Introduction:
Whose Morality? What Sexuality?

Politics, sex, morality. The association of these words is an old recipe for arousing interest. History, sociology and law, on the other hand, could be great enthusiasm deadeners, but in the context of Ireland (and throughout this book Ireland will refer to the Republic of Ireland), all these ingredients have fuelled endless debates and controversy, raging at regular intervals. The Irish don't just reconstruct the world around a glass of stout, as the image goes, but their propensity to question their own society can be fascinating to foreign eyes. Irish society has changed more over the last two decades than in the previous century, and the cathartic process reached all-pervasive proportions in the first half of the 1990s, notably at a time when the Catholic Church became embroiled in a number of controversial issues which markedly eroded its authority. These debates, which the French refer to as débats de société, as they are at the basis of our society, go beyond the question of private versus public morality, as regulated by the state for the common good of its citizens.

A close reading of public as well as religious discourse in Ireland in the twentieth century reveals a concern for the notion of social order, not surprisingly in a recently founded state, and one whose ideology was based on Catholic concepts at that. By contrast, a number of social phenomena will be blamed for fostering disorder, and their introduction into Irish society will be strongly resisted. In a country where Catholic morality, as we shall see, has been as central to the development of state law and state politics as it has been to the personal development of the Irish individual, any clash between its vision of order and the citizens’ will be momentous indeed.

An apparent digression is timely in order to appraise the rhetoric of order and disorder in the sphere of morality. It is based on the concept of natural law, as expounded by Thomas Aquinas in the thirteenth century. This concept, however time-honoured, is still in force and relevant to some, and rests mainly on two precepts: first, that one must do good and avoid evil; second, that it is in nature that we can find the moral values that enable us to distinguish between good and evil. The
Catholic Church adopted this theory as its official doctrine in 1879, and to this day it still endorses natural law as the universal and obligatory moral law. But it insists on the fact that man, having been corrupted by original sin, needs the Church’s dogma and a set of immutable principles to find the right way, guided by the Church and by the Roman pontiff in particular. Thus defined, natural law is but a different phrase for God’s law. This was recently reiterated in the *Catechism of the Catholic Church*, published in English in 1994:

> The natural law, the Creator’s very good work, provides the solid foundation on which man can build the structure of moral rules to guide his choices. It also provides the indispensable moral foundation for building the human community. Finally it provides the necessary basis for the civil law with which it is connected, whether by a reflection that draws conclusions from its principles, or by additions of a positive and juridical nature.¹

Protestants (Anglicans and Nonconformists) subscribe to a different theory of natural law: for them, it is based on human reason, and they do not need the mediation of their churches, which do not give instructions but guidelines and do not play a mediating role when it comes to salvation. It is also important to state that Protestants believe in the supremacy of their free conscience, informed by their reason and not by a rigid dogma. What happens in a state such as Ireland, with its Catholic majority, is that Protestants, as much as atheists for that matter, are ruled by natural law as interpreted by the Catholic Church. The doctrine relating to the relations that must exist between Christians and the state is not fundamentally rejected by Protestants in that they recognise that divine authority is supreme, and that the will of the people is the intermediary between this authority and the three organs of state – legislative, executive and judiciary. In that sense Protestants do not reject the Preamble or even Article 6 of the *Irish Constitution*, which set out these principles.² Law and morality thus overlap, as the Church has inculcated obedience to the civil authorities, and the state has chosen to base its socio-moral laws on the idea of order and perfection. Where the Protestant concept of public morality diverges is when the state inserts in its Constitution and in its laws moral interdicts that leave no room for free will and conscience. When Ireland endeavoured to become openly pluralist, a number of questions were raised. Should the civil law be the vehicle by which democratic majorities, Catholics in this case, reaffirm the moral aspirations they share? Who would protect the rights of minorities?