavish imitation of modern developments but rather a will and the energy to think through an appropriate response to the Ireland of to-day. There is nothing wrong with an Irish solution to an Irish problem."

"As the Divorce Referendum approaches we must reflect on this and accept that an American, English, French or Italian solution will not be appropriate for Irish conditions. While most will agree that people living in a dead marriage should be allowed to end the heartache it must also be admitted that we don't have the resources to support the consequences. Quite simply the

Government just haven't thought the whole thing through and have rushed headlong into a maze of legal, moral, social, financial, human and logistical cul-de-sacs. Apart altogether from the 240,000 people who are unemployed the majority of those lucky enough to have jobs cannot possibly support two families. So while we have politicians advocating divorce they must know in their hearts that thanks largely to their own incompetence, conditions in Ireland are far from ideal to alleviate the consequences. Divorce would immediately require more than one abode. Where are the houses to come from? How can our politicians say that they want to reduce taxation and state-spending and then say they will have divorce. Poor people must have poor ways and we are poor people. We have exported much of our unemployment problem and imported billions to solve our economic ones. This problem will have to be solved at home. God help us.

"It's vital, of course, that the cure be better than the disease and I have no doubt that the introduction will put the frighteners on an awful lot of people and 'tokens of all I possess' will have a frighteningly chilling effect at marriage ceremonies from here on in. It should also have a sobering effect as partners who turned out much worse than they were taken for will no longer be able to dominate the other."

"Don't be surprised if, in time, arranged marriages will again become common."

Cork North-West topped the poll with a 78.5% vote against the divorce amendment. Kerry North (the Tanaiste's constituency) was not far behind, with 72.5%.

*"The boys that beat the Black-and-Tans were the boys from the County Cork"*, as the song puts it. If it had been left to Killiney there would have been no need of Black-and-Tans, because Ireland would have become West Britain. The forces that established the independent state have determined its development—and they still don't give a damn what Killiney thinks of them.

Despite the confusion of the Catholic Church during the past fifteen years, and the apparent onset of liberalism, Killiney has been unable to influence even its own backyard—the great shapeless city of Dublin. An Irish Times map on June 28th shaded in the voting patterns around the country. Dublin is the only region with a "Yes" majority. But what a majority! It was all of 0.2%. (Yes: 49.9%; No: 49.7%; Spoilt votes: 04%.)

Take Anglo-Ireland out of Dublin and it becomes just like the rest of the country. As it is, five of the ten Dublin constituencies voted No. And Dublin Central voted No by 60%.

There is very little social similarity between Dublin Central and Cork North West. And insofar as sheer clerical influence determined the outcome, it was in Dublin rather than in Cork.

For all the poor mouthing of the *Clara News*, life is

pleasant, sociable and comfortable around there. Millstreet runs an international Horse Show chiefly for its own enjoyment. And the people, secure in the knowledge that they're the boys that beat the Black-and-Tans, have a cosmopolitan appetite for novelty and diversion. Irish, English or American, it is all grist to their mill. And they reflect and consolidate their way of life in numerous magazines, books and papers.

The massive vote against the amendment was not the result of clerical dictation. The Catholicism of the area is the closest one finds in Ireland to the traditional Catholicism of the Continent. The clergy have their honoured place, but life is not lived according to their instructions. And everybody knows that the excommunications issued against anti-Treatyites in 1922 were generally ignored by their grandparents, and that a few years later it was more a case of the people agreeing to overlook a mistake made by the Church than the Church absolving the people.

The clericalist excesses of the fifties were curbed in that region, and for that very reason it was comparatively unaffected by the clerical confusion of the seventies. It has a way of life with which it is content. And if changes are required in the marriage law—and the *Clara News* is far from insisting that no changes are needed—they must be approached very differently from the way that Spring and FitzGerald, Desmond and Barry approached them.

The nationalist card carries little weight in North Cork—if only because it knows that it, and the adjoining areas, fought the war of independence while the rest of the country was quiescent. It was very unwise of FitzGerald and Spring to play the nationalist card. And when the nationalist line took the bizarre form of putting the country on good behaviour before the Brits it was fatal. Not that North Cork is especially anti-British. The contrary is the case. But it won't be put on good behaviour before anybody but itself.

The poll-topping anti divorce vote in Cork North West was not an expression of sexual austerity. It has never been a sexually austere region. It tended to the pleasures of the flesh very diligently even in the fifties.

It is remarkable that no eminent person commented during the referendum campaign that divorce is a phenomenon of Puritan Protestantism in origin while adultery is a Catholic pleasure. Can it be that nationalist Ireland has absorbed the miserable side of Puritanism without its inner principle, and that the Catholic Irish do not have the talent for enjoying adultery that the Catholic French and the Catholic Italians have? Perhaps that is so in a considerable degree. But we are certain that in the poll-

topping region there was something of the attitude that it is possible to take one's pleasure without disrupting the family and disturbing property.

An Ulster Presbyterian leader of the United Irish found himself exiled in France for ten years after the Rebellion. And what struck him most forcefully about the French was the care they took to arrange for pleasure. And, of course, the great French pleasure over many centuries was wholesale adultery of the mind and extensive adultery of the body, with virtue maintained by confession and the family preserved as a stable social unit.

Now that is a feasible way of life. And it is the way of life that one would have expected to evolve in Ireland if Catholic-nationalist development had continued without outside interruption for a few generations more.

The principle that pleasure and duty must be combined in marriage, and that when one begins to take one's pleasures elsewhere the marriages ought to be dissolved and new marriages formed, is utterly Cromwellian.

Of course such things cannot be said in parish magazines or by politicians who must always appear to be high-minded. But they are undoubtedly a factor in the immense conservative stability of the Irish way of life in North Cork.

But Dublin Central is a very different matter. It is not a question here of a property owning democracy, which is economically enterprising, having developed a way of life for itself which it finds pleasant, and of which the Church forms only a part. What we have here is not a burgeoning of a French Catholic way of life, which sees no need for divorce as a means to pleasure, but an old working class, without a Labour movement, without a socialist culture, which has never had politics of its own, which has never determined government policy in its own interest, discovering after twenty years of confusion that it still has no inner coherence apart from the Church.

Dublin is a very old city. It pre-dates the nation. Its great days were as an Ascendancy city in the 18th century. The Ascendancy structured the city in its days of glory. But the Act of Union put paid to the Ascendancy and left Dublin a ghost town—a town deserted by the ruling class on which its community life depended. During the first half of the 19th century it was gradually taken in hand by the new Irish religious orders which had been founded in Munster around 1800. And from the mid 19th century to the present day it has been in the grip of forms of nationalist politics whose social policies were determined by the farming interest. (And the collapse of communal coherence that occurred in 1801 continues. Dublin is a city without local

papers in a country which is lavishly supplied with local papers. Compare this with London, where every borough has at least one local paper.)

Cork North West voted against divorce out of sheer self-satisfaction, adequacy and contentment. The country is run in its interest, it lives as it wants to live, and it has a

smug awareness of itself as Duhallow and Sliabh Luachra.

But Dublin Central voted against divorce out of its incoherence, its inadequacy, and its dependence on the Church for a vision of life. This is where sheer clerical influence operates.

## IRISH POLITICAL REVIEW

Volume One, Number Two, August 1986

# ***Clara News*—Post-Referendum**

Last month we gave an extract from the interesting editorial of *Clara News*, opposing the divorce amendment. (Clara is a mountain in North Cork: the constituency which polled a record 80% "No" vote.) Here is an extract from its even more interesting post-referendum editorial (July 13):

"Many people genuinely felt that such is our inadequacy in dealing with our many social problems that it would be folly... to introduce yet another. If divorce was brought in now only the wealthy could afford it. I would hope that in a few years' time, if people are relieved of many of the tremendous pressures now upon them they will be able to treat this problem more charitably and more sympathetically. That is poor consolation to those who now feel trapped and let-down but on this occasion those who advocated divorce were wrong-footed by their own mentors and

opinion polls which did not reflect public opinion...

"Next time divorce is brought before the people let the lines be clearly drawn. Because they certainly were not on this occasion. Divorce could be allowed under the Constitution without having anything whatsoever to do with the members of the Catholic Church. After all, if the Church forbids re-marriage then that is binding on her members. Not on those who do not belong. Let those whom it affects vote on the issue. The Church and State allow separation. The problem is re-marriage. We cannot be A-la-Carte Catholics—picking what we like and rejecting what we don't. If we can't have re-marriage should we deny it to others?

"One last thing—next time all political parties should stay out of it. Maybe the Church should too. After all they are speaking to the converted. They are, aren't they?"

## Dick Spring: *Pluralism And Law*

Dick Spring delivered a post-Referendum speech to the Knocknagoshel (North Kerry) Branch of the Labour Party on July 12th. Knocknagoshel appeared on the scene of history during the land war, bearing the banner:

*"Knocknagoshel arise and take your place  
among the nations of the earth!"*

It would have been well for nationalist Ireland if it had come under the dominance of Knocknagoshel and the adjacent regions eighty years ago. Unfortunately, the liberal movement in Cork and North Kerry was contained by the Hibernian movement from West Belfast, and after a brave resistance in 1910 was itself dominated by that movement.

Mr. Spring's speech was a tirade against Mr. Haughey, in which the referendum was seen entirely in the context of the Hillsborough Agreement:

"...while I am fully aware of Mr. Haughey's dislike of the Anglo-Irish Agreement, I would strongly advise him not to be the architect of its downfall. John Hume, Austin Curry, Seamus Mallon and almost every constitutional nationalist leader in Northern Ireland, have with extra-ordinary courage borne the pressure of unionist bigotry and intransigence over a long period of time. With us they have worked long and hard to get this agreement. If Mr. Haughey were to spit in their eye now that work would be undone and the new-found respect and confidence of the minority community in Northern Ireland would be shattered.

"I also note that last week Mr. Haughey suggested that it would be possible to have a unitary state with different legal systems inside it and he cited the different legal systems within the U.K. as an example. As I am well aware that Mr. Haughey is an excellent advocate I do not need to inform him that the different legal systems within the U.K. are of exclusively historical origin and that they relate almost exclusively to procedure rather than to substantive law. If, however, Mr. Haughey has some more detailed plan like the development of separate legal systems as exist in the Republic of South Africa, I together with the rest of the people living on this island, would like to hear those detailed proposals in advance of the next general election.

"But whatever Mr. Haughey means by 'different legal systems' they are not acceptable to me. I am a Republican and the essence of that Republicanism is uniting Irish people—this philosophy traces its development through Tone and Emmett, to the Young Irelanders, through Parnell and through Connolly, and I challenge Mr. Haughey to show me one sentence from any of these or even from Mr. de Valera or Mr. Lemass which showed that they contemplated 'different legal systems' for different parts of the country.

"What I aspire to on this island is a set of laws where no ethos dominates another..."

This sounds very much like Mr. Spring at the end of the tether. The empty phrases and the sacred names roll off his tongue while he continues as deputy leader of a Government which has stopped trying to introduce even the mildest secular reforms, and whose leader has recently declared that he does not even aspire to secularism.

His use of sacred names against Haughey is deplorable and reactionary. Tone and Emmett never supposed that Catholic-nationalism was possible. They thought that Catholicism was dying, and Tone exulted when the French revolutionaries invaded Rome. Davis saw that it was possible shortly before his death and expressed his revulsion against it. And Parnell briefly outmanoeuvred the Church before becoming its victim.

But these names are irrelevant. They have no connection with contemporary reality. The names that count are De Valera and Lemass. These were contented Catholic nationalists. On coming to power in 1932 De Valera publicly declared Ireland to be a Catholic nation. He said that Fianna Fail was the big party of Irish Catholicism. And he introduced a Catholic constitution for the 32 Counties which, it is quite true, made no provision for 'different legal systems'.

It is very peculiar that Mr. Spring should quote De Valera's Catholic nationalist uniformity against Mr. Haughey's hints about pluralism. But De Valera had an underlying sense of reality which is missing from Mr. Spring, and Mr. Haughey could easily come up with De Valera statements which imply different legal systems.

The comparison of Mr. Haughey's pluralist hints to South African apartheid is disgraceful. Substantial religious apartheid was the nationalist choice. Separate schooling was not imposed on Northern Ireland Catholics by the Unionists. The Unionists tried for secular schooling. The Catholics were led by the Bishops and the Nationalist and Sinn Fein politicians to boycott the secular schools and demand apartheid schooling. And there is not a single state school in the Republic; secular schools are virtually impossible to establish privately; and the Department of

Education in Mr. Spring's Government is even doing its best to stifle the development of multi-denominational schools.

In this situation, where a substantial religious apartheid is operated in the Roman Catholic interest, and where the Church is actually increasing its control, the establishment of a legal pluralism would be a *liberal* measure in the Republic, and would be an absolute precondition of a united Ireland.

Mr. Spring's aspiration for a "*set of laws where no ethos dominates another*" is unachievable, not only because the electorate wants Catholic law, but because the phrase is gibberish. Ethically neutral legislation is inconceivable. Law on marriage, education, hospitals, and many other things, necessarily expresses an "*ethos*".

The objection that legal pluralism in Britain is "*historical*" is meaningless. "History" is what is done. A united Ireland in which the North retained British law would be every bit as "historical" as the British Union in which Scottish law was retained. And if the Catholic 96% in the Republic were persuaded by Mr. Haughey to permit liberal legislation for the 4%, that event would quickly become a great historical watershed.

Mr. P.J. MacEntee, chairman of the Bar Council, told the Merriman Summer School (August 17) that the Dail had abdicated its legislative function

"where unpopular decisions were unavoidable"

and connived at change of law by the Supreme Court on extradition, contraception and other matters. And the Special Criminal Court had extended its function to ordinary crime without legislation. He called on the Dail to make itself once again the legislative centre of the state. Dick Spring replied that on extradition the Court did not change the law but established

"a different understanding"

of it. When we recall the numerous authoritative statements made in the 70s that the extradition of Republicans to the

UK was not allowed by law, this must be regarded as out-and-out Jesuitry.

Of course the courts did not change the words of the law. But they changed the law.

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The present Pope has restored to the Roman Church in Ireland the sense of purpose that it lost in the confusions resulting from Vatican 2. And it is already obvious that no secular forces of any consequence were established during the clerical confusion of the seventies. The would-be liberals had a silly belief that an inexorable "*spirit of the age*" was grinding down the Church, and they sought to avoid conflict when they could have fought with advantage. All the clerical structures remained intact during the period when they were vulnerable, and the Hierarchy is once more making effective use of them.

The 75% vote against divorce in North Kerry was not a product of the revival of Romanist confidence. Property had most to do with it. And the fact that that region curbed clericalism prior to Vatican 2 meant that it was least affected by Vatican 2 or by the present Vatican 1 revival. It pursued the even tenor of its way throughout the zigzags. It is the most liberal part of Catholic Ireland, but for that very reason it is not the place where a resistance to the Roman resurgence can be expected.

It is probable that the Church will restore its control over the smaller and more coherent urban centres during the coming years. But in Dublin, the incoherent metropolis which was the stronghold of clericalism prior to Vatican 2, reconquest will prove very difficult precisely because of the incoherence. The total clerical conquest of Dublin in the 19th century was an amazing achievement. It made Dublin an immense backwater in the life of the nation. That great city had coherence only as a clericalist stronghold. But it has grown enormously both in size and incoherence during the Vatican 2 hiatus. And in the obstacles to reconquest posed by that sprawling incoherence lies the only real hope of establishing a secular base in the life in the life of the Republic in defiance of the new Roman offensive.

## Provocative Ideas From Clergy!

*Everything has changed, yet nothing has changed in Dublin since the Divorce Referendum.* Dublin liberals are moving towards acceptance of the reality that they may not, after all, be the pioneers of liberal development but rather an alien caste with little influence on the national mind. But the old ways of thinking are hard to change. The dutiful scribes of the Irish Times are busily reconstructing and modifying the old world-view, post-referendum. By Christmas it will be as though the referendum defeat never occurred.

An article by Dick Walsh under the above headline (Irish Times, September 26) argues that not all our priests and nuns are loyal toers of the Hierarchy line, that some clerics would like the laity to be less subservient to clerical instruction. Sound familiar? Here's a small extract:

"Sure, I hear you say, we're a priest-ridden lot, as the referendum proved. But there's a fair number of priests and nuns—and not just the Austen Flannerys, Enda McDonaghs... and Stanislauses of this life—who may feel the converse is also true. To them it isn't so much a question of a priest-ridden community as a flock prepared to shelter under the umbrella of authority happily provided for those who go for Canon Sheehan's version of things, even if it has to be lightened by the occasional singing priest."

The Austin Flannerys et al are what's left of the pro-Vatican II faction in the Irish Church, a faction so numerous that its adherents can be counted on the fingers of one hand. Walsh's purpose is to resurrect that most invidious of illusions, the impending transformation of the Irish clergy in line with Vatican II. If you were put out by the results of the referendum, fear not friend! Liberalisation is at hand!

Incidentally, Dick Walsh and whoever his source of information is have clearly not read Canon Sheehan. Sheehan railed against the anti-Protestantism of the Home Rule Party through the Cork newspaper, *The Cork Free Press*, and he was responsible for the only real political effort, in the twentieth century, to prevent nationalism from being Catholic-nationalism. His reward was to be reduced by Catholic-nationalism to a mere name—his books are long out of print—and by made a by-word for Catholic-nationalism.

Having worked to re-establish the myth of the liberal clergy, the article proceeds to demonstrate how the clerical radicals are as good as, if not better than, the political left at exposing the inequalities of Irish society and facing the truth about our incurable unemployment. A fair point perhaps, but bad and all as the Left are, they have not become a slick public relations arm of the Catholic Church. The booklet which Walsh praises is entitled *Shaping Our Futures* and is published by the National Conference of Priests of Ireland and the Conference of Major Religious Superiors.

It is really astonishing how liberals like Dick Walsh can be taken in by this clerical subterfuge, and subterfuge is what it is. He is wrong to think that clerical radicalism is a source in which liberals can have any trust, but he is a fool not to recognise that booklets like the above are carefully designed to attract liberal Catholics who may have become disaffected. "They also serve who champion radical causes" would be a fitting 'bon mot' in a Maynooth lecture. The purpose of bodies like the Hierarchy's Commission for Justice and Peace and the committee which produced *Shaping Our Futures* is to project Catholicism as humane and radical. In the same way a group of Dublin clergy which includes the singing priest, Fr. Michael Cleary, was recently charged by Archbishop McNamara to go out and live among the suburban working-class where commitment to the Church is weakest. Whether producing socially conscious booklets, researching injustices or living in the new housing estates, the underlying aim is the same—defence of the Faith. That Dick Walsh could grow up, live and work in Ireland without knowing that defies belief.

The divorce referendum has brought us down to earth with a jolt. After all the hopes of the sixties the nature and structure of Catholic social power have changed little since the fifties. It's a difficult pill to swallow but ultimately beneficial. Acceptance of the real nature of Irish society is a first step that any liberal movement must take. When Irish liberals have the measure of the Catholic Church they will influence national development, not beforehand.

**Dave Alvey**

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