

NATIONAL ARCHIVES**IRELAND**

Reference Code: 2004/27/12

Title: Letter from Garret FitzGerald, Minister for Foreign Affairs, to Reverend Agostino Casaroli, Secretary of the Council for the Public Affairs of the Church in the Vatican City, with attached memorandum concerning matters which may be a problem in the context of Irish unity. Issues addressed include divorce, contraception, education, and mixed marriages.

Creation Date(s): 14 August, 1973

Level of description: Item

Extent and medium: 7 pages

Creator(s): Department of Justice

Access Conditions: Open

Copyright: National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

14th August, 1973

His Excellency Most Reverend Agostino Casaroli
Secretary of the Council for the Public Affairs
of the Church
Vatican City
Italy

Your Excellency,

First of all I should like to thank you for being good enough to give me some of your time during the Helsinki Conference to discuss a number of our problems in Ireland. At the conclusion of our discussions you suggested that I might perhaps write to you to confirm the various points that I had made verbally.

The policy of our Government is clear and consistent. We look forward to some form of political reunion of the two parts of Ireland in the future but we recognise that this can come about only with the consent of the majority in Northern Ireland, and peacefully. All our policies are therefore directed towards reconciliation and peace, and above all towards creating in the Republic conditions which will, as far as possible, eliminate suspicion or hostility amongst Northern Protestants. We feel a strong moral obligation to follow this path - all the more so because of the very real and pressing danger that, in the absence of effective action along these lines, the tension in Northern Ireland would reach a flash-point, precipitating a pogrom against, and the expulsion of the surviving members of, the 200,000 Catholics in the Eastern part of Northern Ireland. This is the terrible possibility that faces us,

the avoidance of which must be an absolute priority of our Government.

We have to face the fact that the hostility with which many Northern Protestants have hitherto viewed the Republic (which has so much contributed to their fear of eventual reunification, and to their hostile and repressive attitude towards the minority in Northern Ireland), derives in some measure from certain features of our legal and social systems which they regard as specifically "Roman Catholic" in character and which, they feel, rightly or wrongly, show a disregard for the basic rights and aspirations of Protestants. A separate problem is the attitude of the Catholic Church towards mixed marriages, and the demographic consequences of this attitude in the Republic.

I send herewith a memorandum setting out the factual position under each of the headings, (1) Divorce, (2) Contraception, (3) Education and (4) Mixed Marriages.

I trust that Your Excellency will forgive me for writing to you at such length on these subjects in support of what I said to you at Helsinki, but I feel that it is very important that you should have available to you the facts of the situation as seen from a Government viewpoint here. The Government would, of course, appreciate very much any assistance you could give in relation to the mixed marriage issue, so as to ensure that the Government's attempts to achieve reconciliation and peace in Ireland will have the

maximum hope of success. Constructive co-operation between Church and State in matters of this kind could contribute, I believe, to a favourable outcome of the Northern Ireland situation at the present time.

I remain, Your Excellency,

Yours sincerely,

(Sd.) Garret Fitzgerald

Garret Fitzgerald

(1) Divorce

The Irish Constitution of 1937 introduced a new provision, absent from the 1922 Constitution, which makes it unconstitutional for our Parliament to introduce any provision that would make possible the dissolution of marriage. This provision has the incidental effect of making it difficult for the State to seek a greater measure of harmonisation between the law and practice of the State, and that of the Catholic Church in respect of the annulment of marriages. Most seriously, however, its presence in a Constitution which purports to be in some measure a Constitution for the whole of Ireland, appears on the face of it to threaten the existing divorce provisions in Northern Ireland and has suggested to many Northern Protestants an intention on our part, within a united Ireland, to require them to eliminate these provisions. If, as has been suggested - although no decision has been taken on this matter - a new Constitution were to be introduced for the Republic, there would, therefore, in the view of many people here, be a strong case for dropping this provision, which is offensive to Protestants in Ireland.

This is, of course, a quite separate question from that of the introduction of a divorce law in the Republic for which, at the present time, there is only limited support. A public opinion poll carried out several years ago suggested that at that time only between one-fifth and one-quarter of our people would approve of the introduction of divorce legislation, although it is, of course, possible that this percentage has since increased somewhat.

(2) Contraception

The Irish Constitution makes no reference to contraception but an Irish law passed in 1935 prohibited the import of contraceptive devices and made their importation for sale a criminal offence. This means that, for example, if a Protestant married couple who feel in conscience entitled to limit their families by one or other of these methods, seek to import contraceptives from Northern Ireland or Great Britain they cannot legally do so. At the same time the law is in practice unenforceable and anyone prepared to ignore it - as, however, many law-abiding Protestants are reluctant to do - can obtain contraceptives, thus bringing law itself into disrepute. The effect of this provision on Protestant opinion in Northern Ireland can readily be imagined. There would appear to be very strong support in Parliament for an amendment to this law, although there exists a strong body of opinion favouring the maintenance of safeguards against too widespread availability of contraceptive devices.

It should be added, incidentally, that doctors are now in the unhappy position that in practice one form of contraception - the pill - is available in a legal way and doctors who believe that in a particular instance this form of contraception may be damaging to the health of their patients, are in a position of being unable under the law to substitute an alternative method that may be indicated by medical considerations.

In all these circumstances, there would appear to be a very strong case for amending the law, and it is quite possible that such an amendment might be brought forward before long - if not by the Government, alternatively in the form of a private members' bill, which the Government would find it very difficult to resist, especially given the present situation in Northern Ireland.

(3) Education

A third problem area relates to education. In the Republic there is no great pressure for any significant modification of the present educational system in which an option exists between private religious schools and State schools which, in the great majority of cases are de facto Catholic, both as regards the composition of the teaching force and of the pupils.

There is, however, a reform programme under way which involves a merging of these two types of schools into Community Schools but no agreement appears to have been reached at this stage as to how these new schools should be managed.

In Northern Ireland, however, there is a somewhat different situation. There is evidence from studies of public opinion carried out both before the present troubles began, and more recently, that about two-thirds of Catholics, faced with the situation which exists in Northern Ireland, would favour the introduction of integrated education. This derives from their perception of the impact of separate religious education upon the attitudes of young people, in particular towards their contemporaries of a different religion. It is not, of course, suggested that the cause of the present problem in Northern Ireland is separate religious education, but there does exist a widespread view that in its present form separate education is tending to perpetuate, and in some instances perhaps to intensify, the community divisions which have proved dangerously divisive - and indeed lethal - in their effects.

The contrast between what appears to be the predominant view of the Catholic population in Northern Ireland and that of the Hierarchy on this issue could give rise to some difficulties in the period ahead. The very strong stand of the Hierarchy in Northern Ireland on this matter is seen by many people in both communities as a possible impediment to a movement together of the two communities which, as will of course be appreciated, could be immensely valuable in this situation.

(4) Mixed Marriages

The fourth problem area relates to mixed marriages. Changes in the formulation of the Church's position in this matter have in recent years greatly eased the personal problems that formerly existed in the case of mixed marriages. Although questions have been raised as to whether the new approach has been uniformly adopted in all dioceses, for most people it is no longer a source of serious tension arising from a conflict between the wishes of a Catholic partner, influenced by the teaching of the Catholic Church, and the Protestant partner.

JUS/8 Department of Justice

However, this has in no way resolved the demographic problem for Protestants created by a combination of the intense loyalty of Catholics to their faith and the filial obedience of so many to the wishes of the Church in matters of this kind and, on the other hand, the very small numerical size of the Protestant minority in this country. Because only some 5% of the population are Protestants, and because in many parts of the country the percentage is as low as 1%, something like a quarter of Protestants marry Catholics. And because of the fidelity of the Catholic partners to the spirit as well as the letter of the Church's teaching in this matter, and the much less strongly-held convictions of the Protestant partners, in virtually all these cases the children are in fact brought up as Catholics. This has led to a reduction of the Protestant population in the Republic amounting to 25% per generation, or about 1% per annum.

The effect of this phenomenon upon Protestant opinion in Northern Ireland can readily be imagined. Because of the much closer numerical balance between the two communities there, and because also, it must be said, of a much lesser degree of social contact between the communities in Northern Ireland, the proportion of Protestants contracting mixed marriages is very much lower there, and no demographic effect of this magnitude, therefore, exists in Northern Ireland. Having no equivalent local experience of this demographic phenomenon, the Northern Protestants naturally attribute the rapid decline of the Protestant population in the Republic to other and more sinister causes. They are convinced that the Protestants in the Republic are so repressed that they have to emigrate in large numbers although this is, in fact, far from being the case. (In fact, the rate of emigration of Protestants from the Republic is somewhat lower than the rate of emigration of Catholics.)

It will be seen from the above that the *Ne Temere* Decree of the Church and subsequent legislation along similar lines to *Ne Temere* has had in the Republic an effect which does not seem to have a parallel anywhere else in the world because the particular combination of circumstances that has created this situation does not exist anywhere else. The effect of this phenomenon upon Protestant opinion in Northern Ireland has been very damaging and the question arises as to what action might be taken to remedy the situation.

Just what form this action might take it is hard to say. The pre-*Ne Temere* position in Ireland, when the boys were brought up in their father's religion and the girls in their mother's religion, maintained a population balance between the denominations is open to other objections especially for Catholics. But the fact remains that this question of mixed marriages looms larger than any other single issue - perhaps even larger than all the other problems put together - in the minds of Irish Protestants.

There is a particular urgency about this question because it will come up for consideration at the meeting between Church leaders to be held here in September. There are fears amongst Catholics in the Republic and in Northern Ireland that when this matter comes to be discussed, the attitude adopted on the Catholic side might not only fail to contribute to a solution of the problem, but might be such as to be

seen as a major setback to any attempt to improve relations between the communities. It would appear, therefore, very important that the representatives of the Catholic Church at this meeting should be as open and constructive as possible so that the overall public impact of these discussions will be favourable to a reduction in tension.

14th August 1973