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## Comment - How gay marriage came to Ireland

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Alexis de Tocqueville famously observed of revolutions that they were both inevitable and surprising, and this is no less true of the recent revolution in Ireland, which “Official Ireland” is now celebrating. Various explanations have been advanced both from those who welcome it and those who deplore it—all of them true to some extent, none of them perfectly satisfactory. As C. S. Lewis pointed out in his reflections on the Hegelian versus the Christian approach to history, history does have an ultimate *telos*, but that is known to God alone and therefore any human attempt to explain it fully is doomed to

failure.

However, it is worth reflecting on the various explanations of the Irish revolution since however hidden the ultimate purposes of history may be, we have to do something, and that will impact on future generations. The better we understand our current situation, the less likely it will be—we hope—that we will do the wrong thing. For the remainder of this essay, I will examine a few of the explanations offered for the outcome of this referendum, and reflect on their plausibility. There are a few main explanations: 1) long term failure in leadership by the Irish Catholic church, and connected with this, the awful Jansenist culture; 2) Europe—or rather, political interference from European Community institutions; 3) American money; 4) the claim of the “Yes” campaign that the Referendum was won by “the stories,” that is, the constant appeal to emotion and the complete refusal actually to think about the legal consequences of passing such a change not merely into law, but also into the Irish Constitution, the foundation of that law.

## **Jansenism and the Irish Hierarchy**

Let us begin with the reaction against Jansenism, or what is often called Jansenism, in

the Irish Church and the claim of more recent failure in leadership by the Irish hierarchy. For many people, of course, this represented an opportunity to vote against the Church, and in the rejoicing since the result was announced, the defeat of the Church has been the most constant theme. Why is there such a hatred of the Church? Are the scandals to blame for this?

Historically, Irish clerical students on the Continent were close to the school of Jansenius in Belgium and France. However, what really characterizes the Irish Church of the mid-twentieth century is a highly orthodox rigorism: most Irish Bishops were canonists rather than theologians, and that legalism ran through everything. Pragmatically, it had great strength: people knew where they stood, but it was also very brittle, and tended to lead to culture of making a virtue out of harshness. A certain bitterness was always present in Irish Catholicism anyway, probably as the result of a long history where all that was possible was resistance. Add to that the deliberate self-isolation of Ireland from most of the Western world following independence in 1921, for which there were understandable reasons, even if ultimately it was a disaster. This isolation also suited a particular line of approach by the Catholic hierarchy—it facilitated the draconian

Irish censorship laws, for example. What emerges in the society as a whole as a result is a tendency to avoid rather than confront and reflect on problems.

Following the initial wave of revelations in the early nineties, *all* priests and nuns were excoriated for their role in the provision of social services, above all within the educational system (nuns were also highly significant in the provision of healthcare, but that they were excellent hospital administrators is still remembered, especially in the light of the debacle that is the State Health Services Executive). As the atheist Ruth Dudley Edwards observed, this is completely unjust. The fledgling Irish State, which could not afford to deal with the extensive social problems with which it was presented, dumped these at the door of the religious orders, who did what they could. An American friend living in Ireland remarked that when she arrived in 1993, everyone was very devout, at least on the surface, but by 2003, it was as though the scandals had given people the excuse they needed to break with the Church: the underlying tension was there already. The revulsion aroused by individual cases of quite horrifying criminality (see, for example, the Murphy and Ferns Reports) was transformed into an overall sense of Catholic wrongness, which does not have any

specific location where it can be addressed, and which is very intimidating for those who believe that the problem was criminal individuals rather than (in the words of Hozier, the latest rock sensation out of Ireland) a poisonous religion.

Episcopal mishandling of complaints about clerical child abuse, one of the main factors underpinning Benedict XVI's decision to institute a visitation of the Irish Church in 2012, is certainly a factor contributing to a sense of institutional fault. However, in that case, one would expect that the Irish Church and Irish society generally should have welcomed the visitation as an opportunity to straighten things out. In fact, it met with unrelenting hostility. Ireland had just had an election then, and the newly elected Prime Minister, Enda Kenny (now triumphing over his referendum result) in one of his first speeches in the Parliamentary chamber, blamed the Vatican for everything whilst the visitation was underway, thus undermining it completely—as though it were Italian or French priests and Cardinals who were guilty of the Irish abuses, conveniently letting the locals off the hook, and redirecting the anger towards Church discipline and teaching rather than criminal individuals. It was a brilliant political stroke, albeit lying and meretricious as regards its claims (it met with a strong although

inadequately reported response from the Vatican). Everyone in Ireland could feel vindicated, and the anger was redirected outwards. At this stage, it is Catholic teaching itself which is felt in some obscure way to be responsible for the abuse, rather than human failure at the individual and institutional level, and other Christian denominations are beginning to wake up to the fact that this is a brush with which they too are ultimately tarred, since (C. S. Lewis again), most Catholic teaching is simply Christian doctrine.

Most people actually have quite good relations with the priests or nuns that they know. Most people in Ireland send their children to Catholic or other denominational schools (which do receive State funding in Ireland). This does not indicate a loss of confidence in the Church as an institution. A recent attempt by the Minister for Education to remove some of the schools from Church patronage failed miserably: parents were polled, and voted overwhelmingly to remain within Church patronage. They like the institutional Church. The Church in Ireland is usually the focus of the community—and it is now the *community* that is sacred, but the institutional Church serves it well. What is not acceptable, following the Kenny speech mentioned above, is Church teaching. This is

why the Irish clergy are often so timid about proclaiming Christian doctrine: they know well that people like them personally and that they are grateful for the social work done by the Church, but that Church teaching is deeply resented, and that any attempt to state it is met with bitter hostility. This does present them with a real question: is it better to proclaim the doctrine in all its demanding fullness, and lose most of your congregation, or is it better to hold on to as many people as possible, in the hope that when things calm down in a few years (it is hoped), one can then be a bit bolder?

As my American friend observed, this was present under the surface long before the scandals broke, and at the root of it is probably the widespread rejection of Catholic teaching on sexual morality, which emerged later in Ireland than other Catholic countries. Catholic teaching on sexual morality implies a high and arduous view of chastity for all, and, crucially, tells couples that their economic circumstances are not completely their own affair: openness to life means also openness to unforeseeable economic challenges.

Following *Humanae Vitae* in 1968, Irish people kept the rules, because they were in the habit of obeying the Church, but they resented it. John

Paul II's Theology of the Body lay a long way in the future, and in the meantime, it seemed that nobody could present *Humanae Vitae* as anything other than negative. When the scandals broke, therefore, it provided a focus for resentment that had long been festering, and that the criminality involved was sexual in nature seemed to justify this: ultimately both clergy and laity were presented as victims of a distorted teaching on sexual matters. Therefore, a referendum on same-sex marriage presented the perfect opportunity to show the Catholic Church as a teaching institution just how thoroughly its teaching in sexual matters has been rejected, at least insofar as it was ever really known to begin with.

However, this was a civic matter, not a Church one, and non-Catholic communities surely had a role to play here. People were voting on civil legislation. This takes us right to the heart of a question that is of universal significance: what is the proper link between Church and State? Should they be completely separate spheres of activity and law, and, if so, what will guide the State? What metaphysics, what vision of reality, underpins a State completely cut off from any religious tradition? Such a State is thrown back on positive law, which is purely relativistic, and can cause serious problems—for example, the



newly unified Germany had great difficulty in prosecuting Erich Honecker for his crimes, since they were not illegal under the old system of the DDR. This question is particularly urgent in Catholic, or formerly Catholic, societies. To date, pluralistic societies, such as the USA or the UK have adopted a broadly Christian foundation as their institutional basis, but avoid any links to one particular vision or version of Christianity (it is true that the Church of England is England's state Church, but it is a very broad Church). Catholics live in these societies as minorities, contributing what is viewed as being an essentially foreign, although often valuable, perspective, and in fact, this is often salutary for the Church in these societies, acutely conscious as Catholics in these situations tend to be that they are watched. In fact, I have heard it said in relation to Ireland that independence (1921) was actually bad for the Church here, since the fundamentally hostile eye of London was removed, and there were no further checks and balances. In *The Path to Rome*, Belloc observed passing through France that he had no idea what the struggles of actual French Catholics were (*The Path to Rome* was written in 1903, at the height of anti-clerical legislative activity in France), having lived all his life as a member of a respected, indeed privileged minority (French Catholic refugee) in England; elsewhere he was

to observe that the tendency of Catholic societies is to persecute the Church, whereas Protestant societies tolerate it. But if Catholics maintain that the “fullness of truth is to be found in the Catholic Church,” and if, therefore, it is desirable that all should be in communion with it, what then is the relation of the Church to the State, if we have abandoned all notion of a confessional State?

The failure of the Irish hierarchy to supply a clear answer to that question left many people feeling that, really, it didn't matter as far as their immortal souls were concerned how they voted. Of course, many were simply anti-Catholic, and more again had no notion of what Catholic marriage is supposed to be—they accept that the Church has the right to make rules for itself, in the same way that a golf club has, but that it is not simply a matter of institutional rules is not seen. (This, incidentally, confirms Prof. Vincent Twomey's assertion that the fundamental problem in the Irish Church is the lack of theological reflection). In fact, as the distinguished Church of Ireland author and critic Bruce Arnold [pointed out](#), civil marriage in Ireland was instituted in 1871 along broadly Christian lines, following the Disestablishment of the Church of Ireland:

The jurisdiction of the Ecclesiastical Courts was transferred to a newly established civil court, the Court of Matrimonial Causes and Matters. This Court was specifically mandated to “proceed and act and give relief on principles and rules which, in the opinion of the said Court, shall be as nearly as may be conformable to the principles and rules on which the ecclesiastical courts of Ireland have heretofore acted and given relief” [and] the [Irish] Constitution has inherited and amended this former jurisprudence in matrimonial matters.

Therefore, the basis of civil marriage in Ireland from the outset was in fact a natural law basis, common to all Christians, and not unacceptable to those of other faiths. In other words, *civil* marriage is not a purely human construct, which we can change at will, as we might the traffic laws; it is not a matter of positive law. A natural law Constitution need not mean a confessional State, even though it is true that natural law is a Christian concept—but that point got completely lost in the emotional maelstrom that passed for a campaign here. Amazingly, some extraordinarily courageous individuals (initially Arnold himself, journalists David Quinn and Breda O’Brien, the Iona Institute; later on, John Waters, retired Regius Professor of Laws at Trinity College Dublin, William Binchy and the distinguished

historian Prof. John A. Murphy; the gay campaigners for a “No” vote, Paddy Manning and Keith Mills, deserve special mention) did succeed in making a difference to the eventual numbers, although not the outcome: in the early Spring, polls indicated that 17 percent of the electorate would vote against the amendment, but by the time the actual referendum came around, 38 percent were indicating a “No” vote, and that was the eventual outcome. It is possible to make the argument in support of traditional marriage, but it is essential to have the courage of one’s convictions.

## **Outside Interference**

American Catholics tend to be very much aware of the role of the European Union in legislation affecting the Church in Europe. It is thought that the EU is fundamentally hostile to the Catholic Church, and that it legislates accordingly. The refusal to mention God in the European Constitution shocked many Americans, and symbolically that is certainly very important. It is also true that much social change in Ireland has come about as a result of strong pressure from E.U. institutions, for example, the decriminalization of “homosexual acts” in 1993 (homosexuality as such was never illegal in Ireland, but “homosexual acts” were). However,

the European Court of Human Rights is careful to respect the right of individual jurisdictions to legislate as they see fit on sensitive social matters, and it has consistently refused to recognize either same-sex marriage or abortion as universal human rights. There is a big difference in Europe between the political and judicial branches of the European Parliament. It is the latter that is legally binding on all member States, and it has not insisted on legislation for either abortion or same-sex marriage—in fact, it has been careful not to do so. Prior to the so-called Celtic Tiger (late nineties onwards, up to 2008), Europe contributed a great deal of money to Ireland for the updating of the Irish infrastructure, which was in dire need of it. Those funds depended on the Irish acceptance of the various E.U. treaties, which certainly did weaken Irish sovereignty (along with everybody else's; this is much resented in the UK in particular), but they were not directly tied to any social or legislative change in Ireland. Weakened sovereignty did affect people's sense of what they could really decide for themselves as a society, and that has certainly been exploited by anti-Christian elements, but we cannot directly blame Europe for this, since none of the European institutions directly campaigned in this particular referendum.

Far more significant as far as the referendum results are concerned has been the role of Atlantic Philanthropies. Following the Anglo-Irish agreement of 1985 and the Good Friday Agreement of 1998, American investment flooded into Ireland and protectionist legislation on a broader scale within the European Union at around that time also encouraged this, since American companies now needed a base within Europe if they were not to be at a serious disadvantage trading here. Commercial investment was well understood and embraced: that they gave us money and we owed them hard work and a good return on it was accepted and welcomed. At the same time, Atlantic Philanthropies, a charitable foundation set up by businessman Chuck Feeney in 1982, began to take a serious interest in Ireland. Projects were instituted in Northern Ireland in the early nineties, and in the Republic of Ireland in 2001. The role of philanthropy was not nearly so well understood in Ireland as was investment: what does the philanthropist want in return for his philanthropy? In fact, this is a globally significant question. Prior to philanthropy we had Christian charities to help the poor. They were largely missionary in origin, and the goal of the sponsoring Christian was reasonably clear: he wanted to obey Christ's injunction to use the things of earth to gain friends in heaven.

Practical charitable action became, in Mother Teresa's words, Christ's hands among the poor, and hopefully helped them to see that he loved them. Some Christian charities demanded conversion as a quid pro quo for practical aid, and aroused great resentment as a result, but many did not—it was the witness itself that was to convince. But divine love and a heavenly reward were the ultimate goals. With secular philanthropy, the goal is not nearly so obvious. Clearly, the philanthropist has a sincere interest in the welfare of his fellow men, and this interest is normally presented as disinterested: all the philanthropist wants to see is happy fellow humans. But he does like gratitude: most foundations will require that you acknowledge their input if they support you with a grant. We never query this, because gratitude is a virtue, and the most gracious of virtues. The lack of it is profoundly upsetting. However, we would do well to realize that what the philanthropist gets is influence, and to keep a sharp eye on what, exactly, this influence is doing.

From the outset, Atlantic Philanthropies took a strong interest in health and, above all, educational matters. Many of their projects were welcome—Irish universities e.g., are woefully underfunded, and Atlantic Philanthropies' money funded a great deal of new research and

teaching. However, Atlantic Philanthropies did not ask what people wanted, and how they might help: they approached the Irish situation with pre-set notions as to what the problems were and determined to fix them in their own way. Their sense of what the problems were was based on a very crude analysis of the problems in Northern Ireland, which were blamed on the churches there, although they repeatedly and monotonously condemned violence over and over again. Individual Northern Christians as well as nearly all churches made Herculean efforts to reach out to each other and the solution to that is seen to be “equality.” In fact, they approached Ireland exactly like Washington lobbyists approach their targets, but Ireland, unlike Washington politicians, had no idea what this phenomenon was, had no native antibodies against this new virus, positive rather than negative, and had no idea how one might resist it, assuming one wanted to.

Atlantic bought their way in everywhere. One of their strongest preoccupations, as mentioned, was that of equality, and any organization claiming to promote it was backed to the hilt. As a result, the Irish Council for Civil Liberties obtained \$7,727,700 (2001-2010); the Irish Trust for Civil Liberties, Human Rights, Fundamental Freedoms got \$3,829,693 (2010-2013); Gay and



Lesbian Equality Network \$4,727,860 (2005-2011) and Marriage Equality received \$475,215 (2010-2011). These organizations grew from small grass-roots groups to highly professionalized, slick lobbying operations with the aid of Atlantic money, and all were prominent in the campaign to pass this referendum.

Of course the Irish Government should have acted on behalf of all the Irish people, and ensured that funding and representation for both sides was really equal. However, people originally funded by Atlantic Philanthropies in various projects had moved on to being active in the machinery of Government at various levels, especially the quangoes concerned with equality and law-reform, and the Government did not do so. One of the most extraordinary aspects of this referendum was the extent to which bodies which had no business recommending a vote one way or the other took sides: the Industrial Development Authority called for a “Yes” vote, as did the Gaelic Athletic Association, as did the representative organisation of the Irish police in the Republic, the Garda Representative Association—a move which drew a sharp rebuke from Baroness Nuala O’Loan, the legal expert who oversaw the changes in Northern Ireland which improved the policing situation there immeasurably. The involvement of the GRA was

particularly shocking, since presumably the police should officially be indifferent. The Civil Service Trade Union, IMPACT also campaigned for a “Yes” vote.

Atlantic Philanthropies are perfectly open about their work, of course, and indeed proud of it, but their extensive networking among Irish politicians and institutions has not as yet attracted much commentary, and the extent to which our educational system has been ideologically influenced by the grants awarded by Atlantic Philanthropies has yet to be analyzed. It is disturbing to note that many young Irish people living abroad actually travelled to Ireland specifically in order to vote “Yes” in this referendum. They claim that it is the parallel between the American Civil Rights movement in the sixties and the gay rights movement now which has moved them—a parallel which they must have been taught, since it would not spontaneously occur to any Irish person who had not spent many years in America. Clearly it has made its way into the official Irish history and literature curricula, but where did it come from?

**Was it won by the stories?**

Many of the seasoned campaigners in the battles to change Ireland's legislation on social matters during the eighties and nineties were disturbed by the nature of this particular campaign. During the great battles on the legalization of divorce and homosexual acts, the notable campaigners then were really distinguished public figures, for example: Bruce Arnold, mentioned above, Prof. Richard Humphries of the University College Dublin School of Law, historian Prof. John A. Murphy mentioned above, of University College Cork, the journalist Kevin Myers, the literary critic Prof. David Norris of Trinity College Dublin, former Reid Professor of Laws at Trinity College Dublin, later President of the Republic, Mary Robinson.

They were opposed, of course, on different aspects of the different issues, by other public figures, for example: former Regius Professor of Laws, William Binchy, mentioned above, philosopher Prof. Gerard Casey of University College Dublin, ethicist Dr. Theresa Iglesias, likewise of University College Dublin, political scientist Prof. Cornelius O'Leary of the Queen's University Belfast and in later years the young journalist David Quinn. To fight in that ring, you had to be highly intelligent, highly literate and usually educated to a very high academic standard. Of course, there were ignorant people

involved in these issues as well, but discussion tended to be dominated by those capable of conducting it at a very high level. Many of those involved in the recent Referendum campaign on Same Sex Marriage came from unexpected sides: former President Mary McAleese, also a former Reid Professor of Laws at TCD, normally associated with the conservative Catholic wing of public life in Ireland, campaigned in favour of the eventual result, as did a number of prominent priests and religious: Fr. Iggy O'Donnell, Fr. Gabriel Daley, Fr. Tony Fahey, Sr. Stanislaus Kennedy, the latter much associated with sterling work for the relief of poverty in Ireland, still a huge problem, Celtic Tigers notwithstanding. Bruce Arnold, Prof. John A. Murphy and Kevin Myers, all normally associated with the disassociation of Irish legislation from Catholic influence, unexpectedly opposed the SSM proposals, for the reasons given above; the opposition of Prof. Binchy was expected. However, their contributions seemed not to make the difference one would have expected.

This campaign was won by slogans: "Make *gra* (Irish "love") the law," "Discrimination damages lives," etc., and the stories mentioned at the beginning of this article were strong appeals to emotion based on the desires of one's gay son/daughter/brother/sister/cousin/connection for

normalization and acceptance. Gay “No” campaigners Keith Mills and Paddy Manning pointed out that such was perfectly possible without undermining family structures completely since extensive Civil Partnership legislation was already in place, and they did make a difference, but the softening up of the electorate by years of sob-stories would have taken far more time and effort to overcome. In all of this, we must NOT forget the 38 percent of the electorate who decided to vote against this proposal in the teeth of this emotive onslaught, especially those who changed their minds (21 percent). They testify both to their own independence of mind and to the effectiveness of argument, even under such difficult conditions

However, in the end, the dominant influences in this campaign were anonymous: they were the people who decided to fund and promote the “equality” agenda wherever and however possible; the editors and sub-editors of influential publications who carefully manipulated the presentation of the issues so that reasoned argument always looked cold and uncaring, and above all, the educators who decided to teach social inclusion by means of a series of examinable clichés rather than do the hard work of equipping people to think for

themselves (but that is for another long article...).

What now? Already there is talk of pressure to legalize abortion on demand and euthanasia—always described as voluntary euthanasia, of course. However, these are perceived as rather different issues than that of same-sex marriage, but the public culture of Ireland is now one in which clear-headed and cool legal arguments do not stand a ghost of a chance in the face of overheated emotional rhetoric, and the Referendum has taught everyone what you need to win here: money and slogans. This is not democracy, nor is it worthy of a Republic, but just try getting that point heard now. In the long term, the only solution is the establishment of a culture of public discourse where competence in the area under discussion matters, not an obsession with “equality,” or whatever the next catchword will be. This is not easily done, and throughout history several societies have taken the rather easier option of relegating difficult matters to experts, and imposing the resulting decision on society as a whole. Experts fight too, of course, and professional cultures are also corruptible, but it avoids the very difficult task of teaching an entire society how to examine the issues, think them through, and arrive at a reasoned decision.

However, if you want a real democracy, the educational task is unavoidable, and those of us who deplore the recent explosion of sheer emotional manipulation have the very difficult task ahead of us of redirecting the Irish educational system towards knowledge and actual thinking rather than “skills” and slogans. The only comfort is that we may not be alone: it would appear that similar concerns are found all over the Anglosphere, and there are those who are willing to confront them.

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<http://www.firstthings.com/web-exclusives/2015/07/how-gay-marriage-came-to-ireland>