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CHAPTER 9

THE CATHOLIC CHURCH AND THE IRISH STATE, 1916–1973

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C9S1

Introduction

C9P1 The institutional significance of the Catholic Church has been a constant theme in twentieth-century Irish history. Three broad phases can be discerned in its relationship with the state. Between 1916 and 1921, it faced the conundrum of simultaneously obeying the legally constituted British government, supporting nationalist political aspirations to supplant the imperial state, and condemning political violence. The bishops endorsed the Anglo-Irish Treaty of 1921, supported the subsequent state-building project, and exerted an unprecedented influence over an overwhelmingly Catholic state from the 1920s to the 1960s. Thereafter, Irish economic and social transformation, and the new teaching of the Second Vatican Council altered the context of church-state relations. From the late 1960s, the church's previously uncontested hegemony was gradually undermined.

C9P2 In *Church and State in Modern Ireland*, a political science classic, Whyte (1971, vii) defined both entities in narrow terms. The 'state' examined was the twenty-six county one, variously styled Irish Free State/Éire/Republic of Ireland. But the character of church-state relations in independent Ireland was also shaped by relations between the church and the British, Vatican, and Northern Ireland states. The 'church' was the institutional church, especially its episcopal leadership, rather than the broader community of believers. This chapter likewise focuses on the hierarchy given its exceptional influence during the period under review. The episcopal conference, comprising the bishops of Ireland's twenty-six dioceses and covering the entire island, lent the hierarchy a corporate identity in its interactions with the state. The bishops' policy stance was determined by its powerful standing committee or one of a range of specialist committees. The Archbishop of Armagh was the senior ecclesiastic, but also significant

was the Archbishop of Dublin given his proximity to the Irish government and as spiritual leader of over a third of all Catholics on the island by the early 1970s.

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Historiographical Context

C9P3 First published in 1971, *Church and State in Modern Ireland, 1923–1970* remains the standard reference for commentators of all shades. It sought to provide an overview of church-state relations since 1923, examine the most celebrated clash of church and state—the 'Mother and Child' scheme of 1951—and assess the influence of the church on Irish politics. Dismissing as oversimplified a 'theocratic-State model on the one hand, and the Church-as-just-another interest group model on the other', Whyte (1971, 376) found it difficult to present a satisfactory intermediate model. Completed despite considerable clerical disapproval, Whyte's was a fine beginning and many of his observations retain their value. It served as a stimulus and a challenge, but one which historians (less so journalists, sociologists, and political scientists) found difficult because of restricted archival access. Basing his study on a close reading of published materials and interviews with key protagonists, Whyte made a virtue of the absence of archival material. As state archives and private papers became available in the decades since 1971, a plethora of scholarly studies of Irish political, economic, and social history, as well as biographies of political and ecclesiastical figures, have utterly transformed the understanding of twentieth-century Ireland. However, the uneven availability of church archives risks the creation of a distorted view of church-state relations by making totems of controversial episodes and those personalities whose papers are available. A case in point is the voluminous archive of John Charles McQuaid, Archbishop of Dublin 1940–72. Illuminating as this archive undoubtedly is, a rounded understanding of the historical position of the church cannot and should not be refracted solely through the Dublin archdiocese. Arguably, relations between the church and the Northern Ireland state have received greater attention from historians (Harris 1993; Ó Corráin 2006; Rafferty 1994; Scull 2019) than those with the southern state, although major contributions have been made on such aspects as the War of Independence (Heffernan 2014), civil war (Murray 2000), Vatican (Keogh 1986, 1995), specific policy fields, and clerical abuse scandals.

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Church Doctrine

C9P4 In assessing the church's influence on policy-making a useful approach is to differentiate between its moral and social teaching. Ryan (1979) uses this distinction to identify two fundamental domains: the relationship of the Catholic moral code and the law of the

state and, second, Catholic social teaching and perceived church rights in education, health, and welfare. Outside of these domains, there were limits to the church's political influence just as there was a variety of political standpoints within the hierarchy and among the clergy.

C9P5 The magisterium has the duty to prescribe the moral law and impose Catholic teaching. Reflecting the admonitory and authoritarian styles of Popes Pius XI (1922–39) and Pius XII (1939–58), the Irish bishops were not diffident about propounding the magisterium. As one prelate put it in April 1955: 'The Church will not be muzzled where any matter relating to Divine Law is concerned' (Irish Catholic Directory (ICD) 1956, 632). By contrast, social teaching was less prescriptive and sought to offer general principles on socio-economic matters. This became increasingly important as an omni-competent state became more involved in areas of traditional church concern such as education, health, and welfare.

C9P6 In Catholic doctrine the church (the spiritual power) and the state (the temporal power) have existed uneasily with one another. In a series of encyclicals, Pope Leo XIII (1878–1903) addressed the autonomy of the state and the compatibility of the church with democracy. *Immortale Dei* (1885) described church and state each as 'a society perfect in its own nature and its own right'. They were distinct but complementary as they had in common the Catholic citizen. This facilitated the appearance of church and state as two separate power blocs in independent Ireland before the Second Vatican Council.

C9P7 Leo XIII's *Rerum Novarum* (1891) committed the church to the social problems that had intensified with industrialization and urbanization. It offered a critique of both capitalism and socialism, stressing the rights and duties of both employers and workers. *Rerum Novarum* also warned of abuses in society which the state ought to remedy, protection of the right to a living wage in particular. While the encyclical warned against an expansion of state power, it also indicated that the state had a role in the social domain. It introduced in embryonic form the principle of subsidiarity, that the higher social entity should assist the lower and weaker.

C9P8 Pius XI's seminal *Quadragesimo Anno* (1931) developed the concept of subsidiarity. In the interests of distributive justice and the public good, the state should grant subsidium (assistance or support) to component parts of society, especially the family as the pre-eminent social unit, but within strictly delineated limits. The encyclical warned that it was 'an injustice and … a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do'. Under the principle of subsidiarity, the state would not normally replace the individual or smaller societal units such as the family. Its duty was to supplement not to supplant. This encyclical shaped Catholic social thought until the early 1960s. *Rerum Novarum* and *Quadragesimo Anno* were cited ad nauseum in pastorals by the Irish bishops who remained suspicious of state activity, even though in an Irish context the state, according to Rev Professor Liam Ryan of Maynooth, 'stepped in not too much but too little' (Ryan 1979, 6).

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The Irish Revolution, 1916–2023

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The Irish Revolution proved a traumatic experience for the church. Clergy and their bishops were not immune from the radicalization of political opinion between the 1916 Rising and the 1918 general election which saw Home Rule jettisoned in favour of a popular demand for an Irish republic. Championed by Sinn Féin (SF), that goal was pursued politically and militarily during the War of Independence (1919–21). An underground counter-state in the form of Dáil Éireann challenged British rule and claimed public allegiance. At the same time, the Irish Republican Army (IRA) engaged in guerrilla warfare, principally against the overwhelmingly Catholic Royal Irish Constabulary. Responding to these developments posed a dilemma for the church which traditionally abjured political violence and respected the authority of the legally constituted government. The bishops and clergy supported Irish self-government but exhibited a variety of political stances on the nature of the future Irish state. Some retained their loyalty to the Irish Parliamentary Party (IPP), which since the 1870s sought Home Rule and were never reconciled to the separatism of SF. Others travelled at different speeds towards SF moderates, many of whom were staunch Catholics. After 1916 the church consistently opposed political violence but not the goal of Irish independence. This required both considerable political dexterity and moral and theological ambiguity on the matter of rebellion. Bishops and clergy were sensitive to the shifting political landscape, the transformation of public opinion occasioned by coercive British policy, and a paramount desire not to alienate the laity. A further challenge was the spectre of partition and the creation of a Northern Ireland state. This fear was ever present during the third Home Rule crisis of 1912–14, but it intensified as the Government of Ireland Act (1920) edged into view.

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Most of the hierarchy and clergy held aloof from SF until the massive protest campaign against conscription in April 1918. The bishops declared conscription 'against the will of the Irish nation' and 'an oppressive and inhuman law' which the Irish people had a right 'to resist by all the means that are consonant with the law of God' (Irish Episcopal Conference 1918). An anti-conscription pledge, modelled on the Ulster Covenant, was taken after mass throughout the country. The clergy were as active as SF in organizing anti-conscription meetings. They were also centrally involved in raising subscriptions to a national defence fund, of which the politically and ecclesiastically influential Archbishop William J. Walsh of Dublin was a trustee. The involvement of the church provided a restraining influence, but the clerical-nationalist alliance ended any prospect of conscription being applied to Ireland. SF, the political beneficiary, subsequently expanded rapidly ahead of the December 1918 general election. Continuing a nineteenth-century tradition of involvement in politics, priests chaired SF meetings and sat on local constituency executives, sometimes in defiance of their bishop. At a national level, Fr Michael O'Flanagan was a vice-president of SF and a prominent propagandist. Clerical participation in electioneering persisted into the 1920s before petering out.

C9P11 The 1918 general election was the most momentous Irish electoral contest of the twentieth century. Under the Representation of the People Act (1918) the electorate increased from 700,000 to just under two million and for the first time over one-third of the Irish electorate was female. The bishops did not collectively endorse SF. This was illustrated in the Dublin archdiocese, where Archbishop Walsh openly backed SF but Bishops Brownrigg of Ossory, Codd of Ferns, and Foley of Kildare and Leighlin supported the IPP. While there were exceptions, a generational divide was evident with younger clergy more inclined towards SF but older parish priests tending to support the IPP. SF crushed the IPP and won seventy-three seats. This sweeping victory was predicated on three policy commitments—to achieve an Irish republic, to abstain from parliament at Westminster in favour of a national assembly, and to appeal to the international peace conference at Versailles to have Ireland's claims of statehood recognized.

C9P12 There was an unmistakeable sense of a new political era, both in Ireland and in Europe in January 1919. The meeting of the first Dáil on 21 January 1919 was a political revolution that laid the constitutional foundations of the future Irish state. Irish resistance would take the form of a rival democratically elected government. When the British state demurred, much blood was spilled. Despite enormous difficulties, the Dáil established a functioning counter-state to its British rival and gained a wide measure of effective authority. The acceptance of the ballot box as the source of representative authority was not lost on the hierarchy. In their public statements during the War of Independence the bishops stopped short of formally recognizing the Dáil but repeatedly instanced the right of Irish people to self-determination.

C9P13 The convening of the Dáil coincided with the shooting of two policemen in County Tipperary in what is generally regarded as the beginning of the War of Independence. SF was not formally in favour of violent revolution and the Dáil did not take responsibility for the IRA campaign until April 1921. The Archbishop of Cashel denounced the shootings as cold-blooded murder, while a local curate suggested that to invoke the name of patriotism to cover such a deed was to desecrate that sacred name. As the violence escalated between 1919 and 1921, the limits of the church's political influence became painfully apparent. Powerful condemnations of violence, whether perpetrated by republicans or the British government, went unheeded and did not halt killing, destruction of property, or dislocation of law and order. Heffernan (2014) reveals that most republican priests supported SF rather than the IRA. Some served as judges in Dáil courts, an important element of the Dáil counter-state, but the majority tried to avoid involvement in the War of Independence.

C9P14 On 27 January 1920 the hierarchy denounced violence, appealed to the faithful to resist provocation, and blamed British repression and disregard for Irish rights for the disturbed state of the country (ICD 1921, 504). This stance was largely maintained for the remainder of the conflict which became more brutal from August 1920 when unofficial reprisals by Crown forces were tolerated in response to IRA attacks. Only Bishop Daniel Cohalan of Cork imposed the censure of excommunication on the IRA with minimal effect (ICD 1922, 504). His brother bishops were more circumspect and increasingly emphasized the excesses of the Crown forces and the terror that this engendered.

Church property and personnel did not escape this state-sanctioned lawlessness. Parochial houses, convents and religious houses, seminaries, and even Bishop Michael Fogarty's residence in County Clare were raided. Clergy were arrested and three priests were killed gruesomely by the Crown forces in 1920–21 to national and international opprobrium.

C9P15 Church authorities also faced widespread inter-communal violence in Derry City and especially in Belfast between 1920 and 1922. Joseph MacRory, then bishop of Down and Connor, was in the invidious position of seeking to end sectarian violence while at the same time being unwilling to give formal recognition to the Northern Ireland government. All the main Christian churches continued to operate on an all-island basis, despite contending with two political jurisdictions after 1920. Arguably, the political division of Ireland proved more traumatic for the Catholic Church given the number of its adherents in Northern Ireland, its conviction that the Unionist government was inimical to Catholic interests, and its ferocious desire to safeguard Catholic voluntary schools. Partition reinforced the association of political allegiance and religious affiliation on both sides of the border after 1920. Although abhorred by the bishops, ironically partition enhanced their power in what would become the Irish Free State.

C9P16 The Anglo-Irish truce in July 1921 allowed the hierarchy to bestow moral sanction on SF as the Irish government-in-waiting. This was a pragmatic move ahead of peace negotiations. Unsurprisingly, the bishops welcomed the Anglo-Irish Treaty, favoured its ratification, and exerted political and moral pressure on TDs to uphold majority opinion and support the settlement which was approved by the Dáil on 7 January 1922. The church was committed to the survival of the treaty and to 'sustaining' and reinforcing the authority of an Irish state as militant resistance increased (Murray 2000, 34). This extended to producing a partisan pastoral on 10 October 1922, published in the press on the following day and read at all masses on Sunday 22 October, which rejected the legitimacy of the republican campaign because 'no one is justified in rebelling against the legitimate Government … set up by the nation and acting within its rights' (Irish Episcopal Conference 1922). The hierarchy threatened to deprive those engaged in unlawful rebellion of the sacraments of Eucharist and Confession, and to suspend priests who gave spiritual aid to the anti-Treaty IRA (in the event neither was stringently applied).

C9P17 The intervention left the bishops exposed politically and theologically. By contrast, clerical condemnation of the IRA during its border campaign in the 1950s (when Cardinal D'Alton of Armagh also proposed a federal solution to partition) and during the Northern Ireland Troubles was more surefooted (Ó Corráin 2006). Outraged by the attempt to use religious sanctions to enforce a political standpoint on a constitutional matter, republicans petitioned Pope Pius XI who in March 1923 despatched Monsignor Salvatore Luzio. Cold-shouldered by church and state authorities, the government petitioned the Vatican to recall the envoy for endeavouring 'to interfere in the domestic affairs of the country' (Laffan 2014, 123). The effectiveness of the October pastoral was uncertain. It may have emboldened the government in its ruthless prosecution of the civil war. The bishops were privately aghast at the policy of summary executions,

which Edward Byrne, who succeeded Walsh as archbishop of Dublin, considered 'entirely unjustifiable from a moral point of view' (Murray 2000, 85). Episcopal appeals for clemency, such as for Erskine Childers, were ignored. With their eyes fixed on the opportunities presented by the advent of the Irish Free State, no public condemnation of the excesses of the state and its forces was issued by the bishops. During the 1920s, almost all the hierarchy continued to support the pro-Treaty Cumann na nGaedheal government.

C9S5

State-building

C9P18 Partition produced a remarkably homogenous population in the Irish Free State. In 1926 Roman Catholics accounted for 2,751,269 or 92.6% of the population (Saorstát Éireann 1926). This had a significant bearing on the political and public culture of the new state. Pragmatism and self-interest characterized church-state relations during the first half century of independence. The church was uniquely well placed to contribute to the state-building project in terms of enhancing national unity and self-definition, providing an unmatched institutional presence, and inculcating a Catholic moral order.

C9S6

National Self-Definition

C9P19 After the trauma of the civil war, Catholicism was the foremost bonding force in Irish society. There was remarkably little republican resentment towards the church and no anti-clerical party developed. At parish, diocesan, and national level there was a closeness between the people and the church. This helped bind some of the wounds of the civil war. Many bishops shared friendships with government figures and civil servants, the vast majority practising Catholics. This facilitated informal lobbying by churchmen. W.T. Cosgrave was a close friend of Archbishop Byrne and Bishop Fogarty of Killaloe, both of whom were generous party donors at election time. De Valera was a classmate in Blackrock College of John D'Alton, Archbishop of Armagh 1946–63. De Valera recommended his friend John Charles McQuaid to the Vatican for the position of Archbishop of Dublin (Cooney 1999, 114–15). Between 1940 and 1972, McQuaid became the best known and most formidable prelate, but he was never the 'ruler of Catholic Ireland' as the title of Cooney's biography suggests. Personal relations did not always prevent tensions. The bishops were unable to prevent the Cosgrave government from establishing diplomatic relations with the Vatican in 1929. Their misgivings ultimately proved groundless as Paschal Robinson, the first papal nuncio, avoided interfering in domestic church affairs, ensured smooth relations with the Vatican, and enjoyed friendships with political leaders on both sides of the treaty divide which aided harmonious church-state relations (Keogh 1986, 157).

C9P20 Both church and state leaders utilized the historical intertwining of faith and fatherland as a means of differentiating the Free State from its former colonial master. The centenary of Catholic Emancipation in 1929 and the 31st Eucharistic Congress in 1932 were symbolic expressions of a triumphant Catholic nationalism. As McIntosh (1999, 87) argues, they allowed the new state 'to proclaim its permanence, its separate identity from England, and to give a high profile to its image as a Catholic nation' but at the cost of widening the gap between north and south. In this sense, there was 'an informal establishment of the Catholic and Protestant churches' in the two Irish states (McDonagh 2003, 58). The 1929 and 1932 celebrations also allowed pro- and anti-treaty sides to demonstrate that they were loyal sons of the church. De Valera was prominent in the 1929 celebrations, only two years after Fianna Fáil had entered the Dáil, and in 1932 had replaced Cosgrave as head of government.

C9S7

Institutional Strength

C9P21 During the nineteenth century the church built up an imposing institutional presence in education, health, and welfare. In 1923 there was a total of 3,828 priests in 1,116 parishes on the island, a figure which increased to 4,054 priests and 1,231 parishes by the early 1970s (ICD 1923, 535; ICD 1973, 625). An impecunious Irish government was content for the church to continue to perform significant state functions in these fields. This suited the state as religious labour was cheap or free and capital costs were offset by fundraising from the flock. In turn, church dominance of these areas ensured the state pursued policies in line with church interests. Furthermore, as various commissions of enquiry have dismally revealed, the status enjoyed by the church contributed to wholly inadequate state oversight. Plentiful vocations and such a vast presence sustained a general Catholic habitus or way of viewing the world. This concept has been powerfully developed by Inglis (1998) and adds a crucial layer of explanation to Whyte's study. The orthodox and legalistic form of Catholicism before the Second Vatican Council, the high level of religious practice and conformity, and the extent to which Irish life was imbued with Catholicism reinforced this habitus and the church's hegemony.

C9P22 The most frequent area of interaction between church and state was education. It was also the most sensitive if Catholic faith and values were to be transmitted to future generations through the schools. The church wrested control of ethos, religious instruction, management, and appointments from the British state and defeated the MacPherson education bill of 1919–20 which proposed the establishment of a department of education. During the first half century of independence, the church zealously defended its dominant role in the education system. The state paid the salaries of teachers, but its influence was largely restricted to control of the curriculum and an inspection system to ensure minimum teaching standards (Ó Buachalla 1988, 60–4). Even in the state-run vocational system, established in 1930, the bishops demanded clerical representation on local vocational education committees and secured the place

of religious instruction. With few structural initiatives in education policy before the 1960s, the status quo remained largely undisturbed.

C9S8

A Catholic Moral Order

C9P23 The upheaval of the Irish Revolution intensified episcopal concerns about the degeneration of social conduct. In the 1920s and 1930s significant elements of the Catholic moral code were enshrined in law, particularly in the areas of sexual morality (other forms of morality were largely ignored) and family relations. The period witnessed the introduction of laws on censorship of films in 1923 and publications in 1929; the abolition of the right to divorce by private member's bill in 1925 and a constitutional prohibition in 1937; prohibition on the sale of intoxicating liquor in 1924 and 1927 that ensured a dry Christmas Day, Good Friday, and St Patrick's Day, and curtailed Sunday hours; a prohibition on the sale of contraceptives in 1935 which was cast solely in terms of public morality rather than women's health; and the regulation of dance halls also in 1935. This was justified on majoritarian grounds and Whyte (1971, 60) highlighted the overwhelming consensus that 'traditional Catholic values should be maintained, if necessary, by legislation'. A favourite theme of the ultra-Catholic lobby was to contrast Ireland's moral character with that of godless Britain. The disturbing findings of the Carrigan report in 1931 on the prevalence of sexual offences, including against children, shattered any illusions of Ireland's supposed moral superiority. Scandalized, the government supressed the report and ignored its recommendations to raise the age of consent to eighteen and that such offences be made felonies. The episode revealed an overriding desire to protect Ireland's reputation and, as Finnane (2001) observes, an increasingly authoritarian political culture that placed significant emphasis on the appearance of things.

C9P24 Measures such as censorship were not unique to Ireland. What differed was the stringency and longevity of Irish moral protectionism. The 1929 Censorship of Publications Act was not relaxed until 1967. Nevertheless, after the Second World War the hierarchy approached the government on aspects not deemed rigorous enough, but without success. In 1947 the bishops floated the suggestion that wartime permits be reintroduced to curtail female emigration and thereby preserve them from grave moral danger; in 1952 they wanted all dancehalls closed at midnight; and in 1958 the government was urged to have the police and censorship of publications board clamp down on imported evil literature. Between the 1920s and 1960s, sermons and pastorals warned relentlessly of the dangers to faith and morals posed by immodest dress, excessive drinking, the craze for pleasure, evil literature and films, 'leakage of the faith' among emigrants (rather than the socio-economic causes of emigration), materialism, secularism, and atheistic communism.

C9P25 A desire to ensure harmonious church-state relations did not mean that both institutions were constantly hand in glove. A number of issues had the potential to

provoke confrontation between church and state during the first decade of independence (Keogh 1986). A row about the taxation of clergy was avoided when Cosgrave intervened personally with Archbishop Byrne. The most serious dispute concerned the appointment of Letitia Dunbar-Harrison as county librarian in Mayo in 1930. The controversy had many strands—opposition to the Local Appointments Committee established in 1926 to prevent corruption, the disbandment of Mayo County Council for opposing the appointment, political opportunism by Fianna Fáil, concerns about competency in the Irish language—but foremost was that she was a Protestant and a Trinity College graduate. Clerical opponents, the Archbishop of Tuam among them, maintained that a non-Catholic librarian could disseminate literature that would undermine Catholic moral values. A county-wide boycott of the library ensued (Maume 2019). More alarmingly for Cosgrave it raised a related but far more contentious question about the appointment of Protestant doctors to local dispensaries who could, church figures feared, provide information on birth control. Cosgrave insisted that religious tests would repudiate the principles on which the state was founded and that a public disagreement between the ecclesiastical authorities and the state could have far-reaching negative consequences (Keogh 1986, 166–77). The hierarchy did not demur.

C9P26

For many commentators the 1937 constitution epitomized the proximity of church and state. The 1922 constitution was secular and did not mention the Catholic Church at all. While Bunreacht na hÉireann guaranteed religious pluralism, Article 44.1.2 conferred a special position on the Catholic Church 'as the guardian of the faith professed by the great majority of citizens'. Legal-historical scholarship has downplayed the Catholic influences on the 1937 constitution and emphasized its secular values (Hogan 2005), the extent to which the conceptualization of the state was greatly enlarged (Kissane 2020), and the degree to which it borrowed heavily from European constitutions, such as Weimar Germany, before later being supplemented by Catholic teaching on natural law (Coffey 2018). De Valera did avail of clerical advice. The most notable was John Charles McQuaid, then president of Blackrock College, who contributed to draft articles on religion, education, and the family (Coffey 2018, 22). De Valera displayed his political skills by winning approval for the wording of the article on religion from non-Catholic churches and the Jewish congregation and facing down Catholic objections. Cardinal Joseph MacRory, Archbishop of Armagh 1928–45, McQuaid, and others pushed for recognition as the one true church, for the term Church of Ireland not to be used by the Anglican Church, and for other churches to be 'tolerated' rather than recognized. They were disappointed. De Valera astutely secured the pope's silence (Keogh 1988). Article 45 listing the 'directive principles of social policy' drew heavily on Catholic teaching but was intended only for the 'general guidance of the Oireachtas'. The most obvious effort to incorporate Catholic social teaching into the state's administrative system was the Commission on Vocational Organisation between 1939 and 1943, chaired by Bishop Michael Browne of Galway. Its report was roundly rejected by the government. So too was a plan in 1945 by Bishop John Dignan of Clonfert to transfer health services to a central insurance board with clerical representation.

C9S9

The Mother and Child Scheme

C9P27 After the Second World War, the Beveridge report and expanded medical services in western Europe prompted the Irish government to address the pressing issues of tuberculosis, wider access to medical care, and improved ante and postnatal care. When a comprehensive health service was mooted in the mid 1940s the medical profession feared socialized medicine and the end of private practice. The bishops were also alarmed and in line with Catholic social teaching feared loss of control over voluntary hospitals and a dilution of Catholic medical ethics. Opposition to greater state involvement in healthcare by doctors and prelates was at the root of the mother and child controversy in 1951 on which much has been written (Barrington 1987; Earner-Byrne 2007; Horgan 2000; McCullagh 1998; McKee 1986; Whyte 1980;). At the height of the dispute, the *Irish Times* editorialized on 12 April 1951 that 'the Roman Catholic Church would seem to be the effective government of the country'. This enduring interpretation was misleading because the dispute was a three-cornered one, involving the state, the church, and the powerful medical profession.

C9P28 Part III of the 1947 Health Act proposed a scheme of free, non-means-tested medical care for mothers and children up to the age of sixteen. In October 1947 the hierarchy informed the Fianna Fáil government of its concerns about the moral dimensions of health education and its belief that part III infringed the rights of the family and the church. Before the act could be implemented Fianna Fáil lost power in February 1948. It was succeeded by a five-party administration led by John A. Costello. Noël Browne of Clann na Poblachta became minister for health and in 1950 moved to introduce part III. During lengthy and complex negotiations, two key ingredients of the ensuing political crisis emerged: maladroit handling of vested interests (both medical and episcopal) by an inexperienced minister and the disintegration of the Clann na Poblachta party. An episcopal committee headed by Archbishop McQuaid privately raised concerns with Browne and Costello about the primacy of parental rights in respect of the health of children, fears that gynaecological care might include information on birth limitation or abortion, and a defence of the confidential relationship between patient and doctor. The last point reflected effective lobbying by the doctors for whom a means test for access to public health services was a bulwark against state encroachment (McKee 1986, 175). Ultimately, the cabinet abandoned the scheme and sought Browne's resignation on 10 April 1951.

C9P29 Unprecedented scrutiny was brought to bear on the church when Browne published the church-state correspondence. However, the decisive role of the Irish Medical Association was not revealed. When Fianna Fáil returned to power with a mandate to implement the scheme the bishops and doctors once again objected. De Valera prevailed on Cardinal D'Alton not to publish an ill-conceived letter to the faithful in April 1953 and thereby averted an embarrassing church-state squabble. The medical profession secured concessions on retention of a means test and private practice. The voluntary

status of Catholic hospitals was safeguarded, and this continued after the 1970 Health Act restructured the health services.

C9P30 The loss of prestige by the church during the Health Act saga was exacerbated by intemperate episcopal pronouncements. Referring to the 1951 controversy, Bishop Cornelius Lucey of Cork claimed in 1955 that the bishops were 'the final arbiters of right and wrong even in political matters' (Whyte 1980, 312). However, two years later he more reasonably stressed the limitations of the church's power which 'extends only to the religious and moral implications of what goes on—the Church has no competence to control public affairs' (Ryan 1979, 11). This was demonstrated in 1959 and again in 1962 when intoxicating liquor bills ignored the recommendations of the hierarchy and of McQuaid in particular. Lucey was outspoken on the state's failure to tackle rural depopulation and emigration. While bishops generally refrained from commenting on economic matters in this period, William Philbin, Bishop of Clonfert and subsequently Down and Connor, made a notable intervention in 1958 when he emphasized the necessity of economic patriotism to improve living standards (Ó Corráin 2006, 51). This was referenced in T.K. Whitaker's *Economic Development* later that year which addressed the crippling problems of economic stagnation and emigration.

C9S10

Transformations and Continuities

C9P31 The context of church-state relations changed during the 1960s due to transformations at home and within the universal church. The state began to prioritize economic growth over the simpler Catholic nationalist vision of society that had prevailed since independence. In addition, legislative and constitutional support for a Catholic ethos was undermined by a variety of societal developments. These included the establishment of a national television service in 1961 which reinforced a growing questioning of church and state authority (Savage, this volume, Chapter 18); the transformative extension of educational opportunity at second and third level; the relaxation of censorship; and the onset of the Northern Ireland Troubles. The changing position of women was particularly significant in challenging the patriarchal nature of Irish society and traditional church teaching. As Inglis has observed, once women began to access alternative sources of power through the workplace and public life, a central component of the church's hegemony disappeared (Inglis 1998, 178–200). Furthermore, previously plentiful vocations went into steady decline from 1968 onward with obvious implications for maintaining the church's institutional presence.

C9P32 In 1961 Pope John XXIII's encyclical *Mater et Magistra* reappraised the approach to social issues. The church moved from condemnation of state involvement to greater endorsement of it. The church's self-understanding also changed as the Second Vatican Council ushered in a more open and questioning church. The monolithic neo-scholastic approach to theology gave way to one of the church engaging with the world. *Gaudium et Spes* (the Pastoral Constitution on the Church in the Modern World) was a landmark

of Catholic social teaching with its emphasis on justice grounded in the dignity of every human being. It emphasized the church's responsibility to all humankind and the earlier concept of two perfect societies was quietly sidelined. It was no longer a question of the relationship between church and state, but rather of church or religion and the society in which it functioned. A further aspect was the recognition of the universality of religious freedom in the Declaration on Religious Liberty (*Dignitatis Humanae*).

C9P33 While the Irish ambassador to the Vatican summed up the Irish bishops' attitude to the Council as 'the reverse of exuberant', they dutifully followed the new teaching (Ó Corráin 2006, 203). The church's defence of its magisterium has tended to obscure its social justice agenda or its role as the 'conscience of society' (Ryan 1979, 3). From the late 1960s, the church developed a more critical view of the state's social policy shortcomings, particularly in relation to inequality and poverty (Holohan 2020). One manifestation of this was the creation in 1969 of an episcopal commission for justice and peace to report on injustices in Irish society; emigration and the provision of services to Irish emigrants in various Irish centres in Britain was a particular concern. This was followed in 1970 by a council for social welfare to advise on social questions and in 1973 by Trócaire, the Catholic agency for international development. As the number of religious decreased in increasingly state-run social services in the 1970s, there was a stronger church critique of those services. The emphasis on charity of earlier decades was replaced by one of active participation. Activist priests and religious—such as Austin Flannery, Kevin Crowley, and Michael Sweetman—were instrumental in raising awareness of social justice issues in the 1960s and 1970s, often drawing the ire of government ministers. In 1966 Sr Consilio (Eileen) Fitzgerald, a member of the Sisters of Mercy, established Cuan Mhuire which, over the following decades, became the largest voluntary provider of addiction treatment services in Ireland. The pioneering work of Margaret MacCurtain should also be mentioned. A Dominican nun, historian, and public activist, her promotion of Irish women's history from the 1970s transformed the discipline. Also important was Radharc Films which produced award-winning documentaries on social and political issues between the 1960s and early 1980s. The priests behind the company had received training in television production that was sponsored by McQuaid.

C9P34 The hierarchy's conception of its role in Irish society also changed. At a stocktaking exercise in November 1969 under the theme 'Ireland in the Seventies', the bishops envisaged increased urbanization and industrialization; a more global Ireland through EEC membership, television, and tourism; a decline in agricultural employment; a much greater state role in all branches of education, as well as health and social services. In terms of the church's place in these developments, the hierarchy stressed its 'duty of keeping the people's faith in Christ strong through word and Sacrament', and the need to respect basic human rights (Irish Episcopal Conference 1969). In education the key issue was whether the church's traditional predominance could change without undermining religious education. During the 1960s there was unprecedented policy development. In 1965 *Investment in Education*, an OECD study of Ireland's long-term educational needs, made a compelling case for expanding provision by revealing that just one-quarter of those leaving primary education continued to second level. The cordial characterization

of church-state interaction in education presented by earlier studies (Ó Buachalla 1988; Whyte 1980) has been revised by more recent archivally grounded scholarship which instances the exceptional influence wielded by the bishops and their suspicion of significant reform before pragmatically accepting greater state intervention (Clarke 2010; Walsh 2012). In the area of health and social welfare, the church would continue its direct efforts while also speaking out where injustice or neglect were evident. The succession of a younger episcopal cohort should also be noted. In 1973 seventeen of the twenty-six bishops had been appointed during or after the Council. They included Cardinal William Conway of Armagh, Cahal Daly, the intellectual heavyweight Bishop of Ardagh and Clonmacnoise and future primate of All Ireland, and Dermot Ryan who succeeded McQuaid in Dublin in 1972.

C9P35 Proposed legal and constitutional changes created tensions between church and state from the mid 1960s and led eventually to the church adapting how it presented its magisterium. During the Second Vatican Council, Seán Lemass, Taoiseach 1959–66, wondered if *Dignitatis Humanae*, with its emphasis on protecting inviolable individual rights, obliged the state to change the law on divorce for its non-Catholic citizens. Undeterred by a warning from the Dublin diocese that there would be 'violent opposition from the hierarchy to any proposal to allow divorce in the State', he established an all-party committee on the constitution in September 1966 (Ó Corráin 2006, 99). There was unanimous agreement that divorce should be permitted for those denominations which accepted it and that Article 44.1.2 (special position) and 44.1.3 (which listed the other recognized churches and congregations) be deleted as neither had juridical effect. Although the committee's report was 'effectively stillborn' when published in December 1967, it was nonetheless notable in the sphere of church-state relations (Girvin 2013, 418). The committee did not consult the churches during its deliberations which suggested a desire to ensure that public law should not impose private religious morality. It also signalled 'an important shift away from the majoritarianism that had previously characterised public opinion' (Girvin 2018, 10–11). Expressing 'astonishment' at the divorce proposal, the lack of consultation, and the invocation of the Council's teaching, the Catholic bishops predictably opposed any alteration to the article on divorce but raised no objection to the removal of the special position clause (Ó Corráin 2006, 100).

C9P36 The onset of the Northern Ireland Troubles in 1968 hastened a reassessment of church-state relations. Political figures such as Garret FitzGerald wished to expunge overtly confessional aspects of the constitution and legislation in the Republic. This was also supported by inter-church bodies such as the Irish Theological Association which recommended the revision of Article 44 and ending the prohibition on divorce and the sale of contraceptives (McDonagh 2003, 50). The amendment of Article 44 occasioned little debate. In September 1969 Cardinal Conway claimed that he would not 'shed a single tear' if Article 44.1.2 was rescinded. The Irish ambassador reported that the Vatican understood the necessity for change 'in the present developing circumstances, which envisage the eventual emergence in Ireland of a significantly pluralistic society' (Ó Corráin 2006, 101). In December 1972 the fifth amendment to remove clauses two and three of Article 44 was approved by 84%. Bishop Lucey campaigned against the

change, but the approval rate was 75% percent in Cork, the political base of Taoiseach Jack Lynch (Cooney 1986, 30).

C9P37 Legislative change that challenged the church's magisterium was a rather different matter. In 1968 *Humanae Vitae*, Pope Paul VI's contested encyclical on birth control, disappointed many committed Catholics and weakened the teaching authority of the church. After their October meeting in 1968, the Irish bishops emphasized the authoritative nature of the encyclical and hoped that the faithful would 'appreciate and live the whole Catholic teaching on marriage and the family' (Irish Episcopal Conference 1968). This was followed by a joint pastoral on marriage and the family in 1969. Divisions within the Catholic Church on so delicate a matter presented difficulties for the state as the legalization of contraception became a major legal and political issue during the 1970s.

C9P38 Through their responses to this challenge the bishops crystallized their revised stance on church-state relations in post-Vatican II Ireland. At least four positions were discernible. The first, articulated by McQuaid in his final pastoral on 28 March 1971, was that the state could not enact legislation contrary to the moral law because any 'contraceptive act is always wrong in itself' (Ó Corráin 2006, 104). The pastoral also attacked the media for subverting the teaching authority of the bishops. This intervention was McQuaid's 'elegy to the kind of Catholicism in which he had been brought up and which he now saw disintegrating around him' (McMahon 2009). He retired in January 1972. A second approach was majoritarian in intent. In a statement on 12 March 1971 the hierarchy asserted that the civil law should respect the wishes of the people who elected the legislators. However, survey evidence in the 1970s, which measured religious practice and belief for the first time, revealed a growing gap between the orthodox beliefs of the Vatican and those of the faithful in respect of artificial contraception, celibacy, and homosexuality. A third position was to appeal directly to the faithful. In 1975 a four-part pastoral, *Human Life is Sacred*, arguably made it more difficult for politicians to legalize contraception or divorce. The fourth was the most significant. In November 1973 the hierarchy issued a statement upholding church teaching—'no change in the State law can make the use of contraceptives morally right'—but this was followed by an unprecedented qualification: 'There are many things which the Catholic Church holds to be morally wrong and no one has ever suggested, least of all the Church herself, that they should be prohibited by the State' (Ó Corráin 2006, 104). Girvin (2018) reveals that this new departure did not prevent a vigorous and largely successful effort by the hierarchy to limit the scope of the Family Planning Act in 1979.

C9S11

Conclusion

C9P39 By distinguishing between Catholic or personal morality and the law, the 1973 statement belatedly recognized that the era of relying on the legislation of the state or dogmatic command had passed. The statement did not occasion a sudden transformation, but

it did signal the beginning of a rebalancing of church-state relations and of a gradual erosion of the church's hegemony that gathered pace in the decades that followed. It also threw into sharper relief how exceptional the first half century of independence was in terms of the church's preponderance—it was a veritable state within a state—and the desire of the government to adopt a consensual approach whenever clerical and secular interests intersected. This ensured that public disputes between church and state were rare. In each of the three periods discussed, the church demonstrated a pragmatic facility to adapt to the changing realities of maintaining its relations with the state. By the early 1970s, although the church's days as a dominant power were numbered, it nonetheless remained a manifestly significant one for the remainder of the century.

C9S12

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