THE LUCK OF THE IRISH

CATHOLICISM & LUCK EGALITARIAN INFLUENCE ON THE ORDER OF LGBT AND REPRODUCTIVE RIGHTS
ACQUISITION IN THE REPUBLIC OF IRELAND

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ABSTRACT

The Luck of the Irish: Catholicism & Luck Egalitarian Influence on the order of LGBT and Reproductive Rights Acquisition in the Republic of Ireland

Rebecca L. Stacey

In Catholic-majority countries, same-sex marriage is often legalised prior to the legalisation of on-demand abortion services. This thesis investigates the observation that Irish reproductive rights activism brought chance-based circumstances requiring pregnancy termination to the forefront during the Repeal the 8th referendum campaign instead of using a framework that revolved around the language of choice. Due to a resemblance between some proponents of Catholic doctrine and the philosophical tradition of Luck Egalitarianism, this thesis posits that Ireland's Catholic-majority status may have predisposed the country to favour a chance-based framing of rights issues. There is a continuity of a chance-based framing of sexual orientation – same-sex attraction is generally accepted as not an individual's choice. However, because abortion is typically framed as a privacy matter and a personal choice, a chance-based framework had to be developed to secure the legalisation of abortion in Ireland. Because chance-based perspectives have a long association with sexual orientation, while a chance-based framework for abortion had to be developed, same-sex marriage activism had a slight advantage in Ireland, which may have contributed to the order of rights acquisition.

ACKNOWLEDGEMENTS & THANK YOUS

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INTRODUCTION: THE LUCK OF THE IRISH

In 2012, the midwife manager of University Hospital Galway, Ann Maria Burke, informed Savita Halappanavar that the hospital could not terminate the pregnancy that Savita was actively miscarrying. Less than a week later, Savita Halappanavar passed away due to complications brought on by this miscarriage. At the inquest into Halappanavar's death, Burke explained that the requested abortion was denied "because Ireland is a Catholic country" (Cullen, 2013). Burke said that she intended no offence by her remark but meant only to inform Halappanavar that Ireland's constitutional ban on abortion, which Burke believed delayed termination procedures, was set in place in part by Catholic institutions: "It was the law of the land and there were two referendums where the Catholic church was pressing the buttons" (Cullen, 2013). In one of these referendums, held in 1983, 66.9 per cent of voting Irish citizens voted to change the Irish constitution to include a clause that recognised the equal right to life of the gestational parent and the foetus.[1] Sectarian influence on the outcome of that election is impossible to deny: The Pro-Life Amendment Campaign, the single-issue campaign which fought to install that clause into the Irish constitution, was established in January 1981 by 14 organisations: "10 of these bodies were explicitly and exclusively Catholic. The other four were almost entirely made up of conservative Catholic activists. By contrast, all Irish Protestant churches opposed the amendment" (O'Toole F., 2014). Since the 1990s, subsequent referendums interpreted this 8th Amendment in less restrictive ways, including a referendum in 1992, which affirmed that suicide was a threat to the life of the gestational parent and clarified that travel to seek abortion outside of Ireland could not be interfered with (O'Toole F., 2018). Despite the

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[1] "The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right". (Bunreacht na hÉireann, Article 40.3.3).

outcome of this referendum and related court cases[2], the Irish government enacted no legislation

to codify what qualified as a threat to life significant enough to terminate a pregnancy (Reidy,

2019). Some point to this uncertain legal landscape as the reason for the tragic passing of

Halappanavar: "the death of Savita Halappanavar, [occurred] due to mismanagement of a

miscarriage [which was] linked to legal uncertainties surrounding the circumstances when a legal

abortion was allowable" (Reidy, 2019, p. 25). Thus, these legal uncertainties trace back to the

1983 constitutional ban of abortion and the sectarian groups that advocated for it.

Recognition of the influence of Catholic ethos on the treatment of pregnant bodies in

modern Ireland is a complex issue. Before the inquest into Halappanavar's death was complete,

Minister for Health James Reilly said that "the question of a Catholic ethos preventing or

inhibiting people from carrying out proper medical treatment, as defined by the Medical Council,

had been raised… [But], I have no evidence of that" (O'Regan, 2012). Reilly doubted there was

any hesitation "because of moral or religious beliefs" (O'Regan, 2012). Reilly is perhaps correct

on an individual level, as Ann Maria Burke, the midwife manager, expressed willingness to

advocate for the procedure. However, she felt "her back was against the wall" and she could not

intervene (Cullen, 2013). Dr Katherine Astbury, Halappanavar's obstetrician, also expressed that

"she felt constrained by Irish law from acceding to [Savita's] request for a termination of the 17-

week foetus" (Cullen, 2013). The official inquest into Halappanavar's death repeated the need

for legislative clarity. It included a recommendation by the coroner, Dr Ciaran MacLoughlin, that

the "Medical Council lay out exactly when a doctor can intervene to save the life of the mother

in similar circumstances" (Health Information and Quality Authority, 2013, p. 215). However,

missing from the inquest is any specific mention of the 8th Amendment or the Catholic ethos that

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[2] (*Attorney General v. X*, 1992; *A. and B. v EHB and C*, 1997; *P.P v. Health Service Executive*, 2014)

aided the addition of the amendment, to begin with. This absence is peculiar given the role the 8th Amendment played in creating the legislative confusion around emergency abortion services. The incongruence between Burke's opinion and the absence of any mention of Catholic influence in the official inquest raised some of the questions which inspired this thesis: What does secularisation look like in a country that remains predominately one religion? Did the referendum system in Ireland, a system leveraged by Irish Catholics in the past to ban abortion in Ireland, contribute to or complicate the process of secularisation in Ireland?

In 2015, Ireland held a referendum that extended marriage rights to same-sex couples. Although the Constitution of Ireland did not specifically define marriage as available only to heterosexual couples, there were anxieties over whether extending marriage rights would be challenged and taken to the Supreme Court. Likely to avoid this possibility, the Irish government chose the more direct-engagement approach of a public referendum (Suiter & Reidy, 2015). This referendum passed in favour of same-sex marriage. Thus, the Thirty-Fourth Amendment to the Irish constitution added that marriage might be contracted between two individuals regardless of their sex. Three years later, in 2018, a referendum was held to repeal the Eighth Amendment and end the constitutional abortion ban. The success of this referendum led to the Thirty-Sixth Amendment, which repealed the ban and allowed for abortion to be legislated by the Irish government. Both referendums were successful despite facing considerable pushback from Catholic conservative groups and the Catholic Church itself. Vatican Secretary of State Cardinal Pietro Parolin described the results of the marriage equality referendum as a "defeat for humanity" (Nianias, 2015). The Bishop of Elphin, Kevin Doran, "told *RTÉ Today's* Sean O'Rourke that if a practising Catholic "voted [to repeal the 8th Amendment], knowing and

intending that abortion would be the outcome, then [they] should consider coming to confession" because voting in favour of repeal was 'a sin'" (Ní Aodha, 2018).

The success of these two referendums could indicate that Ireland was becoming more secular over time, but for many reasons that this thesis will explore, that interpretation seems overly simplistic. The continued dominance of Catholicism as Ireland's main religion is one reason why that interpretation seems too simplified. As of 2016, 78 per cent of the Irish population identified as Catholic (Central Statistics Office, 2016). However, 62 per cent of the Irish voting population voted yes for same-sex marriage in 2015 (Tiernan, 2020, p. 197). 66.4 per cent of Irish voters stood in favour of repealing the 8th Amendment in 2018 (Browne & Calkin, 2019, p. 12). The same-sex marriage referendum included what was at the time the highest voter turnout in Irish history: "with 60.52 per cent of those entitled to vote showing up at polling stations around the country" (Tiernan, 2020, p. 197). The Repeal referendum surpassed the turnout for the same-sex marriage vote by 209,930 individual votes, making Repeal the highest voter turnout in Irish referendum history (Ní Aodha, 2018). There are many implications of the large numbers of both votes in favour of same-sex marriage, votes in favour of repealing the abortion ban, and the high percentage of Irish people who still identify as Catholic. One implication is that Irish Catholics likely voted in these elections against the positions held by the Catholic Church. Another implication is that Catholicism in Ireland does not quite resemble the collective belief with a central power that it once did[3].

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[3] Tom (Inglis, 1998, p.205) argues, for example, that in becoming more secular, Irish Catholicism has begun to more resemble Protestantism: "that is, [allowing for more individual] own spiritual and moral path to salvation"

Further, there does seem to be a connection between the process of secularisation in Catholic countries and the order of rights acquisition. Thirteen of the twenty-three[4] countries where abortion is still completely banned are Catholic-majority countries[5]. In only one of those twenty-three is same-sex marriage permitted, Malta, which has a Catholic-majority population of 83 per cent (Pew Research Center, 2013). In terms of rights acquisition, surveying the abortion policies of countries that allow same-sex marriage is complex because same-sex marriage is just one legislative policy. In contrast, abortion access often happens in stages and varies in specifics (such as the number of weeks an on-demand abortion is permitted). Additionally, in some countries, such as Mexico and China, same-sex marriage laws and abortion laws vary by state. In seventeen of the remaining twenty-nine countries[6] that allow same-sex marriage, the legalisation of on-demand abortion came first. In three additional countries (Australia, Iceland, and United Kingdom[7]), abortion access in some regions came before same-sex marriage and after in other regions. There are seven countries[8] where same-sex marriage was either legalised before on-demand abortion, or which currently allow same-sex marriage without offering on-demand

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[4] Andorra, Aruba, Democratic Republic of the Congo, Curacao, Dominican Republic, Egypt, El Salvador, Haiti, Honduras, Iraq, Jamaica, Laos, Madagascar, Malta, Mauritania, Nicaragua, Palau, Philippines, San Marino, Senegal, The Republic of Sierra Leone, Suriname, Tonga, (Center for Reproductive Rights, 2019)

[5] Andorra, Aruba, the Democratic Republic of the Congo, Curacao, the Dominican Republic, El Salvador, Haiti, Honduras, Malta, Nicaragua, Palau, Philippines, and San Marino are all Catholic-majority Countries. Egypt, Iraq, Mauritania, Senegal and Sierra Leone are Islam-majority countries, Madagascar, Suriname and Tonga are Christian majorities with an even blend of Catholic and Protestant practitioners, Laos is Buddhist and Jamaica has a Protestant majority.

[6] Excluding Mexico and China - Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States, Uruguay (Pew Research Center, 2019)

[7] Northern Ireland, unlike the rest of the United Kingdom, only legalised both same-sex marriage and abortion in 2020 (Carroll, 2019)

[8] Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Ireland, Spain (Pew Research Center, 2013)

abortion services. All seven of these countries are Catholic-majority countries. Thus, what role did being a Catholic-majority country play in the order of rights acquisition in Ireland specifically?

METHODOLOGY

To provide possible answers as to why same-sex marriage arrived in Ireland before abortion access, I took a post-positivist, interpretive methods approach. Post-positivism argues that "reasonable inferences about a phenomenon [can be made] by combining empirical observations with logical reasoning" (Bhattacherjee, 2012, p. 18). Interpretive methods use "an inductive approach that starts with data and tries to derive a theory about the phenomenon of interest from the observed data" (Bhattacherjee, 2012, p. 35). I aimed to gather initial information and analyse it through an in-depth review of Ireland's social and cultural context and relevant social theories and philosophies to produce a theory of why rights acquisition happened in the order it did in Ireland.

To formulate a theory, I first gathered primary sources consisting of qualitative data. These sources included books, documentaries, and media articles released by activists involved in one or both referendum activist campaigns. These activists included Ailbhe Smyth[9], Tara Flynn, Gráinne Healy, Brian Sheehan, Noel Whelan, Una Mullally[10] and others. These primary sources also included campaign materials, such as posters, brochures, recorded or transcribed speeches, websites, social media content and merchandise produced by both sides of the same-sex marriage and Repeal the 8th campaigns, as well as government transcripts which included

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[9] Ailbhe Smyth was a founding member of Marriage Equality & co-director for Together For Yes (Repeal the 8th)

[10] Irish journalist Una Mullally wrote an oral history about the Marriage Equality campaign, in which she was heavily involved, and edited and published a collection of essays about the Repeal the 8th movement.

Houses of the Oireachtas debates surrounding the legalisation of same-sex marriage and abortion[11]. Surveyed primary sources also included quantitative data collected by the Irish government, including census information and other records such as referendum results and voter turnout. In addition, I conducted a literature survey of secondary sources concerning Irish referendums and same-sex marriage and abortion activist campaigns. These sources included scholarship concerning Irish cultural information and history from academics who specialise in Ireland (Inglis, 1998; Tiernan, 2020; White, 2007; Reidy, 2019;). This survey concluded that no one had yet developed theories concerning the order of rights acquisition in Ireland. However, many scholars attributed some degree of Ireland's socially progressive growth to the increased secularisation of Ireland while also positing reasons for that increased secularisation (Inglis, 1998; Cochran, 2017; Dillon, 2015).

To interpret and better understand both my observations and the implications of the secularisation process, I surveyed secularisation theory scholarship (Berger, 1967; Berger, 1999; Chavez, 1994; Dobbelaere, 1999; Halikiopoulou, 2011; Stark, 1999), with a focus on Peter Berger's scholarship regarding constructionist sociology of religion. Berger's *The Sacred Canopy* was published fifty years ago, and Berger has admitted that secularisation theory has drastically changed since the book's publication (Berger, 1999). However, Berger's analytical theory concerning the role of religion in structuring society is foundational and continues to have ongoing relevance (Feltmate, 2018).

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[11] Initially, my preliminary research also planned to include onsite research of the Irish Queer Archive in the National Library of Ireland, but due to travel restrictions brought on by the Covid-19 pandemic, the project was forced to proceed without archive access. Hopefully, a later expansion of this project will include archival data and other site-specific primary sources.

Given the primary focus on LGBTQ and reproductive rights activism, I surveyed queer social science scholarship which surrounded the subject of same-sex marriage (Bernstein, 2018; Ryan Conrad, 2014; Edleman, 2004; Finley, 2020; Turner, 1999), social movement theory and the use of frameworks in social movements (Bedford & Snow, 2000; Fetner, 2008; Goffman, 1974; Hannigan, 1991; Klandermans, 2014; Scott, 1990), as well as feminist social science scholarship surrounding reproductive rights and reproductive rights activism (Berer, 2013; Blofield, 2008; Fischer, 2020; Smyth, 2005).

By interpreting my observations of primary and secondary sources with these various theoretical lenses, I produced a theory that explains the order of rights acquisition. The following sections will explain this theory.

INITIAL OBSERVATIONS AND THESIS STATEMENT

Secularisation theory, in the context of social structures, typically refers to "the separation of religious activities, groups or ideas from others characteristic of the society" but "does not mean that [individuals] are personally nonreligious" (Sommerville, 1998, p. 250). An example of a non-secularised country would be a country which allows religious institutions to weigh in on state policy. Given this, a political structure that allows laypeople to impact lawmaking based on their religious beliefs directly might blur the line between a religious or secular system of government. Thus, the referendum structure of Ireland, because of the direct relationship between public votes and policy, complicates traditional concepts of secularisation. When the matters up for public vote are framed or recognised as having a moral implication, such as same-sex marriage or reproductive rights, this becomes especially true. Berger (1967) explained that the secularisation process usually has a polarizing effect that allows secularisation

to dominate some sectors of public life while sectarian ideologies continue to rule over others. As a result, concepts such as family, home, and the state identity typically remain under the influence of religious ideology for a longer amount of time. "Even at a point of far-reaching secularization of everyday life as lived at work and in the relationships that surround work, one may still find religious symbols attached to the institutions of state and family" (Berger, 1967, p. 62). This thesis posits that Berger's observation is especially true in Ireland because, in many ways, Catholicism was one of the most influential legitimizing forces for the creation of Irish state identity and family structures. Further, the Catholic Church's overwhelming monopoly on morality complicated and delayed social access to other developing theoretical bases for moral thinking. These delays and how Ireland secularised shaped the design of moral thinking that developed in Ireland.

The success of both referendum campaigns relied on frameworks that each activist group applied to their message, as it was essential to convey their position in a way that aligned with the sense of moral responsibility held by Irish voters. In some instances, activists used existing narratives and framing tactics, and in other instances, activists constructed new frameworks to make their position more appealing. The term "framework" is used in the context of Erving Goffman's theory of frame analysis, particularly in reference to his thoughts on social frameworks: "Social frameworks […] provide background understanding for events that incorporate the will, aim, and controlling effort of an intelligence" (Goffman, 1986). Goffman's concept of social frameworks has become a popular analytical tool frequently utilised in sociology scholarship (Bedford & Snow, 2000, p. 612). Beginning in the mid-1980s, a growing interest in "framing processes in relation to the operation of social movements" developed into a large body of scholarship utilising frames in collective action studies by the late 1990s (Bedford

& Snow, 2000, p. 613). In the context of studying social movements, Klandermans (2014) argues that the "reasons protest movements evolve and people take part in collective action […] result from processes of defining and interpreting the situation, such that participation in collective action appears an appropriate thing to do" (p.42). In other words, one of the primary roles of framing a social movement is to inspire mobilisation and direct action. Mobilisation is of specific importance in a country that changes constitutional rights based on national referendums. Klandermans (2014) goes on to argue that "instrumentality[12], identity, and ideology are the three fundamental motives that drive people to participate in collective action" (p.48). Observed through a survey of campaign materials was an emphasis on chance-based circumstances. Sexual orientation was framed as not a choice during (and before) the same-sex marriage campaign. During the Repeal campaign, activist emphasis fronted fatal foetal abnormalities, the trauma of travelling for these abortions in other countries and the termination of pregnancies resulting from sexual violence. As a mobilisation tactic, framing these issues through a lens of chance might then be an appeal to the identity or ideology of the Irish voting public.

In his book *A Theory of Justice*, John Rawls wrote extensively about the role that chance or luck plays in concepts of justice. Rawls argues that a moral society would treat individuals as equal and not "weight men's share in the benefits and burdens of social cooperation according to their social fortune or their luck in the natural lottery" (1971, p. 65). This concept provided the basis for a theory of distributive justice known as Luck Egalitarianism. "Luck Egalitarianism is a family of egalitarian theories of distributive justice that aim to counteract the distributive effects of luck" (Knight, 2013). In other words, Luck Egalitarianism posits that individuals

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[12] Instrumentality in this context meaning "aiming for a better government" (Klandermans, 2014)

should contend with the consequences of their choices but that unchosen occurrences do not justify inequality.

Interestingly, Irish marriage equality and reproductive rights access campaigns both emphasise chance-based circumstances. Both are primarily framed as matters of chance, not matters of choice. The presence of this framework in LGBTQ activism is unsurprising, as homosexuality has been framed as chance-based with slogans such as 'born this way' in LGBTQ popular discourse for decades. However, it is unique when applied to reproductive rights, as the frameworks most associated with such movements involve either privacy or choice (examples: my body – my choice, keep your rosaries off my ovaries). It is important to note that the research for this thesis yielded no direct mention of Luck Egalitarianism or its philosophical tradition by campaign activists or by Irish politicians. Nevertheless, the emphasis on framing same-sex marriage and abortion access through a chance-based framework resembles Luck Egalitarian moral thinking, and it is that resemblance that this thesis further investigates.

One might argue that the reliance on chance-based frames, and the resemblance to Luck Egalitarianism, arrived in Ireland as part of the secularisation process. This, however, seems too simplistic. Berger (1967) argues that due specifically to religion's role in structuring family and state identity concepts, these areas often resist secularisation. Additionally, as Inglis (1998) explained, Catholicism remained in power over institutions, such as schools, that governed moral education. Thus, particularly in the areas of family and state, I posit that any secular, alternative approaches to morality had to tread lightly and directly challenge Catholic ideologies as little as was possible. Therefore, by emphasising natural law and luck, Luck Egalitarianism complements

certain core aspects of Canon Law[13] and Catholic doctrine (Catechisms[14]) concerning natural and divine law. In doing so, Luck Egalitarianism does not threaten all the Catholic ideology which structured Irish family relationships or Ireland's Catholic-tinged state identity. Thus, a morality that resembles some of the core elements of Luck Egalitarianism rose to prominence not despite Catholicism but because of it. The result was that Irish people could claim a Catholic identity, if they so chose, while voting against the position of the Catholic Church by adhering to the spirit, if not the letter, of the traditional Catholic moral position.

Adopting a moral position that resembled Luck Egalitarian perspectives also positioned activists to interrogate the Catholic Church's position as the moral authority which governed concepts of family dynamics and the identity of the Irish State. Because LGBTQ activists have utilised luck or chance-based frameworks in their activism for decades, little adaptation was needed to situate same-sex marriage campaigns into the Irish context. The paradigm of reproductive rights activism, on the other hand, has primarily been choice-based or rooted in concepts of privacy. Especially considering, in the Irish context, the state had constitutionally banned abortion. Ultimately, connections between reproductive rights and state identity meant that Irish reproductive rights activists had to develop their own chance-based paradigm. Relationships between the process of secularisation, Catholicism's continued influence on sectors of Irish including family structures and state identity, and the frameworks that activists

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[13] For context, Canon Law is a system of law which concerns itself with the rules and regulations for the clergy, the governance and management of the church and its patrons. This paper relies primarily on *The New Commentary on Canon Law* (2002) for references to Canon Law.

[14] The Catechisms are guides to Catholic teachings and expectations for Catholic practitioners usually published by an archbishop, bishop and/or approved or compiled by a Pope. Various Catechism collections have circulated through Ireland for centuries, but this thesis focuses primarily on the 1992 universal Catechisms publication published by Pope John Paul II because it speaks frankly on the subjects such as of abortion and homosexuality which were omitted in previous versions. Also, while it should be acknowledged that the universality of this publication may lose some of the nuances of Catholicism in Ireland, it is still ultimately the most thorough on The Church's expectations for Catholics.

utilised or constructed, all contributed to the order of rights acquisition in Ireland. Each chapter of this thesis will contend with these points, while the conclusion will tie these threads together.

CHAPTER ONE: *THEORETICALLY SPEAKING, HOW CATHOLIC IS IRELAND?*

The primary purposes of the first chapter are to contextualise the importance of Catholicism to the construction of Irish society, draw connections between Irish Catholicism and the Luck Egalitarian philosophical tradition, and discuss Ireland's secularisation. First, this chapter will outline the deep roots of Catholicism in Ireland. Then, this section of the thesis will provide some background context to explain why Catholic ethics dominated state identity and the private sector for so long. Next, the chapter draws on Berger (1967) to explain religion's overall role in shaping and constructing social order. Following this section is a brief explanation of the role religion can play in forming the identity of a postcolonial state, such as Ireland. Alongside these theoretical explanations of the role of religion in society, this chapter also utilises Inglis (1998) to contextualise further the unique position of Catholicism in Ireland and the social capital held by the Catholic Church.

The second section explains Luck Egalitarian perspectives and introduces connections between egalitarian thought and Catholicism. As a theory, Luck Egalitarianism suggests that there is something intuitive (intuition in this context means a natural aspect of human nature) about the idea that individuals should be held responsible for their choices, but not for pitfalls or misfortunes outside of their control. As Go (2020) explains, "there is something intuitively appealing about a theory of justice which aims to compensate people for morally arbitrary factors that influence their life projects, while holding them responsible for the effects of their voluntary acts and omissions" (p.1). This thesis posits that this intuition is not the product of human nature

but is instead the product of social upbringing and, given the significant role that Catholicism played in the construction of social normalities, in this case, religious cultural influence. Exploring and interpreting the current state of religious influence on modern Ireland involved examining Ireland through the lens of secularisation studies.

According to Berger (1999), while "the term 'secularization theory' refers to works from the 1950s and 1960s", the primary concept of the theory began during the Enlightenment (p.2). This concept held that "modernization necessarily leads to a decline of religion, both in society and in the minds of individuals" (Berger, 1999, p.2). However, by the late 20th century, the continued predominance of religious institutions and religious belief caused scholars to reconsider the original theory develop alternatives (Malesevic, 2010). Berger (1999) agreed that the original secularisation theory concerning modernisation alone that he once subscribed to was incorrect. Berger (1999) instead posited that "secularization on the societal level is not necessarily linked to secularization on the level of individual consciousness […]" but instead linked to the levels of power and influence held by institutions, regardless of how popular religious belief is (p.3). Focusing on decreasing institutional power became one core aspect of neo-secularisation theory (Malesevic, 2010; Chavez, 1994; Yamane, 1997). This decreasing of institutional power is the theoretical basis for secularisation that this paper utilises. These changes in the approach to secularisation theory mean that some aspects of theory featured prominently in Berger's (1967) *The Sacred Canopy* are contested (even by Berger (1999). However, secularisation scholars still consider Berger's (1967) concepts concerning religion's role in structuring western society foundational (Feltmate, 2018; Hjelm, 2019). One of Berger's (1967) enduring theories involves the idea that secularisation impacts different sectors of public and private life in different ways; religious institutions often hold influence over family

traditions/institutions and aspects of symbolic state identity even after religious institutional influence has decreased in other sectors, such as the state economy (p.162). Malesevic (2010) drew on Berger's (1967) concept and investigated this phenomenon within the Irish context, commenting especially on how the Catholic Church secured power as "the main marker of ethno-national distinction" and how "the Church's interference and presence [was felt] at all the levels of social and personal life, ranging from the political, educational and health issues to the more intimate sphere of sexual behaviour, contraception and marriage" (Malesevic, p.27). This thesis will return to Berger's (1967) enduring theories concerning religion's role in social construction and the complexity of secularisation in the sectors of family and state identity to explain the order of rights acquisition in Ireland.

CHAPTER TWO: *BORN THIS WAY?*

The main goals of this chapter are to explain that the concept of sexual orientation as completely chance-based is an activist framework more so than it is an indisputable fact. Second, the chapter's purpose is to highlight that this chance-based frame is practical due to the prevalence of chance-favoured egalitarian moral thinking. Then, to apply these concepts to the Irish same-sex marriage referendum, this chapter will highlight how these chance-based frames, combined with the delegitimization of Catholicism as an authority over structures of family, aided in the acquisition of marriage rights for the Irish LGBT community.

The question of sexuality's innateness has been asked across numerous academic fields with complex, yet inconclusive, results. Most recently, a study of 500,000 genetic profiles concluded that while it may be possible to track some degree of heritability across populations,

there is no "gay gene" and no way to predict an individual's sexuality based on their genetics (Ganna, 2019). This thesis is not particularly interested in proving that sexuality is all chance or all choice as lived experiences are rarely a strict binary. Instead, this chapter investigates how changing opinions of the choice/chance-ness of sexuality are related to public acceptance of gays, lesbians, and bisexuals.

To explain the utility of framing techniques, in the context of activism, this section will incorporate framework analysis through the lens of collective action and social movement scholarship, focusing on utilising frames to inspire mobilisation (Bedford & Snow, 2000; Klandermans, 2014). For example, poster tag lines, campaign literature, public discourse, and slogans all put forth by Irish marriage equality activists framed same-sex marriage as a matter of equality and treated the innateness of sexuality as a settled matter. The message that sexuality is not a choice was so ingrained in the Yes Equality organisation's campaign materials, for example, that absent from their website's Q&A page is any engagement with the chance/lifestyle choice question at all (Yes Equality, 2015). While, on the other hand, when pro-marriage activists mentioned sexual orientation, it was concretely framed as chance-based instead of a lifestyle choice with no room for debate.

Reliance on these chance-based frameworks is understandable, as there is a positive correlation between framing homosexuality as a matter of chance and support for LGBTQ causes and rights acquisition (Haider-Markel, 2008). This positive correlation suggests that the Luck Egalitarian idea that chance-based circumstances are favoured over choice-based circumstances is substantial. Drawing upon the work of collective action scholars, this section will explain how the emphasis on framing sexuality as chance-based, leading up to and during the referendum campaign. This chapter argues that framing homosexuality as chance-based was especially

important as that approach, alongside other cultural changes, challenged the Catholic Church's position as the only authority on moral family relationships, which assisted with the overwhelming voter support in favour of same-sex marriage.

CHAPTER THREE: *PRO-CHOICE OR PRO-CHANCE?*

Unlike same-sex marriage, chance-based frameworks are typically absent from abortion access activism. Instead, the emphasis is placed on choice or privacy. This chapter sets out to explain what factors led to the replacement of choice-based frameworks with a chance-based approach in Ireland. In Catholic-majority countries, usually, pregnancy terminations are first legalised only for the extreme, often chance-based, circumstances. In Brazil, Chile, Colombia, and Ecuador, for example, pregnancies are only eligible for termination in cases of rape or a threat to the life of the gestational parent. Before the 2018 referendum, Ireland was among the most restrictive of all European countries, not allowing for termination in cases of rape or for fatal foetal abnormalities/unviable pregnancies.

As with sexual orientation, chance-based elements played a role in public support for abortion access, with circumstances beyond the control of the pregnant individual often seen as more acceptable reasons for termination. In 2016, a poll conducted by Irish independent radio station Newstalk Radio found that 78 per cent of respondents supported abortion for incest pregnancies and 76 per cent for fatal foetal abnormalities. However, only 41 per cent believed abortion should be available for any reason deemed necessary by the pregnant person (Newstalk, 2016). This chapter explores the fact that the traditional choice-based framework for abortion activism often used by activists outside of Ireland, with its foundation in privacy laws, could not

work quite the same within Ireland. With both an abortion ban[15] and the role of mothers[16] in Irish society outlined in the Irish State's constitution, these issues were not a private matter, they became a state and constitutional matter. As previously discussed, the Catholic Church was a legitimising force in constructing the Irish State and Irish state identity, and as such, Catholic morality was often infused in elements of lawmaking. In this case, Catholic ethics, state policy, and identity were so intertwined that opposition to the state's ban on abortion was often "treated as 'unIrish'" (Smyth, 2005, p. 145).

Activists, thus, had to contend with the complex relationship between Catholic ethics, state identity and reproductive rights. This chapter argues that, as with the same-sex marriage referendum, through framing abortion with more a chance-forward narrative and undermining the authority of the Catholic Church's role in state identity, substantial support for repealing the abortion ban was achieved.

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[15] 40.3° The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right. (Bunreacht na hÉireann) This clause was removed in 2019.

[16] 41.1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.
41.2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home (Bunreacht na hÉireann) These clauses remain in the Constitution

CHAPTER ONE: THEORETICALLY SPEAKING, HOW CATHOLIC IS IRELAND?

'But how Catholic *is* Ireland?' might sound like the lead up to a terrible punch line, but when considering concepts of secularisation and the growing acceptance of moral positions which challenge Catholic doctrine, it is an important place to start. To this end, the first goal of this chapter is to contextualise the importance of religion to Irish history and identity. Accordingly, the chapter will begin with a condensed history of Catholicism in Ireland and discuss some of the impacts of Catholicism on Ireland into the modern era.

Catholicism played a role in shaping Ireland prior to colonisation, through colonisation, into the Irish Free State period and beyond into the Irish Republic. Secularisation diminished the institutional power of the Catholic Church in Ireland, but this process only began quite recently in comparison to many other countries: "secularisation in Ireland [only began] in the 1960s" (Gilley, 2003, p. 109). The secularisation of Ireland was neither swift nor a straight line, with issues concerning sex, sexuality and marriage becoming a point of tension. Beginning in the 1970s, this was particularly true when considering Irish anxieties around allowing the use of contraceptives, birth control, and the possibility of granting divorces (Gilley, 2003). Almost everything discussed or written about sex and sexuality at the time was "dominated by the teachings and ethos of the Catholic Church" (Inglis, 1998, p. 17). This is no understatement: the Irish Censorship of Publication Board (established in 1929) banned books for the inclusion of sex (with *Ulysses* being one exception), mentions of abortion, artificial insemination, homosexuality, contraceptives, infidelity, and pre-marital sex (Kelly, 2004). The Catholic Church fully endorsed these censorship efforts (Horgan, 1995, p. 67).

In 1979, the sale of contraceptives and the dissemination of information concerning contraceptives (but not abortion) was allowed through the Health (Family Planning) Act. However, this act was heavily restrictive, only allowing the sale of contraceptives to married couples who had procured a prescription from their doctor "for the purpose, bona fide, of family planning or for adequate medical reasons" (Health (Family Planning) Act, 1979). The adoption of the Health Act in 1979 was followed by "a reaction against further change [and] the 1980s saw something of a countermovement, against secularisation" (Gilley, 2003, p. 109). A referendum in 1983 ushered in the 8th Amendment and the constitutional abortion ban, and 1986 saw a failed referendum that attempted to legalise divorce. In the 1990s, there was a reaction against the conservative countermovement giving way to hard-won progressive victories (Gilley, 2003): In 1993, homosexual acts were decriminalised (O'Higgins-Norman, 2009, p. 382). In 1995, the results of a referendum legalised divorce (Gilley, 2003).

Catholic control over information did not apply only to censorship but also to the literature provided to Irish students. Content from Catholic Catechisms, such as the *Lennon Catechisms* (1908?) and *A Catechism of Catholic Doctrine* (1951) (popularly known as the *Maynooth Catechisms*), was worked into school lesson plans to promote literacy in schools (Tynan, 1988). The *Maynooth Catechisms*[17] (1951) contains Catholic rules regarding sex and sexuality concerning the concept of adultery and offences against chastity (numbers 256, 255), the invalidity of divorce (number 432), the sacred right of marriage as between a man and a woman (number 454), and the fact God forbids marriage to non-Catholics (numbers 310-312). The book also dedicated itself to reiterating the infallibility of the Catholic Church and its

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[17] For those unfamiliar, much like bible verses, Catechisms are often written as numbered lists. For referencing purposes the list, as opposed to the page, number is included.

hierarchy (numbers 158-160). The positioning of Catholic teaching in Irish schools continued until the 21st Century, and the divestment process is still ongoing (O'Toole E., 2019). Catholic morality, thus, was incredibly woven into the moral education of much of the Irish Republic. Thus, Catholic morality deeply impacted social attitudes to such a great extent that even as the country secularised, Catholicism still drew public opinion on sex and sexuality towards a sense of morality that favoured mores that were either rooted in or resembled Catholic ethos.

After providing the background and context for Ireland in terms of the country's relationship with the Catholic Church, the second goal of this chapter is to introduce the philosophical tradition of Luck Egalitarianism and argue that religious ideas may have also shaped this avenue of moral thinking. There are similarities between Catholic ideas and concepts found within Luck Egalitarianism. For example, Catholic concepts of moral responsibility and agency resemble Luck Egalitarians concepts that differentiate between choices and no-fault hardships. These similarities might allow Luck Egalitarianism, or a sense of morality that resembles it, to take root in a country still dominated by Catholic ideology. Subsequent chapters will then explain how favouring chance-based inequalities in a way that resembles Luck Egalitarian perspectives shaped the framework of activism in Ireland.

THE CATHOLIC CHURCH & IRELAND: A BRIEF HISTORY

Christianity has been a part of Irish cultural history from as early as the fifth century when monastic orders first came to the island. By the end of the seventh-century Irish monastic schools were attracting students from other parts of Europe, and "some ninth-century Irish scholars were undoubtedly going to the Continent to share in the Carolingian renaissance" (Hughes, 2005, pp. 301, 643). The form of Christianity that developed in Ireland was different

from that which developed in other parts of Europe because the Roman Empire never annexed Ireland (Stevenson, 1989, p. 127). Thus, Christianity blended with ancient Irish folklore and traditions until it often became unclear where the folklore myths and iconography ended, and the legends of saints and Christian symbolism began (Harding, 2007, p. 248). All this to say that Ireland had rich cultural and religious traditions unique to the island while also being connected through trade and education with other parts of Europe – all prior to colonisation by the Anglo-Normans or the British Empire. In the 1100s, Ireland slowly moved towards more of an allegiance with Catholic Rome. Reform movements within the Irish Christian tradition "began in 1101 with a synod in Cashel. […] These changes moved Ireland's religious practices more in line with the teaching of the Roman Church" (White T. J., 2010, p. 6). The Anglo-Normans, who arrived in the late twelfth century, further modernised the church (White T. J., 2010). However, as the Anglo-Normans "shared the same Catholic identity and basic faith as the indigenous Irish, their presence did not threaten the religious identity of the native Irish" (White T. J., 2010, p. 23).

After King Henry VIII established the Church of England and "[King Henry VIII] and later English kings became increasingly assertive in demonstrating their control over Ireland," the freedom of religion in Ireland became more restrictive (White T. J., 2010). Thus, prior to independence and the Irish Free State, many Irish people would leverage their Catholic history to appeal to other Catholic nations for allyship and to circumvent British imperialist attempts to suppress Irish culture and identity. An early example of this European allyship is the Irish College, a seminary for the education of Irish Catholics, founded in 1603 in Douai, France. The Irish leveraged Catholicism as a symbol of cultural independence from Britain. The Protectorate Parliamentary Union brought Ireland under the rule of the English Penal laws (McGrath, 2021,

p.33). These laws, which were in effect from 1965-1750, significantly restricted Catholics' livelihood, the potential for wealth, and education (McGrath, 2021). The more that Britain tried to restrict Catholicism as a means of control, the more "the Irish clung to their religious beliefs and practices not only because of their faith but also because it became a symbol of their identity and a means of political resistance to British imperial policy" (White T. J., 2010). This would give rise to conflicts that were rooted in sectarianism as much as they were rooted in efforts for political independence. For example, The Land Wars (1879-82) "united tenant farmer and Catholic Ireland against the [Protestant] Ascendancy landlords" (Dingley, 2015, p. 159).

After the formation of the Irish Free State in the 1920s, Catholicism in Ireland became not just a symbolic or cultural form of resistance, but the Catholic Church itself became a fixture within the structure of the state. Thus, "by the time de Valera wrote [the] constitution in 1937, the Catholic religion was guaranteed a special role in society, and the entire document adapted principles of corporatism that were popular in Church thinking at that time" (White T. J., 2010). As a result, Catholicism became a symbolic and cultural signifier of the Irish State, and the Catholic Church's role as a moral authority dominated much of Irish social identity to varying degrees for much of the next century.

IRISH CATHOLICISM AS COLONIAL RESISTANCE

In the years leading up to independence, strict adherence to Catholicism by Irish nationalists was a strategic act of defiance, and contemporaneously, a willingness on the part of the subjugated Irish people to "adhere closely to the Catholic Church" due to "a desire to be, and be perceived, as morally equal, if not superior, to their colonisers" (Inglis, 1998, p. 99). The demarcation of differences between coloniser and colonised also added legitimacy to the colonised nation's fight for independence. The use of religion to differentiate nations from their

colonisers is a phenomenon frequently found in postcolonial states (White T. J., 2010; Colonna, 1974; Gibbons, 1996). In other words, utilising religion as one of many ways to legitimise resistance from external influences may also increase the "central importance of religion in social and political life" (Colonna, 1974, p. 234). When this happens, religion often becomes an essential aspect of the identity of the new postcolonial state:

> When sovereignty has been attained, a postcolonial nationalism and determination permeates the society attempting to resurrect and respect elements of traditional culture including religion. It is in this period that an independent government attempts to foster those aspects of traditional culture including religion that help to define the national identity. (White T. J., 2010)

The lasting impact that leveraging religion as a legitimating force had on the Irish Free State is further evidenced by the amount of input and influence the Archbishop of Dublin, John Charles McQuaid, had on (his past pupil) Eamon de Valera's draft of the modern Irish Constitution (Bunreacht na hÉireann): "Mr De Valera […] stated that the articles in the Constitution […] had been influenced by Dr McQuaid, who was now Archbishop of Dublin" (O'Carroll, 1998, p. 369). For a long time, the constitution was a very Catholic document. Though repealed in 1973 (by the fifth amendment to the constitution), a "striking feature of the original text of the Irish Constitution was the recognition of the special position of the Roman Catholic Church […]" (Whyte, 1997, p. 730). While this clause did not inherently grant Roman Catholicism any privilege, some judges used the clause to protect and privilege Catholic practices. For example, Justice Gavan Duffy interpreted the constitution to mean that "communications between a priest acting in a pastoral capacity and a parishioner" were privileged from legal disclosure (Whyte, 1997, p. 730).

Further, constitution Article 42 allows "that the state may legitimately finance denominationally-controlled schools" (White T. J., 2007, p. 731). Provided, (Article 44) the state "does not discriminate between schools under management of different religious denominations" and "the state does not affect prejudicially the right of any child to attend a school receiving public money without having to attend religious instructions at that school" (Whyte, 1997, p. 731). While non-discriminatory on paper, the reality is the Catholic Church runs and operates 90 per cent of the elementary/primary schools in Ireland (Griffin, 2019, p. 58). This large percentage of Catholic-run schools points to distinct favouritism.

Given the importance of Catholic influence over Irish education to this thesis, the reason that the Catholic Church controls so many schools is worth a brief mention. During the Penal Law period, Catholic education and the education of Catholics were both illegal; as a result, teaching Catholic children took place in illegal hedge schools (O'Connell, 2011). Long after the repeal of the Penal Laws, in 1831, Westminster proposed an education system in Ireland that would teach "colonial values with a view to making Ireland more governable" (Kieran, 2021, p.69). Catholic authorities at the time did not want any part of the interdenominational education system and founded their own clergy schools. Because the Catholic Church had taken such a significant role in education before Irish emancipation, it "seemed natural for [the Catholic Church], during the turbulent transitionary period, to become involved in public dialogue about shaping the future system of education" (Kieran, 2021, p.70). Thus, when the Irish Free State finally established the education board between 1922 and 1924, given the years of experience with the management of their religious schools that the Catholic Church had, the "State [essentially] ceded management of the vast majority of primary schools to religious bodies" (Kieran, 2021, p.70).

In other words, Catholicism played an immense role in shaping Ireland and from the beginning of the Irish Free State, the Catholic Church has held institutional power. Inglis (1998) points to the church's ability to sway decisions from the pulpit. Until the 1990s, 90 per cent of Ireland's population were regular Catholic Mass attendees, which gave the Church plenty of opportunities to reach the voting public (Inglis, 1998, p. 210). In referendums held prior to the decline of mass attendance in the 1990s, the side that stood in line with Catholic doctrine was often successful (Inglis, 1998, p.210). Gallagher (1996) contemplated whether the Irish referendum structure was a policy-making tool which favoured conservative outcomes and his findings were mixed, with the morally conservative values of special interest groups sometimes victorious (the constitutional ban on abortion in 1983, the 1986 defeat of the effort to legalise divorce), and sometimes not victorious (legalisation of divorce in 1995) (Gallagher, 1996). The conservative outcome of the 1983/1986 referendums speaks to the referendum system's potential morally conservative utility, while some later referendums speak to the potential of the opposite. By the 1990s, mass attendance had declined from 90 to 77 per cent (Cosgrove, 1998). The fact that more progressive referendum outcomes align with the decline in mass attendance suggests a relationship between the ability of priests to speak directly to voters and the outcome of referendums.

In addition to direct influence through the pulpit, Inglis (1998, p.11) argues that understanding Catholic power over morality in Ireland means looking beyond examples of institutional power and into the other avenues of Irish life. Catholicism played an immense role in shaping the political, constitutional, and educational landscape of Ireland, but Catholicism also played an immense role in structuring the everyday life of Irish people. The following section will discuss how the Catholic Church maintained influence through media censorship and outline

avenues of Irish society outside of religious practice, which assisted in maintaining the connection between Catholicism and Irish state identity.

Censorship was employed in Ireland to keep Irish people adhered to Catholic doctrine, particularly in the private sector. The Censorship of Films Act of 1923, and the previously mentioned Irish Censorship of Publication Act (1929), both played a role in limiting the media available to the Irish public. The grounds upon which films in Ireland were either banned or cut can be summed up in a single quote by the first Film censor, James Montgomery, who stated in 1936 that: "Catholic interests [were] well guarded" (Rockett, 2004, p. 73). Montgomery banned or cut "any criticism of the Catholic church as an institution" (Rockett, 2004, p. 82). As with literary publications, "Irish film censors from the 1920s to the 1970s took an extreme, at times an absolutist, if necessarily perversely logical, view of how sexuality, private fantasy and desire should or, more pertinently, should not be represented" (Rockett, 2004, p. 13). Mentions of divorce, contraceptives, marital and premarital sex, homosexuality, sex work and even love triangles were cut or banned from films (Rockett, 2004, p. 77). These acts of censorship allowed the Irish State and the Catholic Church to curate and cultivate a distinct expectation of how the Irish family was meant to look.

By the end of the 1950s and the beginning of the 1960s, advocates for censorship were at war with the spill-over broadcast signals from Northern Ireland and Britain. Spill-over broadcasts, here, refers to the fact that Irish radios and televisions were picking up channels from Britain and Northern Ireland that the Irish censorship board did not approve. Thus, censorship was a popular topic of discussion in the Dáil. These debates often emphasised the un-Irish, alien nature of this spill-over, unapproved media (Rockett, 2004, pp. 263-264). Irish broadcast content often fell under the same guidelines set to protect Catholic interests in the late 1920s, suggesting

how entangled concepts of Catholicism and Irishness had become. Thus, the emphasis on the unirishness of the spill-over media further illustrates the relationship between state identity and Catholic ethos. Censorship was thus not only seen as a tool to protect the hearts and minds of Irish people but a tool to protect Ireland's state identity and shape the national identity of Irish citizens.

RELIGIOUS INFLUENCE ON SOCIAL STRUCTURES: SACRED CANOPIES & CATHOLIC CONNECTIONS TO EGALITARIAN REASON

The previous section offered an overview of some essential aspects of Christianity/Catholicism in Irish life and explained how Catholic ideologies were maintained through the combined influence of government, education, and censorship. This section will weave together social theories concerning the construction of social order by religion. It will then map the through-lines between the role religion played in legitimising social constructs and the rise, through secularisation, of egalitarian moral thinking. These social theory concepts will then be applied to the Irish context.

Berger (1967) argues that religion maintains social norms by answering unanswerable questions. Religion also gives reason to social preferences, quirks, normativities, and, to use Berger's term, nomos. Berger's nomos refers to a meaningful ordering of experiences or the seemingly normal rules that govern day-to-day actions, customs, and beliefs (Berger, 1967, p. 30). In other words, our social institutions, such as marriage, governance, and gender roles, are legitimised by religious support and maintenance of these institutions:

[…] sexuality, the family, and marriage are [….] maintained by religious legitimations. The polymorphic and pliant material of human sexuality are legitimated in terms of divine commandment, 'natural law', and sacrament (Berger, 1967, p. 50).

Religion legitimates social institutions by bestowing upon them an ultimately valid ontological status […] by locating them within a sacred and cosmic frame of reference" (Berger, 1967, p. 32).

While not commenting on the Irish case, Berger does detail the different ways in which Catholicism and Protestantism order social legitimations.

Significant are the differences concerning how Catholicism and Protestantism relate to rationalism and natural law concepts. The concept of natural law is rooted in the idea that there are two quintessential concepts of law: positive law and natural law. Positive laws are laws created by some human authority, whereas natural law stems from God, nature, or reason (Kelsen, 1945). Berger (1967, p.147) argues that Protestantism allows for more disconnection between religious beliefs and rationalism while allowing both to maintain legitimacy. Thus, for Protestants, natural law may simply be a matter of human nature. Whereas for Catholics, who have maintained more of a historic continuity with concepts of the divine, there is no question that natural law is divine law (Berger, 1967, p. 144). This difference becomes important in societies where the Catholic Church maintains much influence. In Protestant traditions, ideas that stem from the Enlightenment, such as egalitarianism, can be attributed to human nature. However, in places where Catholic ideology played a role in shaping society longer, these egalitarian and other similar ideas might still be connected directly to divine law. Direct references to divine law in Irish public discourse throughout the 20th and 21st centuries reinforce the relevance of this connection to divine law in Ireland. In 1985, for example, when contraception laws were relaxed, anti-contraception advocates invoked "divine law and natural

law" as the reason to object to the law changes (Brennan, 2016). On a lighter note, references to

divine law occasionally show up in Irish colloquialisms; the phrase "there is no divine law

against it" is often invoked when something unexpected happens, particularly in sports (Duggan,

2019).

Berger (1967) argues that Catholicism has a fuller sense of world-building than

Protestantism because Catholicism creates a greater connection between concepts of the divine

and daily life:

> The Catholic lives in a world in which the sacred is mediated to him through a
> variety of channels—the sacraments of the church, the intercession of the saints, the
> recurring eruption of the "supernatural" in miracles—a vast continuity of being
> between the seen and the unseen. Protestantism abolished most of these mediations.
> It broke the continuity, cut the umbilical cord between heaven and earth, and thereby
> threw man back upon himself in a historically unprecedented manner (p. 95)

Further, through the continuity of saints, Catholicism maintained a historic connection with the

divine in ways that Protestants have not, allowing "Catholicism [to arrest] the process of ethical

rationalization" (Berger, 1967, p. 103). Thus, a "Catholic view of natural law may be said to

represent a "re-naturalization" of ethics—in a sense, a return to the divine-human continuity.

Catholic piety and morality provide[d] a way of life that made unnecessary any radical

rationalization of the world." (Berger, 1967, p. 104). Through the demystification process,

"Protestantism served as a historically decisive prelude to secularization" (Berger, 1967, p. 93).

By moving away from some of the magical elements of Catholicism, it became possible, during

the Enlightenment/Age of Reason, to argue that Protestant beliefs were rational, just as John

Locke does with his work *The Reasonableness of Christianity*. In the nineteenth century, the

distance that Protestantism held from the more magical elements of the divine perhaps allowed

for "the emergence of a cohesive theological liberalism" (Berger, 1967, p. 131). Liberal

Protestantism allowed Biblical ideas to be considered more conceptual and allowed for a greater

plurality of concepts born in reason or the rational to exist alongside religious beliefs. This

plurality is vital to understand as it was this "synthesis" of belief with the rational and the

suppression of the supernatural in Protestantism that is the basis for concepts of the "natural"

(Berger, 1967, p.197). Thus, concepts of natural luck, human nature, and natural talent which

inspired egalitarians, such as John Rawls, who sought a basis for secular ethics, may have

stemmed from Liberal Protestant efforts to merge rational concepts with religious belief.

The concept of Luck Egalitarianism, the idea that responsibility should impact a person's

entitlements, was born of Rawlsian theories of distributive justice or a justice of fairness (Knight,

2013, p. 925). As one purpose of this thesis is to connect the ideas of luck distribution to

religious traditions, this section is more concerned with scholars who interrogated Rawls'

inspiration than a full investigation of Rawls' body of work. Nevertheless, Rawls argued that

justice of fairness appeals to the "natural senses" and innate ideas about justice (Rawls, A Theory

of Justice, 1971, p. 57). Rawls was preoccupied with the idea of "construct[ing] a replacement

foundation for morality" (Bok, 2017, p. 153). His preoccupation was grounded in his mentor

Walter Stace's idea that a new basis for morality was now necessary as religion had become

compromised and undermined by the modern world (Bok, 2017, pp. 153-154). What is

fascinating about John Rawls is the notion that while accredited with jumpstarting the movement

to create those secular replacement foundations, Rawls "wrote his 1942 undergraduate thesis at

Princeton on Christian ethics and considered a career in the Episcopal ministry" and continued to

be religious and engage with Christian ethics until the mid-1950s (Bok, 2017, p. 155). Bok

(2017), thus, rejects the notion that Rawls was writing from a completely secular position and

went on to argue that instead, Rawls brought "a rich inheritance from Christian ethics" to his "work in philosophical ethics" (p. 184). Bok's (2017) observation speaks to Berger's point that Protestantism served as a prelude to secularisation. Given the work of his old mentor, but more importantly the secular constructions of justice in his later work, this thesis posits that it is reasonable to interpret Rawls' work as secular. It is in his book *Political Liberalism,* where he introduces his concept of "freestanding justice" as the basis for Political Liberalism: "[freestanding justice] offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself" (Rawls, 1993). However, despite the secular intention, given the connection between concepts of the divine and rational ideas of natural law and human nature, which inspire Rawls' work, perhaps these concepts of justice still hold some connection to religious structures.

While this argument is presented in the broadest of strokes, what I hope to have highlighted thus far is that in terms of theories of law, justice and by extension, human rights, even many of our modern secular notions can be traced back to religious origins. Berger (1967) pointed to the Protestant Reformation, which brought about the disruption of the divine lineage of saints and the demystification of Catholicism, as a watershed moment in this process. Without that watershed moment, for a secular, egalitarian approach to justice and fairness to take root in a Catholic-majority society, it may have to tread lightly. One of the ideal ways to do this is perhaps through an appeal to chance-based circumstances because concepts of egalitarian luck may still carry the faint shadow of the religious concepts of God's divine plan.

THE SECULARISATION OF IRELAND: WHY SEX AND SEXUALITY REMAINED THE FINAL FRONTIER

The position of the Catholic Church in Ireland certainly slowed secularisation but did not stop it completely. "The dynamics that have knocked the Church from its formally dominant position in Ireland had their roots in the 1960s and 1970s, but the process accelerated in the decades after Pope John Paul II's landmark trip to Ireland in 1979" (Cochran, 2017, p. 59). Growing access to outside media sources, and "the State's economic policy of openness to the rest of the world, eventually leading to membership of the European Union, undermined the earlier ideal of Catholic rural frugality as it brought rising prosperity, urbanisation, foreign travel and educational attainment" (Cochran, 2017, p. 59). Some argue that the abortion referendum and the failure to legalise divorce in the 1980s were, essentially, the Church's last stand before they were dethroned (Cochran, 2017; Dillon, 2015). However, the adoption of the 8th amendment was perhaps also indicative of something else. While Ireland did secularise throughout this period in terms of the Church's power and social capital, Catholic power endured for far longer as a governor of private concepts of morality. Simply too much time passed between the 1983 ban on abortion and the 2018 repeal for the Church's influence on sexual morality to have declined at the same rate as their influence in other sectors of Irish life. (Additionally, the 8th amendment solidified the right to life of a foetus as a state issue. Chapter Three will provide more information on this.). This process of secularisation is supported by Berger's argument that secularisation begins in economic and public sectors and spreads outwards from that point, reaching the family sector last (Berger, 1967, p. 162).

According to Inglis (1998, p.233), "the dominance of the Catholic Church in the educational field [is] central to preventing a more rapid decline in [the Church's] position in Irish Society". As of 2019, "just over 90 per cent of primary schools and 50 per cent of secondary schools [in Ireland] are under Catholic patronage" (Griffin, 2019, p. 58). Endurance in the educational sector imbues Catholic morals, particularly in the areas of sex and sexuality. Even post-same sex marriage and abortion referendum changes, in 2021, Catholic primary schools' optional sex education curriculum calls puberty a "gift from God" and affirms that marriage is meant to be between a man and a woman (O'Brien, 2021). Although the decriminalisation of homosexual acts happened in 1993, a 2006 survey of students and teachers at a selection of Irish secondary schools found that attitudes towards homosexuality are not entirely progressive: "To be gay is to be different, and difference is treated with suspicion," explained one male teacher. A male student from the same school had a similar perspective: "A gay student would probably get a hard time around here. A few people would have problems with it because it is different, not normal" (O'Higgins-Norman, 2009, p. 385). O'Higgins-Norman (2009) points specifically to the role the Church plays in administering education as the cause for these biased opinions of homosexuality: "[given the] Church's role as the major patron of schooling in Ireland, it seems unlikely that it will be possible to deliver a programme on relationships and sex education that includes a positive approach to homosexuality" (p. 392). O'Higgins-Norman (2009) argues that this is no accident, as he views "the primary purpose of running schools is not to provide choice and diversity or to raise standards but to pass on faith" (p. 392).

Well into the 21st Century, aspects of Catholicism are also still visible in areas of Irish society outside of education. From 1950 until 2009, the Angelus broadcast played St Mary's

Pro-Cathedral's bells for one minute, twice a day on the radio and once on television, before the Angelus prayer[18]. After 2009, the broadcast segment no longer featured the prayer or held strict Catholic imagery – besides the bells themselves (Kenny, 2009). Social Catholic rituals and holidays such as St. Stephen's Day and St. Patrick's Day show no signs of slowing down. While the Archdioceses predicted a continued decline in mass attendance through 2030, they also predicted that the statistics for Catholic funerals, baptisms and confirmations would remain stable (Catholic marriages would decline, but only as proportional to the overall decline in marriages) (O'Donovan, 2015). These examples also, once again, highlight the endurance of Catholicism and Catholic morality as an aspect of state identity.

Rituals contribute to the structural legitimacy of Catholicism and reaffirm, again and again, the importance of Catholicism to Irish society. As Conquergood (2002) explains: "Rituals carry their weight and earn their cultural keep by restoring, replenishing, repairing, and re-making belief, transforming vague ideas, mixed feelings, and shaky commitments into dramatic clarity and alignment". The emphasis that many Irish people place on Catholic traditions, in many ways, solidifies Catholicism's role in Irish state identity and society in ways that go beyond religious belief itself. Perhaps this is why, even as mass attendance continues to decline, nearly 80 per cent of Ireland's population still identifies as Catholic (Central Statistics Office, 2016). Perhaps this endurance of Catholic identity also points to a sustained Catholic habitus. Habitus, here, refers to Bourdieu's theory of "socially constituted system[s] of cognitive and motivating structures" (Bourdieu, 1977, p. 76). In other words, perhaps even while strict belief in every proponent of Catholicism wanes, the continued background presence of Catholicism which

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[18] The Angelus prayer is a meditative prayer that takes its name from the first line of the prayer in Latin, *Angelus Domini nuntiavit Mariæ* or *The Angel of the Lord declared unto Mary*. Angelus bells are traditionally rung to coincide with the recitation of each verse of the prayer.

persists in Irish culture through rituals, holidays, and so much of primary education, continued to impact Irish moral ideas concerning, quite specifically, notions of sex, sexuality and the politics of shame which surround both.

The connection between the Magdalene Laundries and the right to travel to obtain an abortion (secured in Ireland in 1992) speaks to the continued moral authority of the church over private matters and state identity. The Magdalene Laundries, which operated from the 18th to the 20th century, were essentially Church-run Mother and Baby Homes where unwed pregnant individuals were sent to work without pay and often had their children forcibly adopted (Ryan, 2011). The last Magdalene Laundry closed in 1996, the Convent of the Sisters of Our Lady of Charity in Dublin. "Approximately 40 per cent of the women who came [there] in the past were single women who became pregnant and were rejected by their families, says the Reverend Mother, Sister Lucy Bruton" (Culliton, 1996). This emphasis on the sending away of pregnant women is echoed in what was, ostensibly, Ireland's first legal abortion policy. "Because women have 'won' the right to travel, the Irish state has been excused from any responsibility to provide safe, legal, and affordable abortion services in the years since 1992. […] In the meantime, Irish women are forced to pay the emotional and financial costs of travelling to the United Kingdom to secure an abortion— to become "abortion tourists" (Gilmartin & White, 2011). The ostracism of women with socially unacceptable pregnancies, either to the Laundries or, later, overseas to procure abortions, is evidence of a sense of cultural, moral continuity. Even in a more secular, post-1990s Ireland, a culture of shame, secrecy, and ostracism surrounded women who did not approach motherhood in the Catholic or state-sanctioned way.

As will be discussed in Chapter 3, activist signage and general focus differed from the typical 'my body; my choice' tagline, which has become so associated with western reproductive rights movements. Instead, the campaign focused on circumstances in which pregnancy termination was necessary for the life of the gestational parent, to alleviate suffering (fatal foetal abnormalities), or circumstances in which the pregnant individual did not consent (rape, incest). The preceding sections outlined Ireland's Catholic history and secularisation and suggested how institutionalised religion contributed to the ordering of society. This next section will add more depth to Luck Egalitarianism's role in favouring chance-based frameworks.

It is not easy to ascertain why Luck Egalitarianism perspectives and their chance/choice approach to distributive justice seem appealing to some. While the work of Rawls predates the theory of Luck Egalitarianism, Luck Egalitarianism has at its root John Rawls' theories of social and natural lotteries. Putting it in the most succinct way possible, Rawls (1971) essentially posits that people intuitively understand injustices when they are related to the circumstances of an individual's birth, or "economic or social circumstances" (p. 7). Knight (2013) points out the "characterization of Rawls as a proto-Luck Egalitarian is contested [but] Rawls' concern with the moral arbitrariness of circumstance is undoubtedly an influence on later egalitarians" (Knight, 2013, p.2). These theorists who would develop the philosophical tradition of Luck Egalitarianism include Dworkin's (1981) equality of resources, Arneson's (1989) equality of opportunity, and Cohen's (1989) equal access of advantage. However, this paper focuses on Rawls' first conceptualisations of distributive justice and concepts of a natural lottery. Specifically, with Rawls (1971) contemplations of "natural distributions," the "intuitive" sense of distributive justice, such as in the following examples, (emphasis added for clarity):

Once we try to find a rendering of them which treats everyone equally as a moral person, and which does not weight men's share in the benefits and burdens of social cooperation according to their social fortune or their luck in the natural lottery, the democratic interpretation is the best choice among the four alternatives. (p.65)

The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts. Aristocratic and caste societies are unjust because they make these contingencies the ascriptive basis for belonging to more or less enclosed and privileged social classes. The basic structure of these societies incorporates the arbitrariness found in nature. But there is no necessity for men to resign themselves to these contingencies. (pp. 87-88).

This account of distributive shares is simply an elaboration of the familiar idea that income and wages will be just once a (workably) competitive price system is properly organized and embedded in a just basic structure. These conditions are sufficient. The distribution that results is a case of background justice on the analogy with the outcome of a fair game. But we need to consider whether this conception fits our intuitive ideas of what is just and unjust. In particular we must ask how well it accords with common sense precepts of justice. (p. 268)

Rawls' (1971) ideas provide a foundation that implies people have an intuitive sense of what is just and unjust, specifically as it applies to concepts of distribution. From a social constructionist perspective, however, intuition must come from somewhere, as explained by Berger and Luckmann (1966):

Commonsense contains innumerable pre- and quasi-scientific interpretations about everyday reality, which it takes for granted. If we are to describe the reality of commonsense we must refer to these interpretations, just as we must take account of its taken-for-granted character—but we do so within phenomenological brackets. (p.19)

There is always more objective reality "available" than is actually internalized in any individual consciousness, simply because the contents of socialization are determined by the social distribution of knowledge. No individual internalizes the totality of what is objectivated as reality in his society, not even if the society and its world are relatively simple ones. (p.134)

Berger (1967) drew on his work with Luckmann on social constructionism to develop his theory of religions role in the structure and construction of society (p.5). Thus, drawing

connections between notions of the origins of knowledge, commonsense, intuition, and religious doctrines. While not in direct conversation with Berger, Bok (2017) posits that Rawls is drawing from his religious background to forge his theories of justice. This paper argues that a possible conclusion to be drawn here is that Rawls' own sense of intuition or his notions of natural lotteries of distribution may, too, have been inspired by his religious upbringing.

Berger (1967) explained that "Protestantism served as a historically decisive prelude to secularization" (p.93). Protestantism's importance here perhaps hints towards why Catholic-majority countries might secularise differently. Ireland does not exist in a vacuum, and exposure to media, a position in the European Union, and an increased presence in the global, secular marketplace did ultimately secularise the country in many regards, as discussed. Perhaps, with the absence of that "historically decisive prelude" from Ireland's secularisation process and the presence of the historical role of Catholicism and the Catholic Church in shaping the Irish state, elements of some Catholic-inspired ethics fused with the developing secular reasoning more directly. Given the structure of Luck Egalitarianism, with its emphasis on personal responsibility, consequences, the close continuity between concepts of divine and natural law, Luck Egalitarianism, or a system of ethics that resembles it, harmonises well with Catholic ideas. Thus, an appeal to the paradigms of Luck Egalitarianism, by applying a chance-based framework to a concept such as same-sex marriage or abortion access, could ultimately inspire social change in a Catholic-majority country.

Luck Egalitarianism is "a sophisticated position that attempts to appeal to both the left and the right by being egalitarian yet also sensitive to responsibility" (Velji, 2015). In other words, Luck Egalitarianism holds to the idea that individuals who are responsible for their social

inequality are less entitled to assistance than those who are not responsible for their circumstances. Luck Egalitarianism is often "characterized also as responsibility-based egalitarianism" (Sadurski, 2008, p. 187). This characterisation might be because "the line to be drawn between the unchosen circumstances […] and the person's choices […] is the object of one of the fundamental controversies within the strand of luck egalitarianism" (Sadurski, 2008, p. 197). Themes of personal responsibility, consequences, and charity found within Catholic Canon Law and Catholic Catechisms follow this pattern.

The Canon Law of the Catholic Church consists of the legal principles which govern and regulate the clergy, the Catholic Church's various external organisations and protect the mission of the Catholic Church. This thesis primarily uses *The New Commentary on the Code of Canon Law* as its source for Canon Law information, as editors Beal, Coriden & Green provide contextual commentary. Catholic Catechisms are different publications that usually contain prayers and outline the expectations for Catholic practitioners to varying degrees of specificity. The universal *Catechisms of the Catholic Church* (1992) is one of the more comprehensive Catechism collections. However, its universality does mean it lacks culturally specific examples. Neither the *1983 Canon Law*, which this thesis draws on, nor the *Catechisms of the Catholic Church* contain every aspect of Catholic belief. They also do not contain the regionally and culturally specific nuances that have blended with Catholic concepts in different nations over centuries of practice. Instead, these selected texts provide a view into some Catholic beliefs and practices to contextualise observed similarities between aspects of Catholic ethics and the Luck Egalitarian paradigm. Finally, before presenting these similarities, it is essential to note that this paper is in no way claiming that Catholicism is inherently egalitarian. The Catholic Church's strict policy concerning the fact that only (cis gendered) men can be priests (Allen, 2004), for

example, calls gender equality into question and undermines the Church's ability to be categorised as entirely egalitarian.

Returning to the subject of personal responsibility, the *1983 Canon Law* takes care to outline who is responsible for their adherence or breach of the law: – they must be an adult and have sufficient use of reason (Beal, 2000, p. 65). "Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things [that] the sacred pastors" (Beal, 2000, p. 263). The Catechisms (2012) make a point of calling attention to the choice-based nature of sin:

> The choice to disobey and do evil is an abuse of freedom and leads to the slavery of sin (number 1733)
>
> Freedom makes man *responsible* for his acts to the extent that they are voluntary (number 1734)
>
> Every act directly willed is imputable to its author (number 1736).

These Catechisms also holds that choosing to sin or commit wrongdoings holds a "double consequence" — eternal damnation and "temporal punishment" (number 1472). In other words, a person is responsible for their actions, and if they sin, they must atone on earth and (eventually) in Purgatory. Infidelity (number 1606) and "offenses against chastity," which includes premarital sex, the use of contraceptives (numbers 2351-2356), and abortion (numbers 2271-2272), are all written into these Catechisms as wrongdoing. Thus, according to some Catholic teachings on personal responsibility and consequence, committing any of these wrongdoings should result in temporal punishments. Many believe that the Irish abortion ban was a way of regulating female bodies and making sure "sexual deviance, in the form of promiscuity, [was] punished" (Browne & Calkin, 2019). Ireland utilised the law in banning abortions to force consequences on perceived sexual deviance, just as the church once used Magdalene Laundries to do the same.

Ireland's first abortion policy, the travel policy, which forced pregnant individuals to go abroad to procure abortion services, is another example of the choice-consequence attitude imbued in Ireland by aspects of Catholic ideology. "Ireland's historical legacy of incarcerating women coupled with the still-present threat of ostracism and imprisonment materialised shame and secrecy in the past and perpetuated it in the present" (Olund, 2019, p. 178). These laws and policies also aided in defining Ireland as a Catholic nation; and one which traditionally did not allow for breaches of Catholic teachings to be codified into law within the nation's borders.

The examples discussed in this section illustrate a through-line that connects Catholic concepts of choice/consequences to secular Luck Egalitarianism's similar framework of personal responsibility. The following chapters will provide more examples in the context of each referendum which will strengthen this idea that Catholicism gave way to a strong resemblance to a Luck egalitarian approach to moral thinking in the more secular Republic of Ireland.

CHAPTER TWO: BORN THIS WAY?

For many, the concept of same-sex marriage represents a surrender to pre-existing heteronormative institutions instead of opposition to those social institutions that dictated gender roles and responsibilities (Bernstein, 2018; Bernstein & Taylor, 2013). (Conrad, 2014) argues, for example, that because "marriage in [the United States] has meant a furthering of the idea that health care and immigration rights are marital benefits not deserved by individuals," same-sex assimilation into such an institution comes at a significant cost to the most marginalised among our community. As a recently married lesbian afforded immigration benefits and health care in the United States only because of my marriage, I consider this an important critique. It is valuable to talk about how inclusion into existing conservative institutions, as opposed to a dismantling of those institutions, can cut against more revolutionary queer and leftist goals. At the same time, same-sex marriages might complicate former gender hierarchies/roles and discombobulate the idea that heterosexuality is a social norm (Sunstein, 1994; Warner, 2000). There are arguments that same-sex marriage may upset traditional ideas of gender and the normalcy of heterosexuality (Bernstein & Taylor, 2013; Turner, 1999). Given that the Catholic Church is most concerned with maintaining traditional ideas of gender, this is an important argument to keep in mind when discussing the Irish Marriage Equality referendum.

Canon Law insists that only (cis gendered) men can become priests (John P. Beal, 2000, p. 437). This insistence is based on the Catholic belief that there is an inherent difference between the sexes and that one gender is better suited for specific roles than the other:

> motherhood is a key element of women's identity, this does not mean that women should be considered from the sole perspective of physical procreation […] The existence of the Christian vocation of virginity, radical with regard to both the Old

Testament tradition and the demands made by many societies, is of the greatest importance in this regard. Virginity refutes any attempt to enclose women in mere biological destiny. Just as virginity receives from physical motherhood the insight that there is no Christian vocation except in the concrete gift of oneself to the other, so physical motherhood receives from virginity an insight into its fundamentally spiritual dimension: it is in not being content only to give physical life that the other truly comes into existence. This means that motherhood can find forms of full realization also where there is no physical procreation. (Ratzinger J., 2004).

The emphasis of familial roles as structured by the church are, Sunstein (1994) argues, one reason why religious institutions are so quick to reject the idea of same-sex marriages:

Same-sex marriages [were] banned because of what they do to – because of how they unsettle – gender categories. […] The social opprobrium directed against homosexuals is an outgrowth of the ways in which, for heterosexuals, the existence of homosexuality draws into question familiar ideas about the sex difference (p. 266, 278).

In other words, the disallowment of same-sex marriages happened because sexual expressions outside of heterosexuality threaten ideas about sex difference and heteronormativity. This idea is reflected in the attitudes of the Church in Ireland during the lead up to the Marriage Equality referendum. Archdiocese of Tuam Archbishop Michael Neary reiterates the Church's emphasis on sex differences: "union of a man and a woman, based on the complementarity of male and female . . . who have the potential for creating new life" (Towey & Duncan, 2015). Bishop of Limerick Brendan Leahy explained in a letter to the churches in his diocese that allowing same-sex marriage would "have implications for the role of marriage and family: "the proposed redefinition of marriage will impact on society as a whole, on family life that is already challenged" (Towey & Duncan, 2015). Perhaps they are both right, but maybe queer changes to pre-existing institutions are not something to be so afraid of.   Speaking about the "radical potential" of queerness (Edelman, 2004) notes that "conservatives acknowledge this radical

potential, [the radical threat], of queerness more fully than liberals, for conservatism pre-emptively imagines the wholesale rupturing of the social fabric, whereas liberalism conservatively clings to a faith in its limitless elasticity" (p.14). In other words, by challenging and changing the previous definition and role of an institution in society, same-sex marriage in and of itself is radical and revolutionary. It is not just about inclusion in pre-existing structures.

The anxiety that the Catholic Church in Ireland was feeling about the impact same-sex marriage might have on the institution, purpose, and importance of marriage possibly stemmed from a more profound fear about how such a radical threat of queerness might disrupt and further displace the authority and institution of the Church itself. As previously discussed, Ireland's process of secularisation, while it may not have led to the complete abandonment of Catholic nomos, habitus, and Catholic-tinged moral thinking, delivered some heavy punches to the institutional power and social prestige the Church once held in the country. Concepts of sexual morality were one of the remaining sectors of Irish culture and identity where the Catholic Church still had something of a foothold. Thus, the Church's anxiety surrounding this redefinition of marriage might have been quite preservationist. As mentioned in the previous chapter, given the importance of the role rituals, and by extension Catholic rituals such as marriage, play on maintaining Catholic nomos and habitus in secular Ireland, a threat to the institution of marriage could very well threaten what remains of Catholic social power and influence.

Luck Egalitarianism may take some inspiration or influence from religion, and as such, does not pose a direct threat to all religious ideologies. As previously discussed, there are some strong resemblances between Catholic beliefs found in the Catechisms and Luck Egalitarian perspectives, enough so that Luck Egalitarianism does not directly oppose Catholic moral teachings. Neither Irish politicians nor activists name Luck Egalitarianism or intentionally frame policy or activism with that philosophical tradition in mind. However, given the dominance of Catholic ideology woven into the social fabric of Irish life, and the similarities between the Catechisms and Luck Egalitarianism, perhaps it is no surprise that the framing techniques drawn upon by activists and political actors resemble Luck Egalitarian perspectives.

Further similarities between Catholic ideology, egalitarian philosophy, and equality policies in Ireland strengthen this argument. First, the Catechism notes that as "talents" are not distributed equally by God, and God has a plan for all these talents, individuals must decide for themselves how to generously share their benefits (Catholic Church, 2012, numbers 1937-1938). I draw attention to this because the emphasis on God-given talent and benefits mentioned in the Catechisms so closely resembles Rawls (1971) thoughts on systems of equality when income is determined by talent: "even if [the liberal conception of equality] works to perfection in eliminating the influence of social contingencies, it still permits the distribution of wealth and income to be determined by the natural distribution of abilities and talents" (p. 63-64). Rawls (1971) takes issue with the idea that equality can be disrupted economically by natural talent. However, this thesis posits that those references to natural talent stem from religious ideas of divine gifts. Building upon Rawls' equality concepts, Luck Egalitarianism developed to base distributive justice, not in a system that allows something as arbitrary as talents to decide social

mobility, but an individual's choices (Knight, 2013). That said, the chance/choice dichotomy did not eliminate arbitrariness. On the contrary, what is determined to be chance, and what is determined to be a choice just became the new arbitrary factor (Go, 2020).

Alternatively, perhaps the chance/choice dichotomy is not arbitrary but is rooted in religious traditions. In much the same way that intuition is perhaps not human instinct but instead shaped by cultural and sociological factors, including religion, perhaps the same can be said of what is considered a matter of chance or a personal choice. Berger (1967) discusses how religion shaped the very nature of society, or to use his term, created nomos: a legitimate ordering of society based on the perceived nature or cosmic order of all things (p. 30). Berger (1967) also explains that "religion legitimates social institutions by bestowing upon them an ultimately valid ontological status, that is, by locating them within a sacred and cosmic frame of reference" (p. 47). Religious ideologies might legitimate what classifies as chance-based and what classifies as a choice. Similarities between Catholic ideology and Luck Egalitarian moral ordering is visible in Ireland's Equal Status Act of 2000. In terms of equality, the Catechisms mention sex, sexuality, race, colour, social conditions, language, and religion as classes that should be protected from discrimination (Catholic Church, 2012, numbers 1935, 2357). Most protected classes mentioned in Ireland's Equal Status Act of 2000 are decidedly chance-based and/or resemble classes found within the Catechisms: gender, sexual orientation, age, disability, and membership of the travelling community (Irish Travellers are a nomadic ethnic minority, much like the Romani people). Religion is a protected class under this act, which also appears in the Catechisms. Arguably, religion is too nuanced to place entirely under the umbrella of chance or choice (Velji, 2015). Favourably, Velji (2015) argues, for example, that religious practices are a "habitual, collective, [and] embodied" representation of culture and belief more than they are a

simple choice (p.459). Less favourably, perhaps the inclusion of religion as a protected class in the Equality Act was placed there to protect the role of the Catholic Church in Ireland. The remaining categories, marital status and family status, are the only categories that do not feature in the Catechisms and, to some degree, might involve choice. However, given how codified family expectations are in Ireland and how restrictive access to pregnancy termination was before the Repeal referendum, choice in these sectors was not always guaranteed: it is doubtful that every unwed young pregnant person married their child's potential father with complete agency. The codification of family and the limited availability of abortion will be revisited and argued further in the next chapter. In addition, missing from Ireland's Equal Status Act of 2000 is protection from discrimination for individuals who might be viewed as at-fault for their unfortunate circumstances. There is no protection against discrimination if you are homeless, if you struggle with addiction, or are unemployed/have social welfare assistance. Thus, in countries that still operate under a degree of Catholic habitus, the nature of the choice/chance dichotomy of a moral structure like Luck Egalitarianism can be utilised to encode religious ideas of who should be helped and who should be held accountable for their choices.

Berger, however, does not delve into religious influence on the structure of government or policy, but Foucault does. Foucault (2004) argues that "governmentality was born, [first], from the archaic model of the Christian pastorate" (p. 145). For Foucault, a pastoral type of power is an organisation built on the image or iconography of a government or figure of government leading their people as a shepherd does their flock (p. 169). Foucault identifies that while shepherd/flock iconography can be found throughout the ancient world, the pastorate as a government model begins with Christianity: "The Church is a religion that thus lays claim to the daily government of men in their real-life on the grounds of their salvation and on the scale of

humanity, and we have no other example of this in the history of societies" (p. 199). The art of governance was taught through the lens of Christianity for centuries (Foucault, 2004, p. 201). While Foucault explains that pastoral power often remained distinct from political power, he explains that the pastorate "is only concerned with individual souls insofar as this direction of souls also involves a permanent intervention in everyday conduct, in the management of lives, as well as in goods, wealth, and things" (p. 206). Scholars have pointed to Foucault's lectures on the pastorate as evidence that the secular origins of Western governance and power structure are a myth: "the history of the pastorate as a technology of power is a history from which Western modernity, despite its secular pretensions, has by no means emerged" (Golder, 2007, p. 165). Thus, it can be argued that perhaps the consistency between what the Catholic teachings consider innate and what is often considered chance in Luck Egalitarian moral positioning, as seen in Ireland's Equal Status Act, might also indicate continuity between religion and moral reasoning found in secular government policy.

QUEER IDENTITIES AND SHIFTING FRAMEWORKS: THE PRIVATE AND THE PUBLIC

The supposed innate nature of homosexuality was not the first framework used by activists attempting to secure rights. The United Kingdom's Sexual Offences Act of 1967 legalised homosexual acts which happened in private between consenting adults. That same year, Pierre Trudeau sponsored a bill in Canada, which passed in 1969. That bill decriminalised homosexuality in Canada on the grounds of individual privacy. Defending this bill led to Trudeau's famous quote on the matter: "there is no place for the state in the bedrooms of a nation" (Canadian Broadcasting Corporation, 1967). While things were beginning to change in other parts of the world, in the 70s and 80s, Irish LGBTQ activists put themselves at significant

risk by being public about their sexuality or position on sexual liberation. Homosexuality was illegal in Ireland, and there were arrests and convictions for sodomy and gross indecency. "Between 1962 and 1972, there were 455 men convicted. Available statistics from 1979 to 1987 show a further 247 prosecutions under the same laws" (McDonagh, 2021). The 1980s saw a diminishing number of arrests due, in part, to the efforts of David Norris and the Irish Gay Rights Movement organisation, who helped the accused fight the charges (Lacey, 2008, loc.4064) [19].

Politician David Norris became a central figure in the fight to decriminalise homosexuality. In 1977, Solicitor Mary Robinson, representing David Norris, began proceedings against the Irish High Court (*Norris v Attorney General*) to "have the nineteenth-century anti-homosexual laws of the British parliament, which were still in operation in the republic, struck down as incompatible with the provisions of the Irish constitution of 1937" (Lacey, 2008, loc.4161). Norris lost this case and his appeal to the Irish Supreme Court in 1983. The Supreme Court "considered the laws making homosexual conduct criminal to be consistent with the Constitution and that no right of privacy encompassing consensual homosexual activity could be derived from 'the Christian and democratic nature of the Irish State'" (*Norris v. Ireland*, 1988). In 1988, Norris took the case to the European Court of Human Rights (*Norris v. Ireland*), which decided in his favour, agreeing that Ireland's criminalisation of homosexuality law was a violation of his privacy (Norris v. Ireland, 1988). The failure of the 1983 Supreme Court to acknowledge individual privacy highlights the role that the courts played in governing the

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[19] For those unfamiliar with Ireland, it is perhaps important to keep the size of the country in mind, particularly as this paper attributes the achievement of activist goals to single individuals or organisations. In 1965 there were 2.8 million people in the entire country. By 1985 there were 3.5 million, and as of 2019, there were 4.8 million people (United Nations, 2019). To put that to scale, there are 8.8 million people in New York City, alone (City of New York, 2020).

legality of behaviour, just as the Irish state governed the morality of behaviour. Considering 1983 was the same year that the 8th Amendment was added to the Irish Constitution, at this moment in time, it seemed as though Irish Catholicism was pushing back against perceived threats to the Irish State's identity as a Catholic country.

Homosexual activity was decriminalised in 1993, ten years after the Irish Supreme Court ruling in 1983. However, the language around homosexuality began to shift over that decade, both in public and papal discourse. The late 1980s and early 90s saw an increase in the visibility of queer people in Ireland, and more attention was brought to their discrimination and the criminal status of homosexual acts (Lynch, 2003). In 1986, the Vatican released a letter, *Homosexualitatis Problema,* to Cardinals and Bishops to explain the Catholic Church's stance on homosexuality and provide instruction for the pastoral care of homosexual Catholics. The document clarified that the Catholic Church considered there to be a stark difference between homosexuality and homosexual acts/activity:

> It is deplorable that homosexual persons have been and are the object of violent malice in speech or in action. Such treatment deserves condemnation from the Church's pastors […] But the proper reaction to crimes committed against homosexual persons should not be to claim that the homosexual condition is not disordered.
>
> […] It has been argued that the homosexual orientation in certain cases is not the result of deliberate choice; and so the homosexual person would then have no choice but to behave in a homosexual fashion. […] What is at all costs to be avoided is the unfounded and demeaning assumption that the sexual behaviour of homosexual persons is always and totally compulsive and therefore inculpable. (Ratzinger J., 1986)

The Catholic Church framed the sexual acts as sinful, but not the orientation (while still considering it a disorder) and advised homosexuals to practice celibacy. The church also recognised that homosexual orientation is not necessarily a deliberate choice. This idea that there

is innateness to homosexuality appeared quite frequently in the conversation surrounding the decriminalisation of homosexual acts in the 1990s. It is difficult to ascertain if the growing LGBTQ visibility/rights activism or the Catholic Church's position had a more significant impact on public opinion, notably because, at the time, published opinions concerning homosexuality always contended with religious belief. For example, a letter to the editor published in the Dublin's *Evening Herald* just weeks before the *Homosexualitatis Problema* was released reads: "Homosexuality is not a sin. No one – man or woman – can help if they are born gay. […] Tell me where God says it is a sin to be a homosexual in His commandments" (O'Leary, 1986). By no means did every Catholic agree with the idea that homosexuality was innate, as this anonymous letter writer illustrates: "I am shocked at [Father Brian D'Arcy]'s futile attempts to make gays part of God's creation with the excuse 'that they are born that way.' […] Does he read the same Bible as the rest of us?" (Sunday World (Dublin), 1990). However, by the time homosexuality was decriminalised in 1993, it seemed that the innateness of homosexuality framework was increasingly accepted, as this letter writer explains: "The reason [the law was changed] is because the powers that be have finally recognised that homosexuality is not a disease or scourge, that people are born homosexual. Treating someone as a criminal because of the way they are born can't be right, can it?" (Darcis, 1993). Finally, in the Dáil Éireann debates which directly led to the change in Ireland's criminal code, the innateness of homosexuality was frequently mentioned:

> I know too that there are parents who will know what it means in practice to have a child whose very nature it is to be homosexual – Minister of Justice, Máire Geoghegan-Quinn (Dáil Éireann, 1993)

Our law provides for savage sentences on people who are branded as criminals because they were born with a sexuality different from that of most of their neighbours. They were born with a natural tendency towards having homosexual rather than heterosexual relationships with others – James McDaid (Dáil Éireann, 1993)

On the substantive issue, homosexuality has been and always will be with us. It is an innate disposition of a percentage of our population, both male and female. It is not a disorder. As such, it is an integral part of a person's expression of their identity, as integral as gender or race. – Derek McDowell (Dáil Éireann, 1993)

Essentially, framing homosexuality as a matter of privacy did not gain as much traction, public support or lead to policy changes in Ireland the way it did in other countries. Instead, it was a focus on the chance-based aspect of homosexuality that aided in the decriminalisation of homosexual acts.

One aspect of social movement theory, concerning frameworks, discusses the resonance of a frame. "The concept of resonance is relevant to the issue of the effectiveness or mobilizing potency of proffered framings, thereby attending to the question of why some framings seem to be effective or "resonate" while others do not" (Bedford & Snow, 2000, p. 619). Scholars argue that credibility and consistency play a significant role in how successfully a social movement's message will resonate with its intended audience (Bedford & Snow, 2000). Social movement and religious movement studies often occupy the same sociological analytical space, with religion "conceptualized by the classic sociological thinkers as an integral part of society. [While] social movements [are] treated as a threat to it" (Hannigan, 1991, p. 312). Perhaps in a society such as Ireland, where religious ideology is so ingrained in state identity and systems of social and political legitimations, for a framework to resonate, it must present itself as less of a threat to dominant religious perspectives. In the context of sexual orientation, this means that because the

Catholic Church accepted the idea that homosexual orientation was chance-based, innate, or not chosen, the efforts of activists attempting decriminalisation who used the same chance-based framework were seen as credible.

The benefit of the chance-based framework for the LGBTQ community has been measured. Using Weiner's attribution theory of controllability, Haider-Markel (2008) determined that "if the cause of homosexuality is perceived as controllable (learned, environmental, or an individual choice), negative affect toward homosexuals and reduced support for policies relevant to the group can be expected" (p. 291). Haider-Markel also believes that queer sexualities are primarily believed to be, or framed as, a choice by religious teachings which wish to deem them sinful. Haider-Markel explains how religious teachings propose that "one's sinful acts are chosen […]. [Therefore,] viewing homosexuality as a sin presumes that it is a controllable choice." In other words, and without explicitly naming Luck Egalitarianism, Haider-Markel's work perfectly locates opinions about sexual orientation as dependent on whether sexuality is a choice or happens by chance.

Perhaps the negative moral association with choice put forth by anti-LGBTQ movements caused such a rallying cry behind the 'born this way' position among LGBTQ activists. Sexuality and rights acquisition related to sexuality have become so tied to the notion that there is no 'choice' involved in sexual orientation that interjections of nuance or the idea that someone could choose to be gay are often pushed back against by mainstream LGBTQ movements. This pushback is undoubtedly born of a fear that it may support anti-LGBTQ rhetoric or practices such as conversion therapy. As useful as the frame has proven to be, putting too much weight on the idea that minority sexual orientation groups are entitled to rights because their sexual interests are not a matter of choice presents its own problems. It is important to recognise that the

emphasis on 'chance' can harm an individual's identity or journey of self-discovery and acceptance. Notably, the notion that no one would be homosexual if they could help it adds a layer of inherent shame or apology that need not be there.

It is also simply not true in many cases: if given a choice, I would choose to be gayer. While scholarship on this idea is still scarce, journalists such as Brandon Ambrosino argue against the strict, chance-only argument for human sexualities. Instead, he argues that for himself, it feels more accurate to say that he is gay but not born that way (Ambrosino, 2016). Similarly, *Sex and the City* star turned politician Cynthia Nixon also plainly stated in an interview that her sexuality was her choice:

> I gave a speech recently, an empowerment speech to a gay audience, and it included the line 'I've been straight, and I've been gay, and gay is better'. I understand that for many people it's not, but for me it's a choice, and you don't get to define my gayness for me. (Witchel, 2012)

On the individual level, therefore, one can argue that these stark labels and classifications can only ever take us so far, regardless of how effective the 'born this way' or chance-based label is on a broader social or political level.

MARRIAGE EQUALITY IN IRELAND: MORAL AUTHORITY & NEOSECULARISATION

In April of 2013, the government of Ireland called a constitutional convention to discuss the limitations of civil partnership and the potential need to change the Irish constitution to allow for same-sex marriage (Gráinne Healy, 2016). "GLEN, Marriage Equality and the Irish Council for Civil Liberties (ICCL) were invited to present their argument in support […] The opposing

view would be presented by the Knights of St Columbanus, the Evangelical Association of Ireland and the Irish Catholic Bishops' Conference" (Tiernan, 2020, p. 74). (The list alone serves as a jarring reminder of the religious and Catholic cultural influence still alive and well in Ireland). Nevertheless, the convention results showed overwhelming support in favour of changing the constitution to allow for same-sex marriage, thus began the journey to the marriage equality referendum.

Throughout the campaigns leading up to the referendum, the opposition, which Catholic organisations heavily supported, presented arguments much like the following quote from the Catholic Communications Office spokesperson: "The Catholic church will continue to promote and seek protection for the uniqueness of marriage between a woman and a man, the nature of which best serves children and our society" (Tiernan, 2020, p. 80). Focus on the concept of marriage is interesting as it draws on the idea that opposite-sex marriages are not a social construct but a product of natural/divine law[20]. The Catechisms state in no uncertain terms that marriage is not a manufactured institution but instead, born of the divine: "The vocation to marriage is written in the very nature of man and woman as they came from the hand of the Creator. Marriage is not a purely human institution" (Catholic Church, 2012, number 1603). Likewise, Canon Law's "description of marriage purports to be an authoritative interpretation of natural law" (John P. Beal, 2000, p. 1240). This position was reflected in a leaflet distributed by the Archdiocese of Dublin stating: "we come to this debate believing that the union of a man and a woman in marriage […] is a gift from God" (Archdiocese of Dublin, 2015). A Standup4Marriage leaflet takes the discourse even further, suggesting that opposite-sex

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[20] Opposite-sex: by no means am I suggesting there are only two sexes, or two genders. I use opposite-sex here because the Catholic church's official position is that there are only two sexes and two genders, and while sex and gender can be considered different concepts, they are intrinsically related (Giuseppe, 2019).

marriages are "natural […], so no one has authority to change it," while same-sex marriage is an "artificial structure" (Standup4Marriage 2015). These examples underscore Berger's (1967) argument that "even in our own society, for example, where sexuality, the family, and marriage are hardly legitimated in mimetic terms, the roles pertaining to these institutional spheres are effectively maintained by religious legitimations" (p. 54). Thus, these statements from the no-side (against same-sex marriage) speak to how, for centuries, religious validation has been used to shape and maintain the boundaries of social institutions. The no-side's position and use of religious legitimations still speak as an acknowledgement of what Edelman called the "radical threat of queerness": same-sex marriages change this institution by ending religion's control over the definition of marriage.

Procreation was another issue raised by the church. Apart from the faithfully unreliable method of tracking fertility, the Catholic Church stands against contraceptives and sex acts that do not include a possibility of procreation: "every action which, whether in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible is intrinsically evil" (Catholic Church, 2012, number 2370). Along with procreation, the Church and the no-side focused quite heavily on raising children and the importance of a mother and a father to the process. Ads and posters from the organisation Mothers and Fathers Matter displayed headlines such as "I want a Mammy … Not Two Daddies" and "Don't Deny a Child the Right to a Mother and a Father" (Mothers and Fathers Matter, 2015). The mother/father/child family dynamic drawn upon by the no-side is also reflected Catholic teaching as per the Catechisms:

> "Techniques that entail the dissociation of husband and wife, by the intrusion of a person other than the couple are gravely immoral. These techniques (heterologous artificial insemination and fertilization) infringe the child's right to be born of a

father and mother known to him and bound to each other by marriage. They betray the spouses' "right to become a father and a mother only through each other" (Catholic Church, 2012, number 2376).

Moreover, this framing technique was undoubtedly utilised to appeal to Ireland's Catholic majority. Frames that resonate well with their intended audience can be successful, but if the audience is too specific, those frames may end up restrictive (Miceli, 2005, p. 594). In this case, the outcome was the latter. The focus on dual-parents of opposite genders risked alienating single-parent households, and the idea that opposite-gender marriages' primary function is to produce children was viewed as outdated (One Family, 2015). As Fetner (2008) pointed out, "Because opposing movements are in a dynamic relationship, their actions, frames, identities, and so on will have an impact on the experiences of the other movement" (loc. 1945-1946). Occasionally failed frameworks of one movement can have the unintended side-effect of bolstering support for the other (Fetner, 2008). In other words, the failed frameworks of the no-side may have assisted the campaign in favor of same-sex marriage. This failure of a framing technique happened to the "no" side of the same-sex marriage debate a second time, when the family, whose stock photo was unwittingly featured on the "no" same-sex marriage posters, gained publicity for speaking out, condemning the posters and vowing to vote in favour of same-sex marriage (O'Gorman, 2015). Further, as with the legalisation of divorce, over the past decade, there have been instances that have severely damaged the Catholic Church's reputation, which tarnished its place as a moral authority over the treatment of children and family matters.

In 1999, the Irish Government formed the Commission to Inquire into Child Abuse (CICA) to investigate the history of abuse in Irish industrial schools and orphanages from 1936 to the present day (CICA, 2009). The first report, known as the Ryan Report, was published in 2009 and concluded that "physical and emotional abuse and neglect were features of the

institutions. Sexual abuse occurred in many of them […] over a range from improper touching and fondling to rape with violence" (CICA, 2009, pp. 451, 454). The physical abuse happened with such frequency that the Ryan Report concluded: "that violence and beatings were endemic within the system itself" (CICA, 2009, p. 452). Sexual abuse in the boys' schools and orphanages was likewise endemic, but while "girls were subjected to predatory sexual abuse by male employees or visitors or in outside placements, sexual abuse was not systemic in girls' schools" (CICA, 2009, p. 453). It is beyond the scope of this paper to comment adequately on the generational trauma caused by these schools or the shame and outrage felt by the nation when the Ryan Report was published. However, the damage it did to the reputation of the Catholic Church was deeply felt. Specifically, given the abuse of children, the Church's role as a protector of family values and structures was significantly undermined. Given this, the religious-authority framing tactics chosen by the no-campaign, in this case, may have worked against them. Perhaps this also relates to why the Church seemed to approach the same-sex marriage equality referendum not from a place of authoritative power but a place of defence. Noticeably missing from official statements from the Catholic Church are references to homosexuality being a choice, which makes sense given the Church's position that sexuality is innate and not inherently sinful. This absence enforces the idea that the *born this way* narrative was already popularly accepted as an unchallengeable fact during the lead up to the Marriage Equality referendum.

One aspect of the Marriage Equality referendum is that it was not a partisan issue by any means. Which is to say, there was plenty of practising or self-identified Catholics who supported lesbian and gays' right to marriage. When "Bishop Denis Brennan['s letter] urging people to vote No was read out during Saturday evening mass [at a church in Enniscothy] the week before the referendum, a number of people walked out including some members of the choir" (Tiernan,

2020, pp. 114-115). In this way, the Yes Equality campaign highlighted the difference between Catholic institutions and the practising Irish Catholic public. Another example is the incongruence between the Church's hierarchy and churchgoers' differing opinions on children and families. The Archbishop of Dublin explained that 'marriage [is] of fundamental importance for children (Tiernan, 2020, pp. 114-115). While Fine Gael General Secretary Tom Curran, a self-proclaimed 'card-carrying Catholic' explained that to him, what was fundamentally important was supporting his children: "as a man of faith and a proud Dad to a gay son, I urge all Catholics to do the right thing – and vote yes – In my view, it's the right thing – the moral thing – to do" (Curran, 2015). This rejection of the Church-approved version of family and what is best for children illustrates the diminishing power of the Catholic hierarchy as a singular moral authority.

Berger (1967) argues that secularisation begins in the economic sector, and moves outward, impacting family and private institutions far later than it changes public ones. Berger (1967) identifies marriage as a private institution, given the religious symbolism typically invoked during the inauguration of a marriage. As discussed in the previous chapter, the Catholic Church did seem to maintain authority in the Irish private sector, especially in matters concerning sex and sexuality, marriage, family, and divorce, even as its authority declined in other more public areas (except health and education, the upkeep of which was necessary to maintain an influential presence in the private sphere). The institution of marriage is complicated, first because it is so often infused with religious symbolism and ceremony, and second because it is a social institution with its legitimacy vastly rooted in religious belief and tradition. It cannot entirely be argued that the institution of marriage, in Ireland, has become a completely secular institution: "Catholic marriages in Ireland accounted for 47.6 per cent of all

marriages in 2018, for 51 per cent in 2017, 53.7 per cent in 2016 and 43.6 per cent in 2019"

(McGarry, 2020). Nevertheless, given the rise in civil ceremonies, 41 per cent in 2020, it cannot

reasonably be called an entirely sectarian institution anymore, either.

The theory of neo-secularisation presented by Chavez (1994) and Yamane (1997) best

explains this phenomenon. Traditional secularisation theory holds that eventually, religion will

disappear. Berger believed and contributed to this theory but by 1999, conceded he was wrong,

that the theory was wrong, and society remains "as furiously religious as it ever was" (Berger,

1999, p. 2). Chavez, instead, argues that instead of pointing to a severe decline in religion,

"secularisation is best understood not as the decline of religion, but as the declining scope of

religious authority" (Chavez, 1994). If the theory of neo-secularisation is applied not to society

as a whole but specifically to the institution of marriage, then arguably, religion does not entirely

have to disappear from marriage for it, too, to be secularised. For example, changes in Irish legal

policy surrounding marriage, such as the 1995 legalisation of divorce, that were discordant with

the Church's teaching, chipped away at the church's religious authority over marriage.

Meanwhile, revelations of the systemic sexual and physical abuse of children within

Catholic-run organisations, such as the Ryan Report and others like it, undermined the moral

authority of the Catholic Church. This decline in Catholic authority over marriage is perhaps

why someone like Tom Curran can maintain his Catholic identity while arguing that the morally

correct position allows same-sex marriage. This decline in both control over the institution of

marriage and complete moral authority perhaps reordered the priorities of Irish Catholics. After

all, Catholic doctrine states that discrimination against homosexuals should be avoided (Catholic

Church, 2012, number 2358). Moreover, because the institution of marriage was no longer

wholly viewed as governed by religion, it became unjust to gatekeep it based on religion.

Early in the organisational process for the Yes Equality campaign, the gathered research suggested a tentative vote in their favour. Labour Party official Mark Garrett explained that "all of our experience and the campaign research shows that this is a campaign that should be won but could be very easily lost" (Parker, 2017, p. 11). These findings imply plenty of support for marriage equality prior to the campaign. However, pre-existing support is not brought up to undersell the hard work or necessity of the campaign. Instead, to suggest that changes within Irish society over time, which include the reframing of sexuality as a matter of chance, as well as the secularisation/loss of church authority to the institution of marriage, laid some of the groundwork decades prior to the final push to allow same-sex marriage.

CHAPTER THREE: PRO-CHANCE: MY BODY MY CHOICE?

Luck Egalitarianism does not just influence concepts of distributive justice in the social welfare sense, but the perspective also influences social thinking as to who deserves rights and protections and who does not need to be accommodated because of their choices. When circumstances are considered a matter of chance, the likelihood of public support drastically increases (Haider-Markel, 2008). This concept was discussed in Chapter Two, and the acquisition of rights for same-sex individuals seeking decriminalisation and legally recognised marriage. This chapter will argue that to win a public referendum in Ireland concerning abortion access, activists had to frame abortion as a matter of chance to challenge Ireland's Catholic-tinged state identity and appeal to an Irish Catholic public. Homosexuality adopted the 'chance' framework decades before the referendum in most of the activism in the global west. Unlike reproductive rights activism, which was firmly rooted in a choice-based framework in the west: 'my body, my choice.' Thus, the Together for Yes campaign to repeal the 1983 constitutional amendment ban on abortion had to create their own chance-based framework to win the day.

IRISH PUBLIC BODIES: FAMILY & THE STATE

When I set out to investigate my initial questions, I considered that moving an issue from private to public sectors, as was done with homosexuality, may allow for a more secular moral approach. As Berger (1967) suggests, the economic sector and public spheres are secularised first. Thus, perhaps reframing an issue as a public matter is enough for a luck egalitarian conceptualisation of morality to override firm religious ideologies. However, given that marriage is an institution closely aligned with the private sector and families, and many self-identified Catholics supported marriage equality, the shift to the public sector did not, alone, seem to account

for the change. Instead, this change was partly motivated by the loss of the church's moral authority

through revelations such as the Ryan Report on the abuse of children in Irish residential schools.

In the same way that the Catholic Church and the Irish State regulated the institution of

marriage, they regulated pregnant bodies. Fischer (2020) argues, "feminists have also pointed to

the fact that the state and its instruments of law already intervene and regulate typically "private"

affairs such as marriage contracts and in fact should intervene on egregious gendered issues such

as domestic violence" (p. 987). Likewise, the reproductive rights of Irish women[21], trans gender,

and non-binary people who are perceived as capable of reproduction have also been the subject

for decades of public debate and state intervention: "[Ireland is a country] where women's bodies

have been systematically controlled and regulated by the state – from Magdalene Laundries and

symphysiotomies to restrictive abortions laws" (O'Hara, 2019). It is also worth noting that the role

of women in Irish society was written into the Irish constitution in such a fashion to resemble

Catholic expectations for women. Article 41 of the Irish constitution states:

> The State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved […] The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

This article remains in the constitution, and the resemblance between it and statements made by

several Popes concerning the role of women are striking. Pope Leo XIII stated: "a woman is by

nature fitted for home-work, and it is that which is best adapted at once to preserve her modesty

and promote the good bringing up of children" (Pope Leo XIII, 1891). Pope Pius XI, in 1930,

emphasised that women can work outside the home only if it does not interfere with her primary

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[21] Throughout this chapter, the term "women" will be used for ease of reference, as reproductive restrictions primarily target women. However, I recognise that these reproductive restrictions do not impact all women proportionately, nor do they impact only women.

duties to her husband and children (Pope Pius XI, 1930). In 1981, Pope John Paul II also reiterated the idea that women's work in the home should take precedent: "the true advancement of women requires that labour should be structured in such a way that women do not have to pay for their advancement by abandoning what is specific to them and at the expense of the family, in which women as mothers have an irreplaceable role" (John Paul II, 1981). Thus, in many ways, the constitutional role of Irish women/mothers becomes representative of the state's Catholic identity. Since the legalisation of some methods of contraception in the 1970s, the right to an abortion has been a topic dominated by public debate and bitterness (O'Hara, 2019, p. 56). Moreover, as concepts of the right to life and motherhood became so entangled in Irish state identity, reproductive planning through means of contraception or abortion became not just a private matter but one of public interest and state investment

In 1986, the Irish Supreme Court ruled that the dissemination of literature pertaining to abortion services outside of Ireland was illegal (O'Hara, 2019). In 1992, the X Case led to a public referendum. The X Case involved a thirteen-year-old girl who had conceived through rape but was barred from leaving the country to acquire abortion services. X claimed that she might commit suicide if she could not procure an abortion, and in response, "A complex Supreme Court ruling was delivered on 5 March 1992. By a 4-1 majority, the justices allowed the girl the right to have an abortion, because the 1983 Amendment guarantees the right to life of a fetus but an equal right to life of the mother" (O'Hara, 2019, p. 57). The public debate surrounding the X case gave way to a referendum concerning whether suicide was an adequate threat to the life of the gestational parent. The referendum found that travel could not be restricted, information about abortion services in other countries could not be censored, and suicide was an adequate threat to life (O'Hara, 2019). Whether suicide was an adequate condition under which to grant an abortion was

a concept that was threatened again in 2002. The proposed Twenty-fifth Amendment of the Constitution Bill 2001 attempted to remove the stipulation that suicide was a threat to life and was narrowly defeated by a margin of only 0.84 per cent, or 10,556 votes (The Irish Times, 2010). These referendums and Supreme Court rules illustrate a pattern of public discourse and debate around reproductive rights.

Outside of Ireland, abortion advocacy was either deemed firmly unpolitical or rooted in the right to privacy. In the United Kingdom (excluding Northern Ireland), the 1967 abortion act was first introduced by David Steel as a Private Member's Bill without the backing of any political party: "in formal terms, the Labour Party refused to acknowledge abortion as a political issue" (Michael Kandiah, 2004, p. 20). In the United States, *Roe v. Wade* found that "This right of privacy… is broad enough to encompass a woman's decision whether or not to terminate her pregnancy" (Roe v. Wade, 1973). The overall (albeit continuously disputed) consensus was that the state did not have the right to interfere with an individual's pregnancy. In Ireland, however, concepts of motherhood, contraception and abortion were always political. Given the structure of the 8th Amendment, once an individual became pregnant, "the rights [they could] usually assert under the Constitution—to privacy, to bodily integrity, to equality—are subordinated to the right to life of the foetus" (Enright & De Londras, 2018). The individual pregnant person became lost in the state mechanisms which control reproduction.

While I could locate no scholarship connecting reproductive rights acquisition with Luck Egalitarian perspectives, there are feminist critiques of Luck Egalitarianism that are important to note. Kim (2010) writes: "[Luck Egalitarianism] emphasizes the choices of individuals, but it fails to see the ways that these choices are inevitably contextualized within social structures of power, and thus the ways that these choices can further produce the inequality of social groups" (p. 88). Kim (2010) raises a point that should be kept in mind: choice looks different for anyone in a patriarchal society that does not entirely benefit from that structure. The inequity faced by women (and anyone who is not a cis gendered man) in society impacts and uniquely contextualises what the concept of choice might mean in ways that Ronald Dworkin and others who pioneered Luck Egalitarianism did not entirely account for. When discussing Luck Egalitarianism in the context of something as sensitive and gendered as abortion, it is essential to recognise that the choice/chance dichotomy is simplistic and does not account for the fact that social injustices often influence agency and freedom in ways that may be invisible to onlookers who are not members of that minority group.

In other words, proponents of Luck Egalitarianism's logic has flaws because it may not always account for how oppression limits choice. In addition, Luck Egalitarianism may also be flawed because it allows oppression to occur if it is created by choice (Stark C. A., 2020). Because this chapter will be arguing that abortion, under some circumstances, is deemed or framed as a choice and, in others, a circumstance of chance, it is worth mentioning that in no way does this paper mean to imply that all abortions, which fall within either symbolic category, are always fully one or the other. Thus, like with the previous chapter on marriage equality, this

chapter means not to definitively state that abortion is ever entirely a choice or a matter of circumstance/chance, but instead focus on the frameworks used to present each.

The anti-Repeal campaign seemingly recognised that the Catholic Church did not carry the moral authority it once did. As a result, "the main campaigns were overtly secular and the Catholic Church did not take a prominent public role" (Kath Browne, 2020). Instead, perhaps because of the predominance of 'choice' as the typical framework associated with abortion, many of the no-Repeal side's framing techniques attacked the very concept of choice itself. For example, the logo used for the no-Repeal's *Love Both* campaign stacked the words on top of each other to allow the two letter 'O's to form an 8, drawn in such a fashion to reference the 8th amendment, symbolise a pregnant body, and invoke the connection between mother and child. Beneath the logo is the words *Protect Ireland's 8th Amendment,* which in and of itself attacks the concept of choice, as Brown (2020) explains:

> The idea of needing to 'protect' implies that there is something to be protected—something in need of the protection that is only afforded by 'Ireland's 8th Amendment'. This reiterates the idea of an untrustworthy woman who is in trouble and thus needs 'protecting' from herself. It implies that the woman is vulnerable [and] may make a flawed personal and moral choice that she will regret and that will damage her. […] The pregnant woman cannot be trusted to make 'good choices'. That she must therefore be prevented from making choices is apparent, not only to protect 'her baby' but also to protect her. (Kath Browne, 2020, p. 57)

The *Love Both* iconography, additionally, invokes the heterosexual nuclear family idea, which was invoked so heavily in the Marriage Equality campaign, to reinforce ideas about familial expectations (Kath Browne, 2020). In a public debate on the topic of abortion, anti-Repeal activist TD Mary Butler remarked that "97 per cent of all abortions carried out in the U.K. are healthy babies being carried by a healthy mother… is that what we want for our country?"

(Aideen Kane, 2020). This statement should be considered in context with the reality of the heavy regulation of reproductive rights throughout Irish history and the emphasis on Irish motherhood (within the confines of heterosexual marriage) as the duty of Irish women (Ralph, 2020, p. 13). *Love Both,* and much of the anti-Repeal side, then, continued to advocate for state intervention and essentially, the complete erosion of the private for a pregnant person.

Additionally, in this context, the idea of protection radiates outward and becomes not just about unborn children or protecting women from their own choices but about protecting perceived state integrity. This emphasis on the state frames the issue of reproductive rights as a decision about what is best for the country. Given the long-standing connection between Catholicism and Irish State identity, as already explored in this thesis, this nod to the state's best interest inherently carries a religious/Catholic connotation that is, perhaps intentionally, obscured. So, while secular *Love Both* does not invoke Catholicism or Canon laws against abortion directly, both the invocation of state identity and the notion that women cannot be trusted to make their own decisions (which is as biblical an idea as they come and as old as Adam, Eve, and a snake with an apple), nod to sectarian influence. Similarly, campaigners adjacent, affiliated or promoted by *Love Both,* which appeared secular, were often run by lay Catholics and based on Catholic ministry but denied that they were anti-abortion because of Catholicism (Independent.ie, 2011). The absence of overt Catholicism demarcates a distinct difference from former referendums on abortion, which often carried heavily Catholic imagery. However, the endurance of religious underpinnings speaks to the persistence of Ireland's Catholic habitus.

Choice was not the battleground that yes-Repeal decided to fight on. Co-director of the Together for Yes (yes-Repeal) campaign, Grainne Griffin, expressed a deliberate change in

messaging, moving away from rights-based iconography to a softer, values-driven message specifically in a hope to appeal to the compassion of undecided voters (Aideen Kane, 2020). LGBTQ & reproductive rights activist Ailbhe Smyth explains in the documentary about the 8th Amendment that where the emphasis of their campaign was placed was not accidental but an attempt to sway voters away from the idea that abortion "is always wrong" (Aideen Kane, 2020). Together for Yes, focused on fatal foetal abnormalities, at-risk pregnancies, rape/incest cases, the insensitivity of forcing individuals seeking abortions to travel, and the health risk that accompanies illegally taking medications to induce miscarriage (Smyth A., 2018). The reasons for abortion which the Repeal campaign chose were primarily circumstantial (chance-based) and deeply personal.

This concept of fronting specific causes or issues while purposefully obscuring other aspects or related issues from the group activists wish to mobilise to action is an often-discussed component of collective action theory. Goffman (1959) introduced a similar idea with his concept of "frontstage" and "backstage" discourse. Goffman (1959) uses a theatrical metaphor to explain how people act in different social contexts. Specifically, the difference between how a person acts alone or among trusted peers and how they act in larger or unfamiliar groups. Goffman (1959) explains that the "front" is "that part of the individual's performance which regularly functions in a general and fixed fashion to define the situation for those who observe the performance" (p. 13). In the case of the Repeal Referendum, the observers would be Irish citizens with empty ballots and a potential vote. The scholarship of collective action draws many of its theories from Goffman's original work on frames and frame analysis. Social movement framework scholars (Burke & Bernstein, 2014; Fetner, 2008) have pointed out that activist movements do not always get to choose the frameworks they must utilise. Writing about the rise

of the Moral Majority/Religious Right movements in the United States and the LGBT counter-movements which opposed them, Fetner (2008) explains that "[the religious right] affected lesbian and gay activists' choices of which issues to rally around and which issues to put on the back burner. […] The religious right has changed the rhetoric that lesbian and gay activists use to express their claims" (loc.106). This concept, of course, is applicable in an Irish reproductive rights activism context. However, given the history of religious power and moral domination in Ireland, reproductive rights activists have to contend with the frameworks of the direct opposing counter-movement and the Catholic hegemonic forces that had already raised reproductive rights to a statewide issue. Thus, while the chance-based framework on the part of repeal activists was intentional, it was likely shaped to some degree by the pre-existing frameworks used by anti-abortion activists.

The role of the personal in the pro-Repeal campaign cannot be understated. Ralph (2020) hypothesises that the personal narratives about abortion experiences played an essential role in securing the Repeal victory. Likewise, many of these personal narratives focused on abortions that broadly had to happen due to circumstance/chance. For example, in April of 2012, four women courageously came forward to share their faces, names and stories about travelling for abortions for fatal foetal abnormalities (Ralph, 2020, p. 41). In November of that same year, Ireland was shaken to its core by the death of Savita Halappanavar, whose medical treatment was delayed due to uncertainty concerning whether the pregnancy she was miscarrying could be lawfully terminated (Ralph, 2020). Launched in 2015, The X-ile Project (website now offline) featured photos of women, non-binary people and trans men who had travelled for abortion to highlight the diversity of individuals forced out of the country to seek assistance. Artist and academic Amy Walsh, who gave evidence to the Citizen's Assembly about having to travel to

terminate her unviable pregnancy, created *Testimonies of Loss Memories of Being.* This photography project memorialised her and other participants' journey to the United Kingdom for necessary medically induced abortions. Walsh "came to see abortion as a form of care for both my daughter and me" after her daughter Rose was diagnosed with a fatal chromosome abnormality which rendered it impossible for Rose to survive the pregnancy (Walsh, 2017). Framing abortion as an act of care, compassion, and often a chance-based necessity stood in solid opposition to anti-Repeal's focus on choice, which was infused with religious underpinnings and the general sense that reproductive choice threatened the integrity of the Irish State.

LUCK EGALITARIANISM & CHALLENGING STATE IDENTITY IN IRELAND'S REPRODUCTIVE RIGHTS ACTIVISM

As Berger (1967) argues, family and the state are the two sectors that resist secularisation the longest. In Ireland, these two sectors were particularly intermeshed concerning reproductive rights. The reality of the 8th Amendment was that it removed privacy as a right to which pregnant individuals were entitled because it allowed the state such overreach in terms of regulating reproduction (Enright & De Londras, 2018). For this reason, narratives of choice and privacy, which are typically associated with abortion activism, were rendered less accessible and Irish activists had to forge a different path. This path was found in mirroring some of the activist narratives of the marriage equality campaign and focusing on chance/circumstance narratives, which places Repeal activist narratives in conversation with Luck Egalitarianism. Luck Egalitarianism, as a concept, holds that individuals should not be made to suffer or endure suffering for reasons outside of their control (Stark C. A., 2020). As outlined in previous chapters, morality which resembles Luck Egalitarianism fits well into pre-existing structures of

Irish society due to overlap between concepts of natural and divine law and the importance of individual agency and responsibility concerning choices and consequences.

There were some exceptions to the chance-based frameworks which the Repeal campaign primarily utilised. Dr Susan Cahill delivered her on-demand, no regrets abortion story on the Abbey Theatre Stage during the Theatres of Change Symposium (Cahill, 2016). Actress and comedian Tara Flynn staged a play about her decision to travel for an abortion (Flynn, 2018). However, most pro-Repeal activism focused on chance-based circumstances as previously discussed. Some activists took this even further and focused specifically on chance-based circumstances that existed because of the State's interference with pregnancy. Just as, during the same-sex marriage debates, the position of the Catholic Church as family protector was challenged, Repeal activists challenged the role of Catholicism in Irish state identity. Activists drew attention to the inequalities that arose specifically due to abortion travel:

> You could say that travelling to England is also a middle-class solution: it depends on people having literacy skills, credit cards, supportive parents if needs be, an amount of spare cash. It is not a solution for people in denial about what has happened to them – the girl raped by her stepfather, for example, who can tell no one, so deeply does she absorb his projected shame. (Enright, 2018, loc.405)

Bringing a similar message is the short film *We Face This Land* (directed by Dave Tynan). This film, put out by the Repeal Project, involved the efforts of almost one hundred women wearing protest 'Repeal' jumpers, reciting a poem by Sarah Maria Griffin, and slowly walking off Greystones beach into the ocean (The Irish Times, 2016). The poem focuses on the trauma of travelling to England for reproductive care. In doing so, the video lays the blame for that trauma squarely at the feet of the Catholic Church and the Irish State:

We are not witches but if the church and state insists
Then let us be the descendants of all the witches they could not drown
This heirloom of trauma, this curse […]

Not all of us have survived
The waves do not part
There are no miracles here […]

When the stethoscope is a crucifix on your belly
How do you have any choice but the water
And fair medical treatment on other shores […]

A body is a body is a body is a body is a body is a body is a body
Not a house. Not a city. Not a vessel, not a country
The laws of the church have no place on your flesh […]

Eleven women every day leave Ireland seeking an abortion abroad. (Tynan D., 2016)

The poem concisely highlights the relationship between Ireland and the Catholic Church, engages with the state-imposed restrictions, and how those restrictions and expectations on women and gestational parents have ultimately failed Irish citizens. The notion that women could have abortions, but only if they did so outside of Ireland, created structural access inequalities. While John Rawls, and by extension the philosophical tradition of Luck Egalitarianism, does not engage with reproductive rights, Rawls' concept of justice of fairness called for the need for "free and equal citizenship" (Costa, 2020, p. 237). "[Rawls] argued that his liberal theory of justice is committed to the view that men and women should be treated as equal citizens, and he admitted that it was a mistake not to have been more explicit about this" (Costa, 2020, pp. 237-238). The concept of social equality is paralleled in the Catholic Catechisms: "The equal dignity of human persons requires the effort to reduce excessive social and economic inequalities. It gives urgency to the elimination of sinful inequalities" (Catholic Church, 2012, number 1947). Thus, by focusing on abortion travel, activists drew attention to social inequalities created by,

and thus the failure of, the Irish State. This framework, combined with an emphasis on chance-based circumstances under which abortion services were required, challenged the position of Catholicism in Irish state identity while also allowing Irish Catholics who valued concepts of equality to mobilise in favour of repealing the 8th Amendment.

In conclusion, the decision of activists in Ireland to frontstage cases where abortions were medically necessary, and circumstances (such as travel) beyond the control of the person who might seek termination, aided in the repeal of the 8th Amendment. Rooted in the Luck Egalitarian perspective that chance/circumstance deserves accommodation which played so well during the marriage equality referendum, chance/circumstance narratives circumvented state/religious constructions, which dictated that reproductive rights were the state's right to regulate completely. While Ireland has, like most countries that allow abortion, outlined certain limitations and restrictions, repealing the 8th amendment lifted the constitutional ban and allowed growing access to reproductive services in Ireland.

CONCLUSION – WHY DID SAME-SEX MARRIAGE HAPPEN FIRST?

Why did same-sex marriage arrive in Ireland before reproductive rights?

Much of this thesis interrogated why activists might adopt a chance-based approach to abortion activism. The argument was that given Ireland's status as a Catholic-majority country, resemblances between some aspects of Catholic doctrine and the philosophical tradition of Luck Egalitarianism meant that Ireland was particularly well-suited for the chance-based approach. Outside of Ireland, homosexuality and abortion are framed entirely differently. Homosexuality has been framed as, and benefitted from, a chance-based narrative. Abortion activist discourse outside of Ireland, on the other hand, is framed as a matter of privacy, bodily autonomy and usually surrounded by the language of choice.

The sheer amount of control that the Catholic Church had over institutions, the Irish state, and the hearts and minds of Irish people broadly shaped modern Ireland (Inglis,1998). This control delayed and distorted the secularisation process in Ireland, which allowed the Church to maintain control over certain institutions such as education and specific public sectors which involved state-identity and private sectors such as family. When Ireland became more of a globalised country, and the efforts of the state and the Catholic Church to censor information became less successful, exposing Irish people to the discourse which surrounded these two issues (among others) in other nations. While there was some sexual liberation because of this exposure, the backlash was severe (as seen with the 1983 constitutional abortion ban). However, as sexual orientation had a long tradition of being framed as a chance-based occurrence, activists

had the tools to gain enough support to decriminalise homosexuality in 1993. These frameworks continued to be successful when applied to the same-sex marriage referendum. However, the 1983 abortion ban, which made reproductive rights a public, state issue, meant that framing abortion as a privacy right, as was done in other countries, was not as effective. The continuity of chance-based framework regarding sexual orientation, an advantage abortion activism did not have, may have contributed to the arrival of same-sex marriage before on-demand abortion in Ireland.

Some aspects of rights acquisition discussed in this thesis were unique to the Irish case, such as the exposure of the power abuses of the Catholic Church both to children and to unwed, pregnant individuals. However, this paper has identified several avenues of further study which might prove compelling to explore. For example, it would be interesting to investigate whether referendum structures impact and delay the secularisation process because they allow for more religious influence to shape constitutional changes. Additionally, given the fact that other Catholic-majority countries have same-sex marriage rights but are still yet to provide on-demand abortions, further development of the theory presented in this paper might reveal whether Luck Egalitarian, chance-based approaches would gain traction in any of those countries, or if it is unique to the cultural context of Ireland.

Finally, given the role in which religion played in shaping social norms and expectations, more attention to the intersection points between Secularisation Studies and Queer and Feminist Studies might yield exciting perspectives.

WORKS CITED & CONSULTED

A Catechism of Catholic Doctrine. (1951). Dublin: Archdiocese of Dublin.

A. B. and C. v. Ireland, 25579/05 (European Court of Human Rights December 16, 2010).

A. and B. v EHB and C., IEHC 176 (Irish Supreme Court 28 November, 1997).

Aideen Kane, L. K. (Director). (2020). *The 8th* [Motion Picture].

Allen, J. j. (2004, July 31). *Vatican Document Rejects Combative Feminism, Seeks 'Active Collaboration' for Men and Women.* Retrieved November 8, 2021, from National Catholic Reporter: http://www.nationalcatholicreporter.org/update/bn073104.htm

Ambrosino, B. (2016, June 28). *Is Sexuality Purely the Result of our Biology?* Retrieved December 8, 2021, from The BBC: https://www.bbc.com/future/article/20160627-i-am-gay-but-i-wasnt-born-this-way

Archdiocese of Dublin. (2015, March 10). Marriage is Important - Reflect Before You Change It. Dublin, Ireland: Archdiocese of Dublin.

Arneson, R. (1989). Equality and Equal Opportunity For Welfare. *Philosophical Studies, 56*, 77-93.

Attorney General v. X., IESC 1 (Supreme Court of Ireland March 5, 1992).

Bedford, R. D., & Snow, D. A. (2000). Framing Processes and Social Movements: An Overview and Assessment. *Annual Reviews Sociology, 26*, 611-639.

Berer, M. (2013). Termination of Pregnancy as Emergency Obstetric Care: The Interpretation of Catholic Health Policy and the Consequences for Pregnant Women: An Analysis of the Death of Savita Halappanavar in Ireland and Similar Cases. *Reproductive Health Matters, 21*(4), 9-17.

Berger, P. (1967). *The Sacred Canopy.* Garden City, New York: Doubleday.

Berger, P. (1999). The Desecularization of the World: A Global Overview. In D. M.-N. George Weigel, & P. L. Berger (Ed.), *The Desecularization of the World* (pp. 1-18). Grand Rapids, Michigan: William B. Eerdmans Publishing Company.

Berger, P., & Luckmann, T. (1966). *The Social Construction of Reality: A Treatise in the Sociology of Knowledge.* New York City: Anchor Books.

Bernstein, M. (2018). Same-Sex Marriage and the Assimilationist Dilemma: A Research Agenda on Marriage Equality and the Future of LGBTQ Activism, Politics, Communities, and Identities. *J Homosex, 65*(14), 1941-1956.

Bernstein, M., & Taylor, V. (Eds.). (2013). *The Marrying Kind?: Debating Same-Sex Marriage within the Lesbian and Gay Movement.* Minneapolis: University of Minnesota Press.

Bhattacherjee, A. (2012). *Social Science Research: Principles, Methods, and Practices.* Tampa: University of South Florida.

Blofield, M. (2008). Woman's Choices in Comparative Perspective: Abortion Policies in Late-Developing Catholic Countries. *Comparative Politics, 40*(4), 399-419.

Bok, P. M. (2017). To the Mountaintop Again: the Early Rawls and Post-Protestant Ethics in Postwar America. *Modern Intellectual History, 14*(1), 153–185.

Bordoni, L. (2018, August 2). *Pope Francis: 'Death Penalty Inadmissible.'* Retrieved November 8, 2021, from Vatican News: https://www.vaticannews.va/en/pope/news/2018-08/pope-francis-cdf-ccc-death-penalty-revision-ladaria.html

Bourdieu, P. (1977). *Outline of a Theory of Practice.* Cambridge: Cambridge University Press.

Brennan, C. (2016, December 30th). *'A Punishment from God's Own Hand' - The Irish got Biblical in their Objections to 1985's Contraception Law.* Retrieved from The Journal: https://www.thejournal.ie/contraception-letters-state-papers-1986-3142012-Dec2016/

Browne, K., & Calkin, S. (2019). Introduction: Research. In K. Browne, & S. Calkin (Eds.), *After Repeal* (pp. 1-18). London: Zed Books Limited.

Bunreacht na hÉireann. (1945). Dublin: Oifig an tSoláthair, Ireland: Ireland.

Burke, M. C., & Bernstein, M. (2014, December). How the Right Usurped the Queer Agenda: Frame Co-optation in Political Discourse. *Sociological Forum, 29*(4), 830-850.

Cahill, S. (2016, February 21). *Susan Cahill: 'My Abortion was Not Remotely Traumatic ... I Have No Regrets'.* Retrieved November 15, 2021, from The Irish Times: https://www.irishtimes.com/life-and-style/people/susan-cahill-my-abortion-was-not-remotely-traumatic-i-have-no-regrets-1.2542740

Canadian Broadcasting Corporation. (1967, December 21). *Trudeau: 'There's no place for the state in the bedrooms of the nation'.* Retrieved January 10, 2021, from Canadian Broadcasting Corporation Archive: https://www.cbc.ca/archives/entry/omnibus-bill-theres-no-place-for-the-state-in-the-bedrooms-of-the-nation

Carroll, R. (2019, October 21). *Northern Ireland to legalise abortion and same-sex marriage.* Retrieved from The Guardian: https://www.theguardian.com/uk-news/2019/oct/21/northern-ireland-set-to-legalise-abortion-and-same-sex-marriage

Catholic Church. (2012). *The Catechisms of the Catholic Church (second edition).* Vatican City: Libreria Editrice Vaticana.

Center for Reproductive Rights. (2019, 05 28). *The World's Abortion Laws: Supplemental Publications.* Retrieved from The Center for Reproductive Rights: https://reproductiverights.org/the-worlds-abortion-laws-supplemental-publications/

Central Statistics Office. (2016). Profile 8 - Irish Travellers, Ethnicity and Religion. *Census of the Population 2016*. Dublin, Ireland: Central Statistics Office.

Chavez, M. (1994). Secularization as Declining Religious Authority. *Social Forces, 72*(3), 749-774.

CICA. (2009). *Commission Report*. Retrieved from The Commission to Inquire into Child Abuse:
http://www.childabusecommission.ie/rpt/pdfs/

City of New York. (2020, April 1). *Population.* Retrieved from NYC Municipal Government
https://www1.nyc.gov/site/planning/planning-level/nyc-population/nyc-population.page

Cochran, D. C. (2017). Dethroning Irish Catholicism: Church, State, and Modernity in Contemporary
Ireland. In E. M. O'Brien (Ed.), *Tracing the cultural legacy of Irish Catholicism* (pp. 53-69).
Manchester: Manchester University Press.

Cohen, G. A. (1989). On the Currency of Egalitarian Justice. *Ethics, 10*, 906-44.

Colonna, F. (1974). Cultural resistance and religious legitimacy in colonial Algeria. *Economy and Society,
3*(3), 233-255.

Conquergood, D. (2002). Lethal Theatre: Performance, Punishment, and the Death Penalty. *Theatre
Journal, 54*(3), 339-367.

Cosgrove, B. (1998, December). Mass Attendance: Reflections on a Recent Survey. *The Furrow, 49*(12),
681-689.

Costa, M. V. (2020). The Indeterminacy of Rawls's Principles for Gender Justice. In J. Mandle, & S.
Roberts-Cady (Eds.), *John Rawls: Debating the Major Questions* (pp. 237-248). New York: Oxford
University Press.

Cover, R. M. (1983). The Supreme Court 1982 Term Forward: Nomos And Narrative. *Harvard Law
Review*, 4-53.

Cullen, P. (2013, April 11). *Ann Maria Burke Says Remark Was Intended to be Broad and Explanatory.*
Retrieved October 29, 2021, from The Irish Times: https://www.irishtimes.com/news/ann-
maria-burke-says-remark-was-intended-to-be-broad-and-explanatory-1.1356387

Culliton, G. (1996, September 25). *Last Days of a Laundry.* Retrieved November 7, 2021, from The Irish
Times: https://www.irishtimes.com/culture/last-days-of-a-laundry-1.89388

Curran, T. (2015, 08 May). *As A Man of Faith and a Proud Dad to a Gay Son, I Urge All Catholics to Do the
Right Thing - and vote 'Yes'.* Retrieved November 11, 2021, from The Irish Independent:
https://www.independent.ie/irish-news/as-a-man-of-faith-and-a-proud-dad-to-a-gay-son-i-
urge-all-catholics-to-do-the-right-thing-and-vote-yes-31208271.html

Dáil Éireann. (1993, June 23). *Dáil Éireann debate.* Retrieved from The House of the Oireachtas:
https://www.oireachtas.ie/en/debates/debate/dail/1993-06-
23/26/?highlight%5B0%5D=law&highlight%5B1%5D=criminals&highlight%5B2%5D=criminals&hi
ghlight%5B3%5D=homosexual&highlight%5B4%5D=sexual&highlight%5B5%5D=criminal&highlig
ht%5B6%5D=law&highlight%5B7%5D=

Darcis, K. (1993, July 12). Law Change Justified. *Irish Independent*. Dublin, Ireland: Archived by The
British Library Board.

Davidson, J. (2006). The Necessity of Queer Shame for Gay Pride: The Gay Games and Cultural Events. In J. Caudwell, *Sport, Sexualities and Queer Theory* (pp. 90-105). London, England: Routledge.

Dillon, M. (2015). Secularization, Generational Change, and Ireland's Post- Secular Opportunity. In D. C. Waldmeir (Ed.), *The Catholic Church in Ireland Today* (pp. 45-64). Lanham: Lexington Books.

Dingley, J. (2015). *Durkheim and National Identity in Ireland: Applying the Sociology of Knowledge and Religion.* New York: Palgrave Macmillan.

Dobbelaere, K. (1999). Towards an Integrated Perspective of the Processes Related to the Descriptive Concept of Secularization. *Sociology of Religion Vol. 60, No. 3*, 229-247.

Duggan, K. (2019, August 2). *Mayo v Donegal: Blockbuster Western Shoot-out Should be Free-to-air on TV.* Retrieved from The Irish Times: https://www.irishtimes.com/sport/gaelic-games/gaelic-football/mayo-v-donegal-blockbuster-western-shoot-out-should-be-free-to-air-on-tv-1.3975698

Dvora Yanow, P. S.-S. (2009). Interpretive Research: Characteristics and Criteria. *Revue internationale de Psychosociologie, 35*(15), 29-38.

Dworkin, R. (1981). What is Equality? Part Two: Equality of Resources. *Philosophy and Public Affairs, 10*, 185-246.

Edelman, L. (2004). *No Future: Queer Theory and the Death Drive.* Durham: Duke University Press Books.

Enright, A. (2018). The Question of Consent. In U. Mullaly (Ed.), *Repeal the 8th [Kindle Edition].* London: Unbound.

Enright, M., & De Londras, F. (2018). *Repealing the 8th: Reforming Ireland's Abortion Law.* Bristol: Policy Press.

Feltmate, D. (2018). The Sacred Canopy as a Classic: Why Berger's Conceptual Apparatus Remains Foundational 50 Years Later. In T. Hjelm (Ed.), *Peter L. Berger and the Sociology of Religion: 50 Years after The Sacred Canopy.* London: Bloomsday Academic.

Fetner, T. (2008). *How the Religious Right Shaped Lesbian and Gay Activism.* Minnesota: University Of Minnesota Press [Kindle Edition].

Finley, M. (2020, December). Respectability Politics and the Rights of Queer and Transgender People: Critiquing an Obsolete System in the 21st Century. *Politicus Journal*, 29-43.

Fischer, C. (2020). "Feminists Redraw Public and Private Spheres: Abortion, Vulnerability, and the Affective Campaign to Repeal the Eighth Amendment. *Signs: Journal of Women in Culture and Society*, 985–1010.

Flynn, T. (2018, April 14). *'It was time to tell my story.': Tara Flynn on her play about travelling for an abortion.* Retrieved November 15, 2020, from The Irish Examiner: https://www.irishexaminer.com/lifestyle/arid-30837290.html

Foucault, M. (2004). *Security, Territory, Population: Lectures at the College de France 1977-1978.* (M. Senellart, Ed.) London: Palgrave Macmillan.

Gallagher, M. (1996). Ireland: The Referendum As Conservative Device? In M. Gallagher, & P. V. Uleri, *The Referendum Experience in Europe* (pp. 86-105). London: MacMillan Press.

Ganna, A. e. (2019). Large-Scale Gwas Reveals Insights into the Genetic Architecture of Same-Sex Sexual Behavior. *Science, 365*(6456). doi:10.1126/science.aat7693

Gibbons, L. (1996). *Transformations in Irish Culture.* Notre Dame: Notre Dame University Press.

Gilley, S. (2003). Catholicism in Ireland. In W. U. Hugh McLeod (Ed.), *The Decline of Christendom in Western Europe* (pp. 99-112). Cambridge: Cambridge University Press.

Gilmartin, M., & White, A. (2011). Interrogating medical tourism: Ireland, abortion, and mobility rights. *Signs, 36*(2), 275-280.

Giuseppe, C. V. (2019, June). Male and Female: He Created Them. Vatican City: The Vatican.

Go, J. (2020). Two-Level Luck Egalitarianism: Reconciling Rights, Respect, and Responsibility. *The Journal of Value Inquiry*, 1-24.

Goffman, E. (1959). *The Presentation of Self in Everyday Life.* Edinburgh: University of Edinburgh Social Sciences Research Center.

Goffman, E. (1986). *Frame Analysis: An Essay on the Organization of Experience.* Boston: Northeastern University Press.

Golder, B. (2007). Foucault and the Genealogy of Pastoral Powe. *Radical Philosophy Review, 10*, 157-176.

Gráinne Healy, B. S. (2016). Constitutional Convention. In B. S. Gráinne Healy, *Ireland Says Yes.* Sallins: Merrion Press.

Griffin, M. (2019). Catholic Schools in Ireland Today - a Changing Sector in a Time of Change. *Studies: An Irish Quarterly Review, 108*(429), 55-63.

Haider-Markel, D. P. (2008). Beliefs About the Origins of Homosexuality and Support for Gay Rights. *Public Opinion Quarterly, 72*(2), 291–310.

Halikiopoulou, D. (2011). *Patterns of Secularization: Church, State and Nation in Greece and the Republic of Ireland.* New York: Routledge.

Hannigan, J. A. (1991, Winter). Social Movement Theory and the Sociology of Religion: Toward a New Synthesis. *Sociological Analysis, 52*(4), 311-331.

Harding, D. W. (2007). *The Archeology of Celtic Art.* New York: Routledge.

Health (Family Planning) Act. (1979, July 23). Dublin, Ireland.

Health Information and Quality Authority. (2013). *Investigation into the safety, quality and standards of services provided by the Health Service Executive to patients, including pregnant women, at risk of clinical deterioration, including those provided in University Hospital Galway [...].* Dublin: Health Information and Quality Authority.

Healy, G., Sheehan, B., & Whelan, N. (2016). *Ireland Says Yes: The Inside Story of How the Vote for Marriage Equality was Won.* Sallins: Merrion Press.

Hennessy, M. (2013, July 10). *Six pro-choice TDs will vote against the abortion bill tonight.* Retrieved November 3, 2021, from The Journal: https://www.thejournal.ie/pro-choice-abortion-987669-Jul2013/

Hesketh, T. (1990). *The second partitioning of Ireland?* Laytown: Brandsma Books.

Himes, K. (2017). Catholic Social Teaching on Building a Just Society: The Need for a Ceiling and a Floor. *Religions*, 1-11.

Hjelm, T. (2019). Rethinking the theoretical base of Peter L. Berger's sociology of religion: Social construction, power and discourse. *Critical Research on Religion*, 223-236.

Horgan, J. (1995, January). Saving Us From Ourselves: Contraception, Censorship and the 'Evil Literature' Controversy of 1926. *Irish Communication Review, 5*(1), 61-67.

Hughes, K. (2005). The Church in Irish Society 400-800. In D. Ó Cróinín, *A New History of Ireland, Volume I: Prehistoric and Early Ireland* (pp. 301-330). Oxford: Oxford University Press.

Independent.ie. (2011, July 5). *Why Women Shouldn't Think of Abortion as a 'Dirty Little Secret'.* Retrieved November 14, 2021, from The Irish Independent: https://www.independent.ie/lifestyle/why-women-shouldnt-think-of-abortion-as-a-dirty-little-secret-26748775.html

Inglis, T. (1998). *Moral Monopoly.* Dublin: University College Dublin Press.

Inglis, T. (2007). *Global Ireland: Same Difference.* New York: Routledge.

Ireland High Court. (2006, December 14). *Zappone & Anor -v- Revenue Commissioners & Ors.* Retrieved November 10, 2021, from Irish Courts: https://www.courts.ie/search/judgments/%22zappone%20type%3AJudgment%22%20AND%20%22filter%3Aalfresco_radio.title%22

Irish Election Literature. (2010, April 7th). *Stephen Price - Independent - 1992 - GE Westmeath*: Retrieved from Irish Election Literature: https://irishelectionliterature.com/2010/04/07/stephen-price-independent-1992-ge-westmeath/

John P. Beal, J. A. (Ed.). (2000). *New Commentary on the Code of Canon Law.* New York: Paulist Press.

Kath Browne, C. J. (2020). In Ireland, We 'Love Both'? Heteroactivism in Ireland's Anti-Repeal Ephemera. *Feminist Review*, 51-67.

Kelly, J. (2004). The Operation of the Censorship of Publications Board: The Notebooks of C. J. Reilly, 1951-55. *Analecta Hibernica*(38), 223-369.

Kelsen, H. (1945). *General Theory of Law And State.* Cambridge: Harvard University Press.

Kenny, M. (2009, September 23). *The Angelus Rings On.* Retrieved from The Guardian:
https://www.theguardian.com/commentisfree/belief/2009/sep/23/rte-angelus-ireland

Kieran, P. (2021). A Brief History of Catholic Education in Ireland from the Penal Laws to the Founding of
the Free State (1922) and Beyond. In S. Whittle (Ed.), *Irish and British Reflections* (pp. 67-80).
New York: Springer.

Kim, H.-K. (2010). Luck and the Gendered Social Structure. *Journal of Women, Politics & Policy, 31*(1), 67-
92.

Klandermans, B. (2014). Framing Collective Action. In K. Fahlenbrach, M. Klimke, & J. Scharloth (Eds.),
Media and Revolt (pp. 41-58). New York: berghahn.

Knight, C. (2013). Luck Egalitarianism. *Philosophy Compass, 8*(10), 924-934.

Lacey, B. (2008). *Terrible Queer Creatures: Homosexuality in Irish History [Kindle Edition].* Dublin:
Wordwell.

Leanne McCormick, S. O. (2021). *Mother and Baby Homes and Magdalene Laundries in Northern Ireland,
1922-1990.* Belfast: Ulster University and Queen's University Belfast.

Ludlow, J. (2008). The Things We Cannot Say: Witnessing the Trauma-tization of Abortion in the United
States. *Women's Studies Quarterly, 36*(1/2), 28-41.

Lynch, E. (Director). (2003). *Did Anyone Notice Us? Gay Visibility in the Irish Media 1973-1993* [Motion
Picture].

Malesevic, V. (2010). Ireland and Neo-Secularisation Theory. *Irish Journal of Sociology, 18*(1), 22-42.

Markovits, D. (2008). Luck egalitarianism and political solidarity. *Theoretical Inquiries in Law, 9(1)*, 271–
308.

McCaffrey, L. J. (1973, December). Irish Nationalism and Irish Catholicism: A Study in Cultural Identity.
Church History, 42(4), 524-534.

McCullagh, D. (2018, May 30). *Exit poll indicates large majority vote to change abortion laws.* Retrieved
November 15, 2021, from Raidió Teilifís Éireann:
https://www.rte.ie/news/politics/2018/0526/966120-eighth-amendment-referendum/

McDonagh, P. (2021). Irish Homosexuals Are Revolting 1973-1978. In P. McDonagh, *Gay and Lesbian
Activism in the Republic of Ireland, 1973-93* (pp. 13-38). London: Bloomsday.

McGarry, P. (2020, April 28). *Number of non-religious weddings almost same as Catholic, figures show*.
Retrieved November 11, 2021, from The Irish Times: https://www.irishtimes.com/news/social-
affairs/religion-and-beliefs/number-of-non-religious-weddings-almost-same-as-catholic-figures-
show-1.4240070

McGrath, C. I. (2021). The Penal Laws: Origins, Purpose, Enforcement and Impact. In K. Costello, & N.
Howlin (Eds.), *Law and Religion in Ireland, 1700–1970* (pp. 30-83). London: Palgrave Macmillan.

Miceli, M. S. (2005). Morality Politics vs Identity Politics: Framing Processes and Competition among Christian Right and Gay Social Movement Organizations. *Sociological Forum, 20*(4), 589-612.

Michael Kandiah, G. S. (2004). *The Abortion Act 1967.* London: Institute of Contemporary British History.

Mills, E. a. (2002). The 2002 Irish Abortion Referendum: A Question of Constitutionalism and Conscience. *European Journal of Law Reform* , 481-494.

Mothers and Fathers Matter. (2015). *Resources*. Retrieved from Mothers and Fathers Matter: https://web.archive.org/web/20160311025540/http://www.mothersandfathersmatter.ie/

Mullally, U. (2014). *In the Name of Love.* Dublin: History Press Ireland.

Mullally, U. (Ed.). (2018). *Repeal the 8th.* London: Unbound.

Munt, S. (2008). *Queer Attachments: The Cultural Politics of Shame.* Aldershot, England: Ashgate.

Murphy, Y., Daly, M. E., & Duncan, W. (2020, October 30). *Mother and Baby Homes: Commission of Investigation*. Dublin. Retrieved from Mother and Baby Homes Commission of Investigation: https://www.gov.ie/en/collection/mbhcoi/?referrer=/

Murphy-Lawless, J. (1993). Fertility, bodies and politics: The Irish case. *Reproductive Health Matters*, 53-64.

Newstalk. (2016, January 21). Majority want to see abortion in certain circumstances to be legal in Ireland. Dublin, Ireland. Retrieved June 4, 2021, from Newstalk [Archived]: https://web.archive.org/web/20171123204741if_/http://www.newstalk.com/election2016/48-of-people-believe-the-8th-Amendment-should-be-removed-according-to-poll

Ní Aodha, G. (2018, May 28). *Bishop says Catholics who voted Yes have sinned and should go to confession.* Retrieved October 31, 2021, from The Journal: https://www.thejournal.ie/bishop-catholics-who-voted-yes-sinned-4039904-May2018/

Ní Aodha, G. (2018, May 26). *The turnout for the Eighth referendum is higher than the same-sex marriage vote.* Retrieved November 1, 2021, from The Journal: https://www.thejournal.ie/eighth-amendment-turnout-4036664-May2018/

Nianias, H. (2015, May 24). *Contribute.* Retrieved October 31, 2021, from The Irish Independent: https://www.independent.co.uk/news/people/archbishop-dublin-diarmuid-martin-says-yes-vote-gay-marriage-shows-weakening-catholic-church-ireland-10272852.html

Norris v. Ireland, 10581/83 (European Court of Human Rights October 26, 1988).

Norris, D. (2012). *A Kick Against the Pricks: An Autobiography.* Dublin: Transworld Ireland (Penguin).

O'Higgins-Norman, J. (2009). Straight talking: explorations on homosexuality and homophobia. *Sex Education, 9*(4), 381–393.

O'Loughlin, E. (2018, June 1). *Ireland Takes On the Catholic Church Again. This Time It's About Schools.* Retrieved from The New York Times:

https://www.nytimes.com/2018/06/01/world/europe/ireland-catholic-church-baptism-schools.html

O'Brien, C. (2021, April 26). *New Catholic Primary School Sex Education Programme Published.* Retrieved November 7, 2021, from The Irish Times: https://www.irishtimes.com/news/education/new-catholic-primary-school-sex-education-programme-published-1.4547221

O'Carroll, M. (1998). Inspired Educator and Ecumenist of Sorts. *Studies: An Irish Quarterly Review, 87*(348), 365-371.

O'Connell, A.-M. (2011). The Irish Hedge Schools: Rejection, resistance and Creativity (1695-1831). *Revue Civilisations*, 55-86.

O'Donovan, C. (2015). *Archdiocese of Dublin: Projection of Position in 2030.* Dublin: Archdiocese of Dublin.

O'Dowd, N. (2020). *A New Ireland: How Europe's Most Conservative Country Became Its Most Liberal.* New York: Skyhorse.

O'Gorman, C. (2015, May 7). *Family in 'No' Poster says 'Yes' to marriage equality in Ireland.* Retrieved from Amnesty International: https://www.amnesty.org/en/latest/news/2015/05/family-in-no-poster-says-yes-to-marriage-equality-in-ireland/

O'Hara, L. (2019). Maser's 'Repeal the 8th' mural: the power of public art in the age of social media. In K. B. Calkin (Ed.), *After Repeal: Rethinking Abortion Politics* (pp. 159-173). London: Zed Books.

O'Higgins-Norman, J. (2009). Straight Talking: Explorations on Homosexuality and Homophobia in Secondary Schools in Ireland. *Sex Education, 9*(4), 381–393.

O'Leary, K. (1986, September 1). 'Saints Preserve' - You Can Count Me Out. *Evening Herald (Dublin)*. Dublin, Ireland: Archived by the British Library Board.

Olund, E. (2019). Repealing a 'legacy of shame': press coverage of emotional geographies of secrecy and shame in Ireland's abortion debate. In K. Browne, & S. Calkin (Eds.), *After Repeal: Rethinking Abortion Politics* (pp. 174-188). London: Zed Books.

One Family. (2015, April 17). *Press Release | Marriage Equality Referendum 'No' Campaigners: Stop Using and Abusing Lone Parents.* Retrieved from One Family: https://onefamily.ie/press-release-marriage-referendum-no-campaigners-stop-using-and-abusing-lone-parents/

O'Regan, M. (2012, November 15). Do Not Prejudge Galway case, says Reilly. Retrieved October 31, 2021, from The Irish Times: https://www.irishtimes.com/news/politics/oireachtas/do-not-prejudge-galway-case-says-reilly-1.551919

O'Toole, E. (2019, April 10). *Ireland's attempts to secularise its schools have turned to farce.* Retrieved from The Guardian: https://www.theguardian.com/commentisfree/2019/apr/10/ireland-secularise-schools-catholic-dublin-divestment

O'Toole, F. (2014, August 26). *Why Ireland became the only country in the democratic world to have a constitutional ban on abortion.* Retrieved October 29, 2021, from The Irish Times:

https://www.irishtimes.com/news/politics/why-ireland-became-the-only-country-in-the-democratic-world-to-have-a-constitutional-ban-on-abortion-1.1907610

O'Toole, F. (2018, May 26). *Fintan O'Toole: Abortion result shows democracy can rise above hysteria and hate.* Retrieved October 31, 2021, from The Irish Times: https://www.irishtimes.com/opinion/fintan-o-toole-abortion-result-shows-democracy-can-rise-above-hysteria-and-hate-1.3510030

P.P v. Health Service Executive, IEHC 622 (High Court of Ireland December 26, 2014).

Parker, S. (2017). The Path to Marriage Equality in Ireland: A Case Study. Atlantic Philanthropies.

Pew Research Center. (2012, February 9th). *The American-Western European Values Gap*. Retrieved 06 26, 2021, from Pew Research Center: https://www.pewresearch.org/global/2011/11/17/the-american-western-european-values-gap/

Pew Research Center. (2013, 02 13). *The Global Catholic Population.* Retrieved from Pew Research Center: https://www.pewforum.org/2013/02/13/the-global-catholic-population/

Pew Research Center. (2019, 10 19). *Gay Marriage Around the Word.* Retrieved from Pew Research Center: https://www.pewforum.org/fact-sheet/gay-marriage-around-the-world/

Polletta, F. (2006). *It Was Like a Fever: Storytelling in Protest and Politics.* Chicago: University of Chicago Press.

Pope John Paul II. (1981, May 15). *Laborem Exercens.* Retrieved from The Vatican: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html

Pope Leo XIII. (1891, May 15). *Rerum Novarum .* Retrieved from The Vatican: https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html

Poy, R. (2018, November 5th). El Vaticà avisa que l'avortament faria abdicar el Copríncep episcopal. Andorra la Vella, Andorra. Retrieved 06 21, 2021, from Diari D'andorra: https://www.diariandorra.ad/noticies/nacional/2018/11/05/el_vatica_avisa_que_avortament_faria_abdicar_coprincep_137655_1125.html

Probyn, E. (2000). Sporting Bodies: Dynamics of Shame and Pride. *Body & Society 6, no. 1*, 13-28.

Ralph, D. (2020). *Abortion and Ireland: How the 8th was Overthrown.* London: Palgrave Pivot.

Randall, V. (1992). The Politics of Abortion: Ireland in Comparative Perspective. *The Canadian Journal of Irish Studies, 18*(No. 1 Women and Irish Politics), 121-128.

Ratzinger, C. J. (1986, October 1). *Letter to the Bishops.* Retrieved November 9, 2121, from The Vatican: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19861001_homosexual-persons_en.html

Ratzinger, J. (2004, May 31). *Letter to the Bishops of the Catholic Church.* Retrieved from Vatican Information Services: https://web.archive.org/web/20081005113224/http://www.vis.pcn.net/doc/040731x_en.htm

Rawls, J. (1971). *A Theory of Justice.* Cambridge: Harvard University Press.

Rawls, J. (1993). *Political Liberalism.* New York: Columbia University Press.

Reidy, T. (2019). The 2018 Abortion Referendum: Over Before it Began. In S. C. Kath Brown (Ed.), *After Repeal* (pp. 20-35). London, England: Zed Books Ltd.

Rockett, K. (2004). *Irish Film Censorship: A Cultural Journey from Silent Film to Internet Pornography.* Dublin: Four Courts Press.

Roe v. Wade, 410 U.S. 133 (Supreme Court 1973).

Ryan Conrad, K. C. (2014). Introduction. In R. Conrad (Ed.), *Against Equality: Queer Revolution Not Mere Inclusion.* Edinburgh: AK Press.

Ryan, C. (2011, May 25). *Irish Church's Forgotten Victims Take Case to U.N.* Retrieved November 7, 2021, from The New York Times: https://www.nytimes.com/2011/05/25/world/europe/25iht-abuse25.html

Sadurski, W. (2008). *Equality and Legitimacy.* Oxford: Oxford University Press.

Sally Munt, K. B. (2010). *Queer Spiritual Spaces.* London, England: Routledge.

Scott, J. C. (1990). *Domination and The Arts of Resistance: Hidden Transcripts.* New Haven: Yale University Press.

Smyth, A. (2018, May 18). *These five facts about abortion in Ireland prove why you should vote to repeal the eighth.* Retrieved August 02, 2021, from The Independent: https://www.independent.co.uk/voices/repeal-the-eighth-abortion-ireland-pregnancy-women-bodies-autonomy-a8357856.html

Smyth, L. (2005). *Abortion and Nation.* New York: Routledge.

Sommerville, C. J. (1998, June). Secular Society/Religious Population: Our Tacit Rules for Using the Term 'Secularization'. *Journal for the Scientific Study of Religion, 37*(2), 249-253.

Standup4Marriage. (2015, March 23). *Home*. Retrieved from Standup4Marriage: https://wayback.archive-it.org/org-1444/20150523051307/http://standup4marriage.ie/

Stark, C. A. (2020). Why Luck Egalitarianism Fails in Condemning Oppression. *Feminist Philosophy Quarterly*, 1-17.

Stark, R. (1999). Secularization, R. I. P. . *Sociology of Religion*, 249-273.

Stevenson, J. (1989). The Beginnings of Literacy in Ireland. *Proceedings of the Royal Irish Academy: Archaeology, Culture, History, Vol. 89C*, 127-165.

Suiter, J., & Reidy, D. T. (2015, May 21). *Why Ireland's holding a same-sex marriage referendum.* Retrieved December 21, 2021, from The BBC: https://www.bbc.com/news/world-europe-32809355

Sunday World (Dublin). (1990, February 4). Shocked at Fr. Brian. *Sunday World (Dublin).* Dublin, Ireland: Archived by The British Library Board.

Sunstein, C. R. (1994). Same-Sex Relations and the Law. *Metaphilosophy, 25*(4), 262–284.

The Irish Times. (2010, December 17). *Timeline: The referendums, the X case and European Court challenges.* Retrieved November 14, 2021, from The Irish Times: https://www.irishtimes.com/news/timeline-the-referendums-the-x-case-and-european-court-challenges-1.687675

The Irish Times. (2016, September 16). *Video supporting 'Repeal' viewed over 100,000 times.* Retrieved January 5, 2022, from The Irish Times: https://www.irishtimes.com/life-and-style/people/video-supporting-repeal-viewed-over-100-000-times-1.2793570

The Irish Times. (2021, June 2). *Pope orders biggest changes to Catholic Church's penal code in 40 years.* Retrieved November 8, 2021, from The Irish Times: https://www.irishtimes.com/news/ireland/irish-news/pope-orders-biggest-changes-to-catholic-church-s-penal-code-in-40-years-1.4581506

Thomas, J. N. (2013). Outsourcing Moral Authority: The Internal Secularization of Evangelicals' Anti-Pornography Narratives. *: Journal for the Scientific Study of Religion, 52*(3), 457-475.

Tiernan, S. (2020). *The history of marriage equality in Ireland: a social revolution begins.* Manchester: Manchester University Press.

Towey, N., & Duncan, P. (2015, May 10). *Senior Clergy Figures Speak in Favour of No Vote in Referendum.* Retrieved November 9, 2021, from The Irish Times: https://www.irishtimes.com/news/social-affairs/senior-clergy-figures-speak-in-favour-of-no-vote-in-referendum-1.2206825

Turner, M. (1999). *The Trouble With Normal.* Cambridge, Massachusetts: Harvard University Press.

Twomey, D. V. (2017). The End of Irish Catholicism? Fifty Years On. *Studies: An Irish Quarterly Review, 106*(421 The Future of Irish Catholicism), 39-48.

Tynan, D. (Director). (2016). *We Face This Land* [Motion Picture].

Tynan, M. (1988). Two Centuries of Catholic Instruction in the Diocese of Ferns. *The Past: The Organ of the Uí Cinsealaigh Historical Society*(16), 31-33, 35-38.

United Nations. (2019). *2019 Revision of World Population Prospects.* United Nations.

Velji, M. (2015). Change Your Look, Change Your Luck: Religious Self-Transformation and Brute Luck Egalitarianism. *Res Philosophica, 92*(2), 1-27.

Walsh, A. (2017, July 1). *My Daughter Was Dying Inside Me. I Could Not Save Her.* Retrieved from The Irish Times: https://www.irishtimes.com/life-and-style/people/my-daughter-was-dying-inside-me-i-could-not-save-her-1.3137930

Warner, M. (2000). *The Trouble with Normal: Sex, Politics and the Ethics of Queer Life.* Cambridge: Harvard University Press.

Whisman, V. (1996). *Queer By Choice.* New York: Taylor and Francis.

White, T. J. (2007). Catholicism and Nationalism in Ireland: From Fusion in the 19th Century to Separation in the 21st Century. *Westminster Papers in Communication and Culture, 4*(1), 47-64.

White, T. J. (2010). The Impact of British Colonialism on Irish Catholicism and National Identity: Repression, Reemergence, and Divergence. *Études Irlandaises, 35-1*.

Whyte, G. (1997). Religion and the Irish Constitution. *John Marshall Law Review, 30*(3), 725-746.

Witchel, A. (2012, January 19). *Life After 'Sex'.* Retrieved December 8, 2021, from New York Times: https://www.nytimes.com/2012/01/22/magazine/cynthia-nixon-wit.html

XI, P. P. (1930, December 31). *Casti Connubii.* Retrieved from The Vatican: https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19301231_casti-connubii.html

Yamane, D. (1997). Secularisation on trial: In defence of a neosecularisation paradigm. *Journal for the Scientific Study of Religion, 36*(1), 109-22.

Yes Equality. (2015, June 2). *Your Questions Answered*. Retrieved from Yes Equality [Archived]: https://wayback.archive-it.org/org-1444/20150602164853/http://www.yesequality.ie/

Zappone & Anor v Revenue Commissioners & Ors, IEHC 404 (Irish High Court December 14, 2006).

Zielger, M. (2009). The Framing of a Right to Choose: Roe v. Wade and the Changing Debate on Abortion Law. *Law and History Review, 27*(2), 281-330.