

ARTICLE 33

Legio Sanctae Familiae – The Legion of the Holy Family

Marriage a gift from God

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Marriage! Ireland, stronghold of Faith

Ireland, a Jewel in the Catholic Crown?

The Ireland of 1968 was a very different place from the Ireland of today in certain respects. Ireland was regarded as a stronghold of the faith, a jewel in the crown of the Church with a proud history of missionary work and evangelisation throughout Europe and beyond. This faith was reflected in our laws. Divorce was illegal, the sale and importation of contraceptives were illegal, there was no pornography on sale in our shops, these same shops were mostly closed for business on Sundays and holy days of obligation, abortion was illegal, homosexual acts were illegal.

I remember a conversation I had with my late father, Seán Lacken, around the time of the 1995 divorce referendum. A strong Catholic, he surprised me when he said that, whilst he would be voting against divorce, he believed that there should never have been a ban on divorce in our constitution. His reasoning was along the lines that you cannot legislate in order to make people live moral lives rather you have to convince them of the truth of your convictions. I did not understand what he meant at the time but I knew him to be a deep thinker and so I filed this information away in my mind.

Catholic Laws may breed Complacency

The reason I mention it now is because I am beginning to understand what he meant. It seems to me that there was a great danger of complacency within the Church in Ireland. The law was on the side of the Catholic church, people couldn't get a divorce, they couldn't purchase contraception or pornography, therefore there was really no need to convince the people of the deep truths of these teachings because the law was keeping the citizens in check as regards these matters. I realise that my reasoning here is simplistic, but, when I look at the rapid decline and abandonment of the faith by the people of Ireland in the last forty years, and the changes in the law that preceded this, I cannot but wonder whether or not the faith could have really taken root in the hearts of the people.

This thesis is somewhat supported by certain events that happened in Ireland in the years 1978 and 1979 which have a direct bearing on the decline of marriage and family life in this country. The catalyst was an Irish Supreme Court decision of 1973 which held that the state, by unreasonably restricting the availability of contraceptives for use within marriage through the ban on their importation, was acting unconstitutionally. For years, no government was prepared to deal with the issue that had now been created, probably because they feared what the Irish bishops might say.

The Supremacy of individual Conscience

One very interesting aspect of this case comes from the arguments submitted on behalf of the woman at the centre of the case. It is noted that she and her husband were Roman Catholic but "*The plaintiff also says that her decision to practise contraception is in accordance with the dictates of her own conscience...*" (Fitzgerald C.J. In McGee V Attorney General). This is the very same line of reasoning that was being put forward by the dissenting professors of moral theology in Maynooth, whereby in essence, they claimed that Catholics could contravene the law of God so long as they were following the dictates of their own conscience.

The Bishop's Compromise

In 1978, the then Minister for Health signalled his intention to finally deal with the matter. In April of that year the Irish Bishop's conference issued a statement and in June of that year a private meeting was held between four of Ireland's bishops and the Minister for Health to discuss the matter. I have obtained a copy of the bishop's statement and it makes for sad reading. The bishop's began with a brief paragraph on the Church's moral teaching on artificial contraception stating that "*No one can, by passing a law, make what is wrong in itself become right. This teaching is binding on the consciences of Catholics.*" This was immediately followed, in paragraph three, by this amazing sentence.

"3. It does not necessarily follow from this that the State is bound to prohibit the distribution and sale of contraceptives."

The Bishops issue a Blueprint for Contraceptive Legislation

Remember, that this sentence comes after ten years of our bishops allowing dissent from Church teaching on this matter to go unchecked in Ireland's major seminary. The sentence was qualified, but even with the qualifications, it is impossible to reconcile this sentence with Catholic teaching. When one reads the rest of the bishop's statement in the light of this particular sentence, it becomes clear that, whilst on the surface their statement appears to uphold Church teaching, it is in fact an outline for the government as to what conditions they must satisfy in order for the bishops not to oppose their proposed legislation. It was a blueprint for the legislation. Nowhere does the bishop's statement offer any objection to the proposed legislation and their statement ignored the teachings of previous popes on this matter.

Contradicting the Popes

For example, Pope Leo XIII, in his encyclical "*Immortale Dei*", states: "*In political affairs, and all matters civil, the laws aim at securing the common good, and are not framed according to the delusive caprices and opinions of the mass of the people, but by truth and by justice; the ruling powers are invested with a sacredness more than human, and are withheld from deviating from the path of duty, and from overstepping the bounds of rightful authority; and the obedience is not the servitude of man to man, but submission to the will of God, exercising His sovereignty through the medium of men*" (*Immortale Dei* – 18)

Pope Pius XII, in his encyclical "*Summi Pontificatus*" puts it this way "*But there is yet another error no less pernicious to the well-being of the nations and to the prosperity of that great human society which gathers together and embraces within its confines all races. It is the error contained in those ideas which do not hesitate to divorce civil authority from every kind of dependence upon the Supreme Being - First Source and absolute Master of man and of society - and from every restraint of a Higher Law derived from God as from its First Source. Thus they accord the civil authority an unrestricted field of action that is at the mercy of the changeful tide of human will, or of the dictates of casual historical claims, and of the interests of a few.*

Once the authority of God and the sway of His law are denied in this way, the civil authority as an inevitable result tends to attribute to itself that absolute autonomy which belongs exclusively to the Supreme Maker. It puts itself in the place of the Almighty and elevates the State or group into the last end of life, the supreme criterion of the moral and juridical order, and therefore forbids every appeal to the principles of natural reason and of the Christian conscience." (*Summi Pontificatus* 52 – 53).

The Sale and Importation of Contraception is Legalised in Ireland

The Minister for Health duly complied with the bishop's wishes and in February of 1979, the phrase 'an Irish solution to an Irish problem' was born with the publication of the Health (Family Planning) Act 1979 which lifted the ban, albeit with restrictions, on the sale and importation of contraceptives in Ireland. God always sends prophets to His people and my next article will look at what one of those prophets said.

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