



# An Chartlann Náisiúnta National Archives

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Address by the Taoiseach, Dr. Garret FitzGerald, T.D., in  
Dail Eireann on Thursday, 3rd July, 1986, in moving the Vote  
for the Department of the Taoiseach and opening the  
Adjournment Debate

I move:

That a sum not exceeding £5,632,000 be granted to defray  
the charge which will come in course of payment during the  
year ending the 31st day of December, 1986, for the  
salaries and expenses of the Department of the Taoiseach  
and for payment of certain grants-in-aid.

The referendum is now over. The people have delivered their  
decision and it is for all of us in this House to accept that  
decision.

Deputies will of course be aware that it was my heartfelt wish  
that the Government's proposals be accepted by the people, and  
my sincere thanks and appreciation go to the very large numbers  
who voted 'yes', and who worked with courage and dedication for a  
'yes' result.

The issue and the debate proved to be difficult for  
everybody. There was, I believe, serious and honest intent on  
all sides. Those who voted 'no' felt that the legitimate  
claims for minority rights and the call for compassion on  
behalf of those trapped in hopeless marital situations were, on  
balance, outweighed by their concern for the effects that they

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felt even a limited form of divorce might have on the family and our society generally.

Those who, with me, voted 'yes' maintained that those concerns were greatly exaggerated and that the road of pluralism and compassion offered greater advantages for the Irish people in all its present and possible future diversity.

It was ultimately a matter of finely-balanced judgement, a matter of a decision which each citizen had to make in the privacy of his or her own mind and heart, and I am certain it was not an easy decision for many people to take. Those who voted 'no', after deep consideration of all the issues involved, have my respect and understanding. I believe that they did not intend on Thursday to condemn the unhappy victims of failed marriages. Most of them voted rather to reflect their vision of Ireland where the role of the family is central and sacrosanct - a positive, not a negative, declaration.

To those who voted and worked for a 'yes' vote, I say that while the issue is settled for the present, the size of the support is a sure guarantee that the issue will remain, the debate will go on, the problems will not go away, and will not be solved by spurious subterfuges. Courage, resolution, patient resolve, conviction in the justice of your cause; these must be your passwords and your guiding lights out of the dark disappointment of these days. There will be better, brighter days in the future.

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The very large numbers who abstained, almost 40%, have, no doubt, their own justifications and rationalisations. To them I would say that democracy in the modern world is a privilege, something relatively rare, to be treasured, defended and nurtured. It is better to express an opinion than to sit on the fence; to be in favour of, or against, a proposition, than to try to be in both camps at the same time.

Democracy confers power on the people and with that power comes responsibility - the responsibility to participate in the democratic process - the responsibility to have an opinion - to choose - to go out and vote on polling day. There were too many abstainers on Thursday last.

For myself, I am happy, proud indeed, that I brought forward the proposition and put it to the people. This has for long been the policy of the great party it is my privilege to lead, and the referendum was the culmination of a pledge I gave to the Irish people on taking government. In this matter I have discharged my duty and honoured my pledge.

I believe, too, - and this has not been seriously challenged by anyone - that the whole matter was dealt with in the best possible manner, involving the Oireachtas All-Party Committee, the Dáil and Seanad themselves, the Government and the Government parties, and extensive consultations with the Churches. The wording of the amendment was the best we could have devised. Even the timing was the best possible in the

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circumstances, as any later would have been too near an election, and any earlier would have truncated the very necessary discussion process.

The fact that the proposition was defeated does not diminish my belief that it was right to pose it. It is often the duty of a leader to lead, to put a proposition he believes to be correct, and in the interests of the nation and its people. He should not be content to wait until he is certain of success. This can be the very abnegation of leadership as I firmly believe it would have been on this occasion.

I am happy in my conscience that I have discharged my duty in this matter, that I have honoured my pledge, that I have kept faith with the people who have elected me to lead them. I accept the decision of the electorate and propose now to move ahead, putting before the Oireachtas in the next session proposals for changes in the law of marriage and separation, as set out in the Government Statement of Intent at the time of the publication of the text of the Referendum Amendment. Work on the Heads of appropriate legislation will begin immediately and will be brought to the Government in the Autumn with a view to being presented to the Oireachtas in good time for full debate and enactment during the session of the Dail that will end a year hence. In this connection we shall, for example, have to look at such matters as the preservation of provision for deserted wives where these wives are legally divorced by husbands who have established domicile abroad.

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Clearly legislation to be put forward must be in conformity with the Constitution. It cannot, therefore, include any provision for the dissolution of marriage or for measures which could be constitutionally impugned as having this effect. Moreover careful examination will have to be made of whether constitutional impediments may stand in the way of the implementation of certain other provisions, such as the transfer of property to a dependent spouse on the occasion of a judicial separation. But, these problems apart, the necessary legislation will be brought forward, and will, we have been assured by the Opposition, be given positive consideration.

Mention has also been made in recent days of the possibility of changes in the law of nullity. This too the Government will examine, as we have committed ourselves to doing in our Statement of Intent. But all should be conscious that in this area significant changes could carry with them a number of serious dangers. Any attempt to disguise as grounds for nullity a condition which was not operative at the time the contract was entered into, would be constitutionally void. Moreover, a very real concern, expressed both by many politicians and churchmen, clearly also by the people, about the rights of the first family, represents a powerful impediment to significant changes in the law of nullity that would put at risk the rights of dependent spouses and children of first families, which are at present secure under the existing law.

In this area the Government must have due regard to the

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Constitution, to the rights of the first family, and to the importance of avoiding the casting of doubt on the validity of a wide range of existing marriages.

Having indicated the Government's intention to initiate the necessary reforms in respect of marriage and separation, and to examine further the question of improvements to the law of nullity, I may perhaps be permitted to add a comment of my own on this whole matter. I would not have embarked upon this Referendum were I not personally convinced that the proposed changes in the Constitution would make possible changes in the law which would be to the general social advantage. While, of course, accepting the decision of the people on this occasion I have not changed the view on this matter to which I have been brought over a long period of years, after careful consideration and deep reflection on this whole issue.

There are, moreover, broader considerations at stake: the principle of a pluralist society in this State, as in this island as a whole. And by a pluralist society I mean one in which the different traditions that exist in this State and this island can feel equally at home, not constrained by the predominance of the ethos of any one Church, or group of Churches. I have always seen that pluralist society not as a secular society, cutting itself off from its deep roots in Christianity, itself founded on Judaism - two great religions which share in common a vast body of moral values, and both of which, happily, are well represented in this House.

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Of course I respect the fact that there are in this country a growing number of people who no longer belong fully to these traditions and who may in their own minds reject them - but who, I have often observed, base their own value systems for the most part on the values that they have inherited from these religious traditions.

The pluralism to which I, and many more of our people today aspire, is a pluralism inspired by these religious values, respectful of them, and concerned that they be maintained.

But what I, and others like me, reject is any suggestion that one tradition be subordinated to another. I believe in, and for decades have worked for, the right of the nationalist people of Northern Ireland to be free not only from discrimination, but from the impact of laws based on a particular religious tradition, to which they do not belong, and some of whose values they do not share - for example the anti-libertarian laws that inhibit them from spending their Sabbath freely in accordance with their own traditions.

Our society in this State has been free of religious discrimination of the type practised in Northern Ireland - not perhaps because we are in some way inherently better or more tolerant than our unionist fellow-Irishmen in Northern Ireland but, more probably, because in this truncated State the size of the minority has not represented for us a threat to which we have felt impelled to respond, in the way in which many

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unionists in Northern Ireland have felt impelled to respond to the much larger nationalist minority in Northern Ireland.

But while this State has from its inception been free from any form of religious discrimination, we have not been free from the same kind of attempt to impose the value system of the majority religion here, to which most of us belong, upon those of a different tradition, when it comes to our Constitution and our laws. If I am to have the right to claim for the nationalist minority in Northern Ireland not merely freedom from discrimination and a right to have their identity and tradition fully respected, but also a system of laws based on common ground between the different Christian traditions of that part of our island, rather than on the tradition of the majority there, then I must, in all honesty and logic, make the same claim on behalf of the minority in this State - namely that our laws, that our Constitution, will reflect the common ground we share with them, rather than the ethos of our majority religion.

I would not be honest with myself, nor with this House, if I failed to reassert on this occasion that fundamental principle, which to me, and to many others I believe in this House, - to many others in all Parties in this House - is what republicanism in the Irish context means.

In thus reasserting my own personal belief, to which I have been consistent throughout my political life, and to which I shall remain consistent in the years to come, I imply, as I

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made clear earlier, no criticism and no recrimination with respect to the result of the recent referendum which I recognise freely was decided in the minds of our people on the basis of different considerations and different issues. Many, very many, of those who voted against this referendum did so not because they reject in any conscious way the pluralist ideal of which I have just spoken; other considerations, some of them most genuine considerations of social concern, weighed more heavily with them in a campaign which did not in fact centre on this issue of pluralism.

What is done is done. It can, and I believe in time will be, undone. As a democrat I respect that decision. As a republican I hope to live to see it reversed.

Voices have been raised, especially by unionists in Northern Ireland, suggesting that the result of this referendum has implications for the implementation of the Anglo-Irish Agreement. There are no such implications. The House will recall that this Agreement is itself the fruit of the Forum Report, the terms of reference of which addressed themselves to the problems of securing peace and stability in Northern Ireland. This, too, is the objective of the Agreement, which, in its Preamble, recognises the major interest of both countries, and above all the people of Northern Ireland, in diminishing the divisions there and of achieving lasting peace and stability. That Preamble also recognised that a condition of genuine reconciliation and dialogue between unionists and

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nationalists is mutual recognition and acceptance of each others' rights and that the identities of the two communities in Northern Ireland should be recognised and respected, together with the right of each to pursue its aspirations by peaceful and constitutional means.

The structures and procedures set up by the Agreement are directed towards these ends, though it has not been easy to secure recognition by the unionist people of Northern Ireland that these are the objectives of the Agreement, and that nothing in the Agreement seeks to constrain them to accept any change in the status of Northern Ireland without the consent of the majority of its people.

The negative vote in the referendum does not in any way affect the implementation of this Agreement. But it is, I believe, something of a setback to the long-term prospect of the two parts of Ireland coming closer together politically. It cannot reasonably be denied, and I think that we ought to face this fact, that we have a long way to go before we create in this part of Ireland a society that would seem welcoming to, open to, and attractive to, people of the northern unionist tradition.

I want to turn now to the recent European Council Meeting.

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