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Ireland

# Irish state reduces women to vessels

- Features - Feminism -

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**The repression of women by the Irish state has been exposed yet again by the case of a clinically dead woman being kept alive in order to continue a pregnancy. The responsibility of the state for this woman's situation was summed up in the claim by doctors that they were unable to accede to her family's request that life support be switched off for "constitutional reasons". In this case the legal imperative to preserve the life of the unborn raised the prospect of a woman's body being maintained for up to twenty weeks despite there being no possibility of a live, never mind healthy birth.**

This horrific scenario did not fully unfold (though it should be remembered that life support was in place for three weeks) as the family were successful in obtaining a judgement from High Court to grant their request. Yet the resolution of this particular case did not alter in any way the severe limitations on the reproductive rights of women in Ireland.

## Eighth Amendment

The "constitutional reasons" mentioned by doctors was a reference to article 40.3.3 of the Irish Constitution - known as the Eighth Amendment - which recognises a right to life of the unborn that is equal to that of the mother and requires the State to defend that right. Passed in a referendum in 1983 this was a major victory for those who were seeking to reinforce Ireland's ban on abortion.

That it was a factor in a case that had nothing to do with abortion shows the degree to which the ban on abortion has affected every aspect of women's lives relating to reproduction. In healthcare the recognition of the right to life to an unborn foetus has embedded a distorted two patient approach to pregnancy in which the unborn is viewed as an independent entity despite being wholly dependent on the mother. While the primary purpose of this deceit is to deny women the right to an abortion, in the case of brain death it reduces them to nothing more than incubators. Cases such as the one above are not unique.

## High Court judgement

The Eighth Amendment - and the right to life of the unborn imperative - was central to the High Court's deliberations on the request of the family to turn off life support. Indeed, one of the first things established by the Court was that it did apply in this case. The Court ruled that the Eighth Amendment creates an independent right to life of the unborn that applies in all cases. In the case of maternal brain death the rights of the unborn must prevail over any regard for the mother who is no longer living. The main focus of deliberation is therefore on the "practicality" of continuing with the pregnancy. In this case it was found that there was no prospect of a live birth and so the request to turn off life support was granted. While this judgement may have satisfied the particular needs of the woman's family, for women in general the implications are very bad. It upholds the fundamental deceit that a foetus has an existence independent of the mother and in the result of brain death reduces the woman to nothing more than a sustaining environment for a possible birth.

The only consideration given to the woman in this judgement her right to dignity in death. However, this weighed very lightly in comparison with the right of the unborn. The right to dignity is also limited to death - it does not apply to a

woman's dignity in regard to a continuing pregnancy. The interference of this judgement is that if the practicably qualification is met then pregnancy in the case of maternal brain death should continue. And it doesn't stop here. The judgement also introduces the principle of the "best interests" of the unborn as an additional reason to sustain the body of the pregnant woman. Overall, it is very much in tune with the arguments advanced by anti-abortionists.

## Reform?

The High Court judgement was typical of the judicial-political fixes that are produced in response to public outcries over particularly cruel consequences of Ireland's abortion laws. They bring resolution to a single situation and some relief to the small number people immediately affected by it but do nothing to address the fundamental reasons such harrowing cases occur so regularly.

These various judgements and laws, give the appearance of reform but in reality keep the blanket ban largely intact. So despite the passage of legislation in 2013 we had the case last year of a suicidal rape victim being force fed and subjected to a caesarean section. The only area that has been liberalised in relation to abortion is the right to travel. Even this right to travel isn't universal, with reports that at least five migrant women in Ireland who wanted to have an abortion were forced to carry on with their pregnancy in the last year.

The experience over the last twenty years - of the public outcries, spontaneous mass movements and the political response to them - demonstrate the impossibility of gradual reform on the issue of abortion. While mobilisations around calls for the repeal of the Eighth Amendment are useful in raising political awareness and should be supported, even a successful campaign would not guarantee the achievement of abortion rights.

## Clerical state

The fundamental reason for the failure of reform is not the nature of the law but the nature of the state. In a liberal democratic state reforms in relation to abortion are possible - we can see the liberalisation that has taken place in the countries of western Europe and North America since the 1960s. Though reform would not have happened without struggle it could be accommodated by these states.

The problem with the Irish state is that while it is democratic in form (parliament, courts, constitution etc) it is anti-democratic in nature. It came into existence on the back of the defeat of the democratic struggle. The conservative counter revolution which took place was reflected in the special status afforded to the doctrine of the Catholic Church and the control religious orders were given over public services such as education and health. This is why we describe Ireland as a clerical state.

While the liberal assumption that we are living in a post-Catholic Ireland may be true in terms of public attitudes and behaviour - institutionally and politically the clerical state is still very much in place. It has been the foundation of capitalist rule in Ireland and there is no indication that any significant section of the Irish capitalist class is moving away from that.

There was shock and embarrassment over the revelation that Savita Halapannavar [\[1\]](#) was told by a midwife that she could not have an abortion because Ireland was "a Catholic country". But this is the truth. Ireland is a country whose laws continue to be informed by religious dogma. This is the reason why abortion is banned. This is the reason why pregnant women die needlessly; rape victims are forced to give birth; and the bodies of brain dead

women turned into incubators.

# Revolutionary

In the framework of the Irish state reform in relation to abortion is impossible. The struggle for women's rights is therefore bound up with the struggle for democratic rights and for socialism. The class nature of Irish society also means that such struggles can only be advanced by the working class. In Ireland the demand for abortion rights cannot be anything other than

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[1] Savita Halappanavar, of Indian origin, was admitted to hospital in Galway suffering from a miscarriage in October 2012. The refusal to give her an abortion to save her life and her death a week later provoked widespread national and international protest and led to new legislation [Protection of Life During Pregnancy Act 2013](#).