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Mary E. Daly
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Introduction

What Ireland has to offer to Europe and the World is its values.
[F H, OSB, Glenstal Abbey to Taoiseach W.T. Cosgrave 5 Nov. 1973]

Down the centuries we have withstood all and everything an unscrupulous enemy has thrown at us in famine, war, persecution, emigration, and we have survived somehow. Now the ultimate evil is about to be perpetrated against us, especially against our young people.
Mrs E.M, Ballina to Taoiseach Liam Cosgrave, 20 Nov. 1973[1]

if we enact legislation of this sort, however sincere and well intentioned our motives, this generation of Irish politicians will be called to account at the bar of history to answer the charge of our children and their children that we were the ones who publicly discarded the standards and values which, with conviction, I believe were the true standards and values which were treasured by Irish generations of the past.[2]
Senator Michael O'Higgins, Fine Gael leader in the Seanad, 14 Nov. 1973

No western country experienced as protracted and passionate a debate on reforming the law on contraception as Ireland in the second half of twentieth century[3]. This book explores the social and cultural issues surrounding that debate. The longstanding Irish ban on contraception has commonly been seen as the consequence of Catholic church teaching and the near-universal religious observance by many Irish Catholics. Accordingly, Catholicism, or more precisely *Irish* Catholicism, plays an important part in this story. But the Irish debate on the availability and use of contraception went far beyond Catholic teaching. Indeed, the idea of large families and the laws banning contraception (as well as prohibition of divorce and abortion) was actually elevated to stand as a symbol of Ireland's national identity; the peculiar Irish approach to contraception was intimately bound up with ideas of Irishness.

[1] Quotations 1 and 2 are on National Archives Ireland (NAI) DT 2004/21/461.
[2] Seanad Debates (SD), 14 November 1973, cols 6–9. Debate on a private members family planning bill.
[3] This book examines contraception in independent Ireland. Under the 1937 Constitution, the name of the state (in English) is Ireland.

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This merger of religious observance and expressions of Irishness in respect of contraception produced an extraordinary series of debates and actions. The logic of opposition to the use of contraception shifted over the decades. Initially, the belief that 'artificial' contraception was contrary to the teaching of the Catholic church was the engine that drove state policy and broader opposition to the use of contraception. By the 1970s, this argument was being abandoned, in favour of claims that permitting contraception would destroy the fabric of Irish society. Fear of committing sin was no longer seen as sufficient to prevent change. The battle to protect Irish society from the 'menace' of contraception, abortion and divorce continued into the present century, despite the fact that the rhetoric of Ireland's distinctive way of life was increasingly out of line with the reality of the lived experience of its people.

The context in which these debates took place includes both long-term demographic terms and global trends of modernisation. Ireland is the only country in the developed world whose population is not greater than that it was in the mid-nineteenth century.[4] This is a story of considerable complexity. The famine of the 1840s reduced the population by approximately two million through death and emigration. In its aftermath, Irish society adopted a survival strategy that entailed restrictions on marriage, plus the emigration of non-inheriting children. The key features of Ireland's population history since the famine include a chronically high rate of emigration, which since the 1990s has been complemented by a high rate of immigration. From the mid-nineteenth to the mid-twentieth century, the proportion of the population who married was the lowest in Europe and Irish men and women married at a later age. Yet in 1961, the number of children born to married women (marital fertility) was the highest in the developed world. The combination of a low marriage rate with sustained emigration made it possible to sustain high marital fertility.[5]

The global context of these demographic facts involves the emergence of reliable methods of fertility control. This book can be seen as the Irish chapter of this worldwide story. Contraception became a topic of public debate internationally in the 1920s and the 1930s. By 1930, the Catholic church was the only major religion to oppose the use of 'artificial' means of contraception, and Catholic church teaching, about marriage, the family and contraception, looms large in the Irish story. The newly independent Irish Free State, whose population was more than 90 per cent Catholic, sought to define its identity, and projecting an image of sexual purity and strong family life formed part

[4] The preliminary results of the 2021 Northern Ireland Census and the 2022 Census of Ireland show that the population of the island of Ireland has exceeded 7 million. This is higher than the 6.8 million recorded in 1851, but below the 1841 figure of 8.1 million.

[5] Tim Guinnane, *The vanishing Irish. Households, migration and the rural economy in Ireland, 1850–1914* (Princeton University Press, Princeton, 1997).

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of that identity, with church and state combining forces to highlight this message. Ireland registered a uniformly high rate of church attendance among both men and women up to the last decades of the twentieth century; large numbers of women and men entered religious life, and the Catholic church exercised significant authority over Irish society. In most European countries, Catholicism was identified with the old order – the landed families and established elites. But in Ireland, Catholicism was associated with popular movements, such as campaigns for land reform and independence. While Catholic clergy tended to come from less-impoverished households, they were not members of the elite but the children of middling farmers or small businessmen, and the values that they upheld were those of respectable but modestly comfortable families.

By the early 1960s, many Catholics in other western countries were using methods of family planning that were incompatible with Catholic teaching. In the early years of the twentieth century, many countries in Europe, and US states, enacted laws restricting contraception that were not dissimilar to Ireland's, but there is no indication that they were enforced or observed elsewhere to the same degree as they were in Ireland. These laws had been repealed across the world by the early 1970s. However, a significant number of Irish people were convinced that making contraception available, (and, as repeatedly added) permitting divorce, would undermine Ireland's distinct identity. They believed that Ireland could withstand the moral decline associated with the modern world, despite the fact that Irish society was becoming more urban, better educated, and more open to external influences, and a growing number of Irish women were remaining in the workforce after marriage. The 1983 Pro-Life Amendment Campaign (PLAC), which affirmed the right to life of the 'unborn', and efforts to promote the Billings method of 'natural' family planning, can be seen as last-gasp attempts to signal Ireland's 'distinct way of life', despite the fact that by the 1980s, most Irish households had ready access to TV, films and publications from all parts of the English-speaking world, and a significant number of women travelled overseas to secure an abortion.

The emphasis in this book is primarily on family planning for married couples; this is essential to presenting the reality of the debate and the policies pursued in Ireland. But the book inevitably extends beyond married couples and the steadily rising incidence of pre-marital and extra-marital sex, cohabitation, and the growing number of births to single mothers form an important part of this story. Churchmen and lay activists repeatedly argued that prohibiting or restricting access to contraception would stem the sort of 'moral decline' which they considered to be represented in such developments; the statistics suggest otherwise. During the 1980s, despite the laws restricting access to contraception 'for bona fide family planning purposes' – which was commonly read as limiting access to married couples, the number of single women and

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men using contraception increased significantly, though the restricted Irish legislation precluded campaigns to promote contraception among sexually active single people.

Although the focus is on the laws and practice of contraception in Ireland, this book casts a sideways glance towards Northern Ireland. Recent works by Luddy and O'Dowd on marriage, Urquhart on divorce, and Earner Byrne and Urquhart on the abortion trail to Britain reveal that Ireland north and south and Catholics and Protestants had more in common than is commonly suggested.[6] There has been a tendency in many accounts of Irish family planning to suggest that the Irish Protestant communities were more liberal in their attitudes towards contraception; however the testimonies given by the Protestant churches to Minister for Health Charles Haughey in 1978/9, discussed in Chapter 5, suggests that their views were broadly in line with the majority of the Irish population, though, the Protestant churches had a different attitude towards the role of the state in enforcing sexual morality.

Other aspects to this history are also important. It is a history that must be read from a gendered angle: how Irish women belatedly secured access to reliable fertility control is obviously part of a wider story around the changing place of women in Irish society. The well-known images of the 1971 'contraceptive train', when a group of women travelled to Northern Ireland and returned brandishing contraceptives, has given rise to a popular impression that Irish feminists played a key role in making contraception available.[7] But the story is much more complex, and women activists were found in both the conservative and liberal camps. Added to this – as this book highlights – is the role, or non-role, of Irish men in controlling fertility. Until the 1960s, when the contraceptive pill became available, fertility control was determined by men, not by women.[8] So the primary responsibility for limiting pregnancies rested with men. In Ireland until the 1980s, it appears that most of the initiatives regarding family planning were taken by women, often with little support from male partners, and a number of surveys quoted in this book suggest that men were more conservative in their views on contraception and family size than their partners.

The Irish debate over contraception and 'pro-life' coincided with a time of social and economic change, a shift towards a more urban society and a

[6] Maria Luddy and Mary O'Dowd, *Marriage in Ireland, 1660–1925* (Cambridge University Press, Cambridge 2020); Diane Urquhart, *Irish divorce. A history* (Cambridge University Press, Cambridge 2020); Lindsey Earner-Byrne, Diane Urquhart, *The Irish abortion journey, 1920–2018* (Palgrave Macmillan, 2019).

[7] Mary Minihan, 'Laying the tracks to liberation: the original contraceptive train', *IT,* 28 October 2014; Linda Connolly, *The Irish women's movement. From revolution to devolution* (Palgrave Macmillan, Basingstoke, 2002), gives a much more nuanced account.

[8] The diaphragm was the only method of contraception before the pill that was initiated by women, and it was expensive, and not available to the majority of women.

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significant rise in the proportion of younger adults who remained in Ireland rather than emigrate and the numbers of young adults with higher education. These were also the decades when the proportion of Irish women in the paid workforce began to rise, with more married women pursuing careers in the professions and senior positions in the public and private sectors. It was therefore to a considerable extent a debate about modernity and social change. The debate about contraception also coincided with the three decades of violence in Northern Ireland, which prompted a debate over the close identification between Irishness and Catholicism and the need to make an independent Ireland less of a 'cold place for Protestants'. Viewed from the perspective of 2021, this emphasis on access to contraception, and not enacting a Pro-Life Amendment, as gestures of inclusiveness towards Ulster Unionism is somewhat puzzling, given the strong hostility of many Ulster unionists towards marriage equality and access to abortion. The 1967 British Abortion Act was not extended to Northern Ireland; it would have been strongly opposed by the Catholic church but it was not extended because of Unionist opposition.[9] Many of the most vocal anti-contraception campaigners expressed deep hostility to any concessions towards Ulster unionism or the Protestant community in independent Ireland. The fact that Ireland was a partitioned island is an essential element of the story.

This book adopts a primarily chronological approach. Chapter 1 outlines some features that make Ireland's fertility pattern distinctive. Most of the decline in Irish fertility in the late nineteenth century was achieved by reducing the proportion of the population who married and postponing the age of marriage. Nevertheless by 1911, some Irish couples were limiting fertility and marital fertility continued to fall, though at a slow pace after independence. The gap between family size in Northern Ireland and Ireland widened in later decades as did the gap between Catholic and Protestant family sizes. The Irish Free State introduced legislation restricting access to information about contraception and prohibiting the sale and importation of contraceptives, legislation that reinforced Catholic teaching. Although similar legislation existed in other countries, it had much less impact than in Ireland. The near-universal practice of religion by men and women meant that Catholic teaching could be enforced in the confession box, and this teaching, combined with the valorisation of large families by Irish society, provided uncaring and other brutish husbands with a licence to continue to procreate, irrespective of the health or the wishes of their wife. Before the 1960s, there was little information available about the 'safe period', a church-permitted method of regulating fertility, which was increasingly being promoted by Catholic organisations in other countries,

[9] Earner-Byrne and Urquhart, *The Irish abortion journey*, pp. 70–1.

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Whitty concluded that in Ireland 'Public ignorance was seen as the best basis for maintaining public morality'.[10]

As Chapter 2 shows that began to change in the 1960s, a decade marked by increased use of the contraceptive pill. The Pill had an especial significance for Ireland, given the absence of any other legally permitted forms of reliable contraception, and the fact that it gave women the initiative with respect to contraception. The timing was also apposite, because in the 1960s, Ireland embarked on a belated post-war marriage boom and couples married at an earlier age. The economy began to grow; access to secondary and university education was expanded, and pressure emerged to end the prohibition on women in paid employment after marriage.[11] This was also the decade of Vatican II. The Catholic church internationally was wrestling with the issue of contraception, in the face of growing non-conformity among Catholic couples. Although Irish Catholics remained more deferential to clerical authority than Catholics in other western countries, that was beginning to change. Chapter 2 also examines the cautious dissemination of information about the 'safe period' and clerical efforts to retain control over that process. Dublin maternity hospitals were contending with rising numbers of young mothers with uncontrolled fertility. In the initial years, 'fertility guidance clinics' only offered church-approved methods of family planning, but by the mid-1960s, they were prescribing the contraceptive pill. A number of Irish theologians were active in the emerging debate as to whether the contraceptive pill was compatible with Catholic teaching, and use of the Pill spread quietly in Ireland. Irish doctors were actively debating contraception, and the topic was being aired on Irish television and in print media, especially by women's magazines, but hopes of a more liberal future were dashed in 1968 when *Humanae Vitae* reaffirmed traditional teaching.

Chapter 3 concentrates on the years 1968–73, a key period in this story. The initial Irish response to the 1968 papal encyclical *Humanae Vitae* – reaffirming traditional Catholic teaching on contraception – was muted, compared with Europe or the United States, reflecting continuing Irish deference to clerical authority; clerical dissent was also limited. By 1972 however, two family planning clinics had opened in Dublin, and the ban on contraception was being challenged in the courts and the Oireachtas (parliament). This was happening against the backdrop of the Northern Ireland Troubles and a debate over minority rights. During the early 1970s, there was a possibility that Ireland would come into line with other European countries, liberalising its laws on contraception – but that didn't happen. Given the political challenges of enacting legislation to enable

[10] Noel Whitty, 'The law and the regulation of reproduction in Ireland', 1922–1992*, The University of Toronto Law Journal,* 43, no 4, autumn 1993, p. 854.

[11] A formal marriage ban only applied to the public service, but it was also a common practice in many private firms, especially those employing clerical and administrative workers.

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even limited access to contraception, the government preferred to await the outcome of a Supreme Court judgment on the legality of the existing ban.

In December 1973, the Supreme Court affirmed the right of a married couple to plan their family. Chapters 4 and 5 cover the years 1973–79, and they can be read in alternative order. Chapter 4 examines the expansion of family planning clinics, and the emergence of grass-roots opposition to contraception, which happened in the legal vacuum following the Supreme Court Judgment. Chapter 5 discusses efforts to enact legislation to legalise contraception. Better access to contraception was driven by family planning clinics and by student's unions – reflecting the expansion in higher education during these years. Opinion polls during the 1970s show increasing support for legislative reform, but a majority of voters in rural areas and the west and north-west remained opposed, and most of those favouring reform wanted contraception to be restricted to married couples.

Irish women's organisations were divided on the issue. Women journalists played a key role in informing their readers about different types of contraceptive and contact details for family planning outlets, and second-wave feminists were active in the more radical wing of the family planning movement. But women were also prominent in the conservative pressure groups that emerged during the 1970s; these were modelled on anti-abortion movements in Britain and the United States. By the end of the decade, the Billings method of 'natural' family planning, which was mainly led by women, was being promoted as an opportunity for Ireland to demonstrate that fertility control was feasible without recourse to 'artificial' methods of contraception.

Government proposals for legislation permitting access to contraception reveal a consistent dilemma for politicians: how to make contraception available to married couples while restricting access by single people. Records of consultative meetings organised by the Department of Health (discussed in Chapter 5) suggest that by the late 1970s, there was consensus, sometimes grudging, among the main churches, medical groups, and the trade union congress that contraception should be available on a restricted basis, but it was also recognised that it would prove difficult to prevent access by single people. These consultations also reveal a determination on the part of doctors and pharmacists to protect their professional interests. The 1979 Family Planning Act legalised access to contraception, 'for bona fide family planning purposes' – terminology that was not defined, and it privileged 'natural methods' – in order to placate the Catholic hierarchy.

Chapter 6 examines the successful campaign to enact a constitutional amendment to protect the life of the 'unborn'. Readers who are primarily interested in contraception can skip this chapter if they wish. However, I see this campaign as an attempt to reinstate the image of Ireland as a morally conservative Catholic state, despite the enactment of the 1979 Act and the rising number of Irish women seeking abortions in Britain. The campaign was assisted by

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anti-abortion campaigners in the United States (where a pro-life amendment campaign had foundered) and Britain. Its success owes much to the political instability of the early 1980s. The PLAC made its case primarily on the urgent need to protect Ireland's distinctive cultural values. In contrast to other international anti-abortion movements, they failed to attract significant Protestant support, because the medical exemptions that they proposed reflected Catholic teaching. Despite claims that the 1983 referendum showed that Ireland was a moral beacon in the modern world, the number of women travelling to Britain for abortions continued to rise.

Despite the limitations of the 1979 Family Planning Act, Chapter 7 shows that the 1980s saw a marked increase in access to contraception, by single and married adults, and major advances in the training of medical personnel in family planning. However, surveys of mothers in maternity hospitals indicate that many pregnancies were unplanned, and access to both information and contraceptives remained limited in parts of provincial Ireland. The legal restrictions on contraceptives were gradually eased from the mid-1980s. Sterilisation was never banned in Ireland, and by the 1980s, male sterilisation was readily available, but access to tubal ligation, even in cases of acute medical need proved much more difficult. In some hospitals, including the Dublin maternity hospitals, the ethics committees, which were formed in the early 1980s at the behest of the Catholic hierarchy, and the hostility of nursing and other non-medical hospital staff made it almost impossible for doctors to carry out the procedure. This only eased in the 1990s.

This book concludes in the mid-1990s, when legal and practical restrictions on contraception disappeared, though many Irish women continued to travel to Britain for abortions. The decade was marked by a series of scandals that inflicted major damage on the standing of the Catholic church in Irish society, precipitating an acceleration in the decline in formal church attendance. It is also the decade when Ireland begins to experience significant immigration, and the 1998 Good Friday/Belfast Agreement, which was endorsed by over 94 per cent of the population of Ireland and 71 per cent of the population of Northern Ireland, accorded due recognition to Ulster Unionism and British identity.

Ultimately, what this history records is a peculiarly Irish aspect of a wider history of change in the second half of the twentieth century. It is a history which sets out to demonstrate how the Irish state legislated for the use of contraception within its boundaries. It is a history which examines the forces of religion and national identity, and how these were shaped by global forces. Returning to the wider question of Irish exceptionalism, the ending suggests that Ireland could not craft a *Sonderweg*, or an Irish variant of contemporary Chinese exceptionalism – combining an outward-facing economy and society, determined to enhance its place in the modern world, while upholding traditional sexual and demographic practices. Yet, the intensity of the debate over contraception is in other respects evidence of an Irish exceptionalism.

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1 Late Marriages and Large Families

'The Enigma of the Modern World'?

In 1954, Rev John O'Brien, a professor at Notre Dame University in the USA, published an edited collection of essays, with the title, *The Vanishing Irish*[1]. He claimed that Ireland was 'teetering perilously on the verge of extinction' because of the large number of adults who never married. The one bright spot in a 'somber black' picture was the 'unusually high fecundity rate' of Irish women.[2] At this time, Ireland was a poor and predominantly rural society, with farming as the main occupation of the Irish people. Many adult women and men lived and worked (often unpaid) on the family farm or in a family business. Few married women were in paid employment, and the most common occupation for women was domestic or institutional service.

Irish couples had, by a considerable margin, the largest families in the developed world. In 1961, marital fertility[3] in Ireland was 195.5 per 1,000; the next highest figures were that of New Zealand, 154.6, and Canada, 152.9 per 1,000. By 1961, maternal mortality was 45 per 100,000, lower than Northern Ireland (53), but higher than England and Wales (34) and Scotland (37). This represented a dramatic improvement over the previous decade; in 1951, it stood at 164 per 100,000 births, almost double the English figure (84), and significantly higher than that in Scotland and Northern Ireland, both at 109. Infant mortality in 1961 at 31 per 1,000 births was also higher than that in Northern Ireland (27), England and Wales (22) and Scotland (26), but that gap had also narrowed significantly.[4]

On an international table of births per 1,000 of the population, Ireland ranked only eighth among nineteen countries.[5] From the late nineteenth century to the mid-twentieth century, approximately one-quarter of Irish adults remained permanently celibate, but those who married had large families. Although the

[1] John O'Brien (ed.), *The vanishing Irish: the enigma of the modern world* (McGraw-Hill, New York, 1953), Rev. O'Brien was the author of a best-selling guide to the church-approved rhythm method, discussed in Section 1.8.
[2] O'Brien, *The vanishing Irish*, pp. 36–9.
[3] The number of legitimate births per 1,000 married women aged 20–49.
[4] Central Statistics Office (CSO), *Annual report of the registrar general of marriages, births and deaths in Ireland, 1961, and 1951*.
[5] Robert Kennedy, *The Irish. Emigration, marriage and fertility* (University of California Press, Berkeley, London, 1973), p. 175.

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marriage rate rose in the 1960s, in 1968, Brendan Walsh described Ireland's marriage rate as 'still perhaps the lowest in the world'. He believed that the large size of Irish families was a factor in the low marriage rate. He described it as 'remarkable to record …. that not only is Ireland's marriage fertility higher than that of other European countries similar in religion and level of economic development … but also that it is at least as high as that of the Latin American countries for which data are available'.[6]

Beginning in France in the late eighteenth century, Europe and North America underwent a transition from high marital fertility, which was generally accompanied by high infant mortality, to smaller families. Tim Guinnane described Ireland's fertility transition as 'late and modest', when compared with other European countries.

> The combination of large families but many unmarried adults gave Ireland a relatively low birth-rate at the turn of the twentieth century, but this low birth-rate was achieved in a way very different from the low birth-rates obtaining in England, France, or Germany at the same time. Elsewhere more people married but had ever-smaller families; in Ireland families themselves became rarer, and their size declined more slowly.[7]

Guinnane qualifies his argument by emphasising that there were parts of Germany and Austria where a high proportion of the population remained single and families were large: 'no one in Ireland was living a life that did not have a counterpart elsewhere in Europe, in prior centuries or in other peasant regions of Europe during the nineteenth century'.[8] But elsewhere this only occurred in specific regions – it did not apply to an entire country.

The marital fertility data in the 1911 Census forms have been mined by scholars seeking to discover whether Irish couples were controlling fertility, and which couples were doing so.[9] In 1911, family size varied by region, religion and class. Approximately half of the women who had been married for twenty years had given birth to between five and nine children; 30 per cent had given birth to ten or more. Mean fertility for these couples was 5.87 *live* children; for Belfast, the figure was 5.73; it was 5.6 in Dublin city and suburbs. Fertility in rural Ireland was much higher than that in Scotland or England, but urban fertility was similar to Scotland and 'though not as low as in some European cities elsewhere bore a closer resemblance to places outside Ireland than to rural Ireland'.[10]

[6] Brendan Walsh, *Some Irish population problems reconsidered ESRI paper 42*, (November 1968), pp. 4–5.
[7] Tim Guinnane, *The vanishing Irish. Households, migration, and the rural economy in Ireland, 1850* p. 7.
[8] Guinnane, *The vanishing Irish*, p. 223.
[9] Available online at National Archives Ireland. For a detailed description of the fertility date given in the 1911 Census, see Simon Szreter, *Fertility class and gender in Britain, 1860–1940* (Cambridge University Press, Cambridge, 1996); Guinnane, *The vanishing Irish*.
[10] Guinnane, *The vanishing Irish*, pp. 241–2, quote on p. 242.

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