

Abortion and the Right to Life

Abortion has always been a bitterly divisive subject in Ireland. Two referenda have taken place on the subject, both of them stirring up fears on all sides of the community. The most recent arose from an attempt by the Government in November 1992 to change the Constitution again, to permit terminations in the case of a clear and established threat to the life, though not the health, of the mother.

This attempt arose from a case in which the Supreme Court decided that a young girl ("Miss X"), pregnant as a result of rape, was entitled to seek a termination of her pregnancy because of the danger that she would commit suicide if forced to carry the pregnancy to full term. The Bill in front of the Dáil was aimed at closing off what the Government saw as a loophole which would permit the introduction of abortion as a result of this case. Dick Spring spoke against the measure, in a speech headed "A Brutal, Divisive Attack on the Rights of Women and the Idea of a Republic".

I speak in this debate, and I am proud to make the claim, as the pro-life leader of a pro-life political party. And it is from that perspective, and that perspective alone, that I and the Labour Party reject the 12th Amendment to the Constitution Bill - the so-called "substantive issue" amendment - in its entirety as it is presented to us.

We regard this Bill as a brutal, divisive, and ultimately counter-productive attack on the most basic rights of Irish citizens. It is simply not acceptable to us, and it never will be, that our Constitution should set out to treat half of our citizens differently, just because those citizens are women.

From the day it was founded eighty years ago, the Labour Party has stood for life. We have stood for the right to life, to shelter, to health and to welfare - and we have stood for them as fundamental rights. Whether they were written into the Irish Constitution or not, it has been a fundamental tenet of my Party that every Irish citizen has an equal right to all these things.

And we have campaigned for them abroad, just as at home. Our record, and our consistency, in all of these issues cannot be challenged by anyone.

And we have stood for the principle of a republic throughout all those years too. A republic for us involves a society built on tolerance, on freedom of expression and freedom to follow different beliefs. This 12th Amendment of the Constitution Bill, as it is drafted, is an assault on the republic.

None of that makes us particularly special, or marks us out as different. Most Irish people believe in the rights I have mentioned. Most Irish people believe in republican principles - real republican principles, not the perversions of republicanism practised by terrorists.

Most Irish political parties, too, support republican principles. Indeed, one Party Leader in this House once made a famous declaration of his determination to stand by the republic. We will all watch with interest to see whether or not he stands by, or stands idly by instead, when this attack on republican principles is voted on this week.

This Bill is being foisted on the people of Ireland by a Government that either has not thought out, or is unable to understand, or is unwilling to admit, what the Bill actually means. It is a Bill which will incorporate into our Constitution, alone among the written Constitutions of the western world, the *principle* of legal abortion. But it is so badly drafted

that in *practice*, the wording of the Bill will potentially put many more women at risk than are at risk at the moment.

The most criticised aspect of the drafting of this Bill has been the use of the distinction between the life and health of the mother. Ministers have responded to all criticisms of the drafting by saying "that's not our distinction, they're the words of the Chief Justice in the X case". That's one of the many myths that the Government is trying to perpetrate about this issue, and it is as well that it be disposed of right at the outset.

The Chief Justice in the X case was dealing with a very particular set of circumstances, involving as we know the sort of tragedy that can devastate any Irish family, no matter how close or loving. He was in essence adjudicating between two "tests" that had been put forward *in the particular circumstances of the case...*

It could hardly be clearer, in my view, that the Chief Justice in adjudicating between those two tests was deciding between the issue of "real and substantial risk" on the one hand, and "immediate or inevitable death" on the other.

The Supreme Court was not asked in the particular case to adjudicate between health and life. If they had been, the arguments would have been entirely different. The conclusions might more readily support the position the Government has arrived at, or they might not - we simply don't know.

What we do know is that it is absurd and irresponsible to use the remarks of the Chief Justice, taken completely out of their context, as justification for these dangerous words.

Throughout the debate we are going to have, the only thing we can be certain of is that we will be bombarded from all sides by people who are absolutely certain of the correctness of their position. One of the most dispiriting aspects of all of these issues is the capacity for participants to adopt absolute and fundamental positions about issues where absolutism is simply impossible.

We will be lectured by doctors who assure us that doctors know best, though we are unlikely to hear from women who have suffered because of mistakes made by the medical profession.

We will be lectured by male lawyers and professors of law who will also know best - even though they could have no appreciation of the hurt that their views can inflict.

We will be lectured by politicians who will argue that they and they alone have the interests of the nation at heart, as if the nation consisted of only those who agree with them.

Throughout all of these lectures, the people most affected by them are the people least likely to be consulted. They will, in general, be women and girls, many of them in distress or pain, many of them suffering from physical or mental conditions of which we are being asked to take no account.

On polling day, many will cast their votes more in hope that this is the end of the matter rather than in any genuine expectation that they have solved a spiritual, emotional, and physical crisis.

If this Government was serious about addressing that emotional and physical crisis, it would think again. But it is not serious. This Government is not only willing to play politics with the lives, health, feelings, emotions and beliefs of Irish women - they seem determined to

do so. And they are determined to do so in a particularly callous, brutal and unfeeling way. I have not seen, in any of the interviews with Government Ministers that have been broadcast or recorded over the last couple of weeks so much as a shred of sympathy for the agonising dilemma in which so many women find themselves.

Let me make it perfectly clear where I stand. I don't *want* an abortion regime in Ireland. I don't intend to campaign for the introduction of such a regime. But it is unacceptable to me, and I suspect to the great majority of people in this country, that no matter what distress or danger a pregnancy causes, no matter what caused that pregnancy in the first place, no matter what the outcome of that pregnancy is going to be, that we should by our laws and constitution expect every woman in every circumstance to carry that pregnancy to full term.

And, let's make no mistake about it, that is what this amendment, and the accompanying refusal of the Government to legislate unless the amendment is defeated, really means. We are going to put into our constitution, if this Government has its way, a provision that will require doctors, and nobody else, to determine what might be a constitutional abortion and what might not. That is more than an absurdity. It is an obscenity.

(After dealing with the details of the Government's proposals, Dick Spring went on):

If a girl is young, or single, or the victim of a sexual assault or incest, and becomes pregnant, she is going to be far more vulnerable to psychological or psychiatric damage. That damage can be compounded far more by her religious or cultural beliefs, or the beliefs of those whose support and approval she needs, than it would be by, for example, her financial circumstances.

A girl in this situation, even if she is surrounded by love and affection, can find herself totally alone. Even though the circumstances of her pregnancy might involve no willing participation on her part, she can come to believe that she has betrayed not only her loved ones, but all the values they have tried to instill.

It is when that girl is entirely alone, isolated from support and marginalised from those she cares about, that she is most at risk.

- And are we seriously going to say that she doesn't matter? Because if we make our law as inflexible as we are proposing, that is precisely what we are doing.

I have a daughter. And there is no law in the land that would prevent me from reaching out to my daughter, or I hope to any child in trouble, to help in any way I could to put that trouble right.

And I am not unique - far from it. Many of the members of this House have children, and all of us represent children as much as we represent their parents. All of us believe and want to believe that if any of our own children need us, we will be there for them.

- And what that means is that we must recognise, no matter how painful it might be, that there are times when the only way we can relieve pain and suffering, and remove risk to children, is to rely on the advice of psychiatrists and other professionals who can see too clearly the danger they are in.

Under the Government's Bill, terminations of pregnancy will never be allowed in the case of victims of rape or incest - unless of course those victims are also suffering from some highly dangerous physical illness, which threatens to kill them in the short term.

But the reality, and it is a reality that we must face as parents as well as legislators, is that there are some circumstances where rape and incest can result in life-threatening psychiatric conditions. It may be unpalatable, but unless we want to place young girls, already victims of monstrous injustice, at further risk, we will delete this provision.

Are to prove yet again, by passing this Bill, that this House is very good at prohibiting, and hopeless at providing? Are we to prove yet again that this House is prepared to ignore its responsibility to encourage, to comfort, and to plan, in favour of taking the easy way out?

Our Constitution is based on the underlying principles of **prudence, justice, and charity**. It was prudence, justice, and charity that informed the Supreme Court judgement in the X case. And in prudence, justice, and charity, I say that it is impossible to recommend support for this dangerous, divisive, and potentially cruel amendment.