Forum

ELA DRĄŻKIEWICZ AND THOMAS STRONG

Repealing Ireland's Eighth Amendment: abortion rights and democracy today

In 2018, the Irish public voted to repeal the Eighth Amendment to the Irish Constitution, which since 1983 banned abortion in the country. While this was a watershed moment in Irish history, it was not unconnected to wider discussions now taking place around the world concerning gender, reproductive rights, the future of religion, Church–State relationships, democracy and social movements. With this Forum, we want to prompt some anthropological interpretations of Ireland's repeal of the Eighth Amendment as a matter concerning not only reproductive rights, but also questions of life and death, faith and shame, women and men, state power and individual liberty, and more. We also ask what this event might mean (if anything) for other societies dealing with similar issues?

Key words abortion, reproductive rights, Ireland, social change, Repeal the 8th

The Eighth Amendment to the Irish Constitution, which was approved in 1983, banned abortion in the country. In 2018, the Irish public voted to 'Repeal the 8th' by a resounding majority (67%) that surprised most observers (Kelly 2018). Though 'Repeal' – as this specific political process became known – reflected distinctive local dynamics, it was not unconnected to wider discussions now taking place around the world concerning gender, reproductive rights, the future of religion, Church–State relationships, democracy and social movements. In this Forum, we want to prompt some anthropological interpretations of Ireland's repeal of the Eighth Amendment. What was it like? And we want to ask what this event might mean (if anything) for other societies dealing with similar issues.

Both the outcome of the referendum, and the political campaigning that led up to it, were watershed moments in Irish history. For months, the entire nation seemed to be focused on a single question: Should abortion be legal in Ireland? The event itself comprised an intense ritual of civil religion, albeit one through which the social position of the Catholic Church itself would ultimately be (re)evaluated. Through the imagery and ideas of the various formal campaigns engaging the referendum, as well as through the talk characteristic of the referendum's informal spaces, the act of voting itself became a matter not only of reproductive rights, but of questions of life and death, faith and shame, women and men, state power and individual liberty, and more. National discourses and intimate conversations – in major media, around kitchen tables, on doorsteps – were overcome by passionate debate. Telephone poles were covered from top to bottom with abortion imagery and messages, yielding a sometimes alien streetscape of foetal icons floating above footpaths and freeways. As opposing rallies were staged in town squares, canvassers knocked on the doors of strangers urging a vote one way or another. Matters conventionally

held to be private, such as sexuality and pregnancy, were thrust into public view, as questions of political and public consequence crossed into home and hearth. It seemed as though no aspect of social life was untouched by the event: gender and generation, kinship and family, party politics and grassroots activism, morality and medicine, nation and culture – the referendum crosscut each and brought them into new relations with each other.

But we believe the 2018 referendum was in fact a matter of great consequence not only for Ireland, but for other locations in Europe and elsewhere, where similar issues are today in the forefront of public debates. One way to assess this claim is to look at the vote in terms of the politics of gender and reproduction in liberal democracies today. Read against a background of Brexit (Green *et al*. 2016; Franklin 2019) and a host of reactionary/populist electoral results and political manoeuvres elsewhere, the Irish abortion vote invites careful consideration. In the context of a global wave of reactionary, explicitly anti-feminist politics (Franklin and Ginsburg 2019) in North and South America (Andaya and Mishtal 2017; Pinheiro-Machado and Scalco 2018), and in Europe (Castañón 2019) where governments attack 'gender ideology' and seek to roll back protections for reproductive rights (Kováts 2018), the result of the Irish referendum appears anomalous, and therefore of special anthropological interest.

Contrary to the above-mentioned examples, Ireland seems to be liberalising with respect to the political control of private life, and with respect to the question of gender equality in society. For example, the abortion referendum followed a similar vote on same-sex marriage three years earlier, a vote that also resulted in a resounding public endorsement of marriage rights for gay and lesbian couples. Whereas reactionary populism elsewhere is energised by the dangers that queers and feminists putatively pose to conventional norms of sexuality and gender, in Ireland new configurations of family gain mainstream recognition even as feminist activists claim victory in overcoming decades of (Church-authorised) social control of female sexuality. If the populist wave is a reaction against a certain construction of 'gender' as threatening to the conventional order of things, a threat also racialised when paired with discourses pertaining to migration and 'native' populations, should we then consider gender as a central analytic for understanding contemporary shifts in political orders in Ireland and elsewhere (Briggs 2017)?

The change in Ireland's reproductive regime may also be interpreted as an ultimate proof of the softening power of the Catholic Church in the country. Since the scandals emerging in the 1990s concerning abuses in state-subsidised and Church-run welfare, health and education institutions, the moral authority and social prestige of the Catholic Church has collapsed. The 2016 national census showed the highest ever increase (73%) in people declaring affiliation with no religion, and a steady growth of non-Catholic and non-Christian denominations in Ireland. Nevertheless, 78.3% of the population identify as Catholic. Moreover, closely following Repeal, when Pope Francis visited the country in 2018, the Taoiseach (prime minister) insisted that the vast majority of Irish still do not want a complete separation of Church and State. Thus, while the latest events point to the major transformation of the fabric of Irish social life, especially in the demise of a homogenous Irish-Catholic identity and in weakened Church power over matters pertaining to sexuality, the secularisation process in Ireland and the separation of Church and State is far from straightforward. While older forms of Catholic devotion, such as those described by Taylor (1995) might belong

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to history, new religious identities continue to emerge, and the question of a secular Ireland begins to become intelligible.

But Repeal not only symbolised a major change in the relationship of the Church to the State and the public, perhaps even more importantly it signalled a shift in the Catholic institutions themselves. When the Eighth Amendment was adopted in 1983, Church hierarchies, as well as religious symbolism and values, took centre stage. In 2018, in contrast, they were pushed backstage, or remained tacit. For example, there was no direct reference to Catholic values and teaching in the 'Love Both' campaign against Repeal, and members of the Church hierarchy were not given space in the most prominent public TV and radio debates. While the Church did not change its stance on abortion and remains strongly interested in shaping social life in Ireland, it significantly shifted its strategy in influencing public opinion by 'outsourcing' the task of canvassing and lobbying to seemingly secular organisations, such as the Iona Institute, which purposely hide their Church affiliation. This specific move signals an important shift in Church politics, and a move towards the paradigm of transparency (Pelkmans 2009). To date this strategy has been mostly seen among certain ideological movements involved in development. However, as Repeal shows, it has become an important (even if not always successful) tactic of Churches, which remain interested in influencing political and social spheres of Western societies, allowing religious forces to hide their controversial agendas from public scrutiny and rebrand themselves as neutral.

Another important question that the abortion referendum in Ireland prompted concerns the future of modern democracy, especially in the light of the growing mistrust of state institutions and political systems of the West. The referendum was ostensibly achieved in a process of direct democracy. The referendum was, however, not just an expression of the state's willingness to have citizens' voices heard on an issue of the utmost importance but was also simply a legislative necessity as any amendment to the Irish Constitution requires a public vote. What proved unique about this referendum was the Citizens' Assembly – one of the first attempts in deliberative democracy in the Western World (Farrell *et al*. 2013; Lang 2007). The Citizens' Assembly was established in 2016 by the then-Taoiseach Enda Kenny, to consider the repeal of the Eighth Amendment, as well as other issues. The Assembly consisted of 99 randomly chosen citizens, working with an advisory group of five experts (a medical lawyer, two constitutional lawyers and two obstetricians). In relation to abortion, the Assembly was tasked with voting in favour of or against repealing the Eighth Amendment, as well as producing non-binding recommendations for envisaged Oireachtas legislation. The incorporation of this novel democratic tool has been highly prized by commentators, who not only announced a major shift in Irish political culture but also pointed to Ireland as an exemplary leader of guiding a transformation of fatigued Western democracy (McGreevy 2018; Humpherys 2016). In this context, the Citizen Assembly, as a new 'technology of democracy', had been announced quickly as a remedy for reducing levels of mistrust in state institutions and democratic governance (Farrell *et al*. 2018; Suiter *et al*. 2016; Suiter 2018). However, while the Citizens' Assembly on the one hand demonstrated an innovative side of Irish politics, it also exposed a crisis in Irish political culture, in which old relationships binding politicians and their constituencies through patronage and clientelism proved broken and characterised by mutual lack of trust and disconnection (Bax 1970; Komito 1984; Gibbon and Higgins 1974; Coakley 2006; Thomsen and Suiter 2016). Unable to read popular moods, unsure if Irish people were ready for the change, Irish politicians feared to take responsibility for calling the

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referendum themselves. Their induction of the Citizens' Assembly has been seen by many as 'Kicking the can of responsibility down the road' (Clifford 2016), a way of avoiding taking a lead on the abortion issue, rather than a progressive step to cede some legislative power to ordinary people.

Political leadership on abortion rights was therefore somewhat dubious, and Repeal might rather be interpreted as a culmination of many years of activism and organising (De Londras 2015, 2018). The movement was driven especially by on-the-ground, grass-roots feminists such as those who founded the Abortion Rights Campaign (Mullally 2018; see also De Zordo *et al*. 2017). On an annual basis in Dublin, the yearly 'March for Choice', featuring often irreverent and confrontational feminist iconography, kept abortion rights visible as a question facing the nation. In October 2012, the death of Savita Halappanavar from complications related to a septic miscarriage provoked a public outcry. Halappanavar had requested termination of pregnancy but was refused by her hospital, an injustice highlighting the manifest dangers of Ireland's abortion law for pregnant women. Halappanavar became something of a martyr for abortion rights. The activist roots of the referendum were symbolised by ubiquitous black 'REPEAL' sweatshirts, designed by Anna Cosgrave, that quickly became iconic of the movement as a whole. On the day of the repeal vote, Dublin Castle filled with jubilant crowds celebrating victory. In an era of seemingly intractable political paralysis and mutual distrust, perhaps the movement for reproductive rights in Ireland provides a counter-note to the bleak pessimism and division facing polities everywhere.

What then does Repeal signify in a transnational context? First, while abortion issues are a prerogative of national legislation, they may also be the subject of international scrutiny. After 1983, the Irish abortion question was repeatedly taken up by international tribunals, including the European Court of Justice and the European Court of Human Rights; it was also investigated by Amnesty International. During the Citizens' Assembly, World Health Organization representatives made some of the strongest impacts on members of the public, leading to particularly liberal recommendations for new abortion legislation. Second, the history of Ireland 'exporting' its 'abortion problem' elsewhere – as when Irish women were forced to travel to Britain to seek abortion services – became a focus of the discourse of the referendum. The highly influential 'In Her Shoes' initiative, a grassroots campaign gathering together and publicising the testimonies of women harmed by Ireland's abortion ban, often featured stories of the specific difficulties involved in travelling to Britain during a 'crisis pregnancy'. Third, the mobilisation of the Irish diaspora and the 'home to vote' phenomenon raised the international visibility of Repeal, and ultimately contributed directly to votes in support of it. Finally, on the heels of the Cambridge Analytica scandal, the referendum became first political event in which, to protect the integrity of voting, Google issued a blanket ban on all referendum advertising, while Facebook only allowed advertising paid for by Irish campaigners. Ultimately, Ireland for a moment became ground zero in an international contest over 'reproductive governance' (Morgan and Roberts 2012).

For that reason, with this Forum we want then to ask what makes Ireland different at this moment? This invites ethnographic specificity; many of the reflections that follow delve into distinctive details of Irish social life and history. At the same time, this distinctiveness also elicits comparison, and so some of our authors point to other contexts where gender politics, Church–State relations, and so on, have recently been thrown into question. Above all, the Irish case illustrates at least one example of

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dramatic social change driven by grassroots activism. In the context of a world increasingly governed by authoritarian regimes, perhaps the Irish example offers a ray of hope in regard to the powers of democracy.

Ela Drążkiewicz *and Thomas Strong*
Department of Anthropology
Maynooth University
Maynooth
Ireland
edrazkiewicz@gmail.com
thomas.strong@mu.ie
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NANCY SCHEPER-HUGHES

Abortion in Ireland and the silence of Pope Francis

The midwife-abortionist, not the prostitute, is perhaps the oldest profession. Saint Brigid of Kildare (*Naomh Bríd*), a beloved patron saint of Ireland, was also a patron of midwives, babies, pregnant women, and of children born to single mothers. One of the miracles attributed to her was her intervention on behalf of a nun who failed to keep her vow of chastity and became pregnant, as the lore would have it, 'through youthful desire of pleasure and her womb swelled large with a child'. Saint Brigid blessed the nun's belly 'causing the child to disappear, without coming to birth, and without pain'. One might say that Saint Brigid is also the patron saint of 'holy' abortionists.

In 1983, the Irish Constitution amended the law that gave the newly fertilised egg the same right to life as the woman carrying the embryo. But the history of abortion in Ireland began much earlier, with colonisation. The UK Offences Against the Person Act prohibited abortion in Ireland beginning in 1861. The Catholic Church's position

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