

The Roman Catholic Church and the Democratic Process: A Comparative Analysis of Abortion Policies in Ireland and Poland

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According to the *Pastoral Constitution on the Church in the Modern World* drafted by the Second Vatican Council in 1965, “from the moment of its conception life must be guarded with the greatest care while abortion and infanticide are unspeakable crimes” (Second Vatican Council 1976, 53). Since Vatican II, Western liberal democracies have taken steps to pass legislation that directly opposes the stance on abortion maintained by the Holy See: all Western liberal democracies, with the exception of Ireland and Poland, have legalized abortion. While both Ireland and Poland share considerable similarities with regards to historical state ties to the Roman Catholic religion—in both countries Catholicism has been a mechanism for preserving the nation-state and forging the contemporary national identities of both populaces—the two states are far from similar in their respective abortion histories, in their constitutions, in their state relations with the church, and in the fundamental Christian values held by the lay population. On the one hand the Roman Catholic Church in Ireland has managed to retain a considerable faith-based stronghold of regular churchgoers even in the face of increasing secularization, while in Poland, the Roman Catholic Church has responded to increasing secularization in the public sphere by increasing their role in policy-making to retain at least some measure of their traditional, salient role in Polish society.

It has been said that, with regards to abortion policy, the Roman Catholic Church in Ireland has embarked upon an “increasingly reactive role” to state policy; that is to say, due to the fact that the church is precluded from directly influencing governmental legislation—a phenomenon resultant of the institutional separation doctrine of church and state—the church has been forced to use democratic channels afforded it under the Constitution to make their case for an anti-abortion policy

(Hoff 1994, 623). Ultimately, however, it was the Irish populace and not the Church that, in 1992, decided whether or not to amend the Constitution and lift the ban on domestic abortions. Conversely, in Poland, the Roman Catholic Church has embarked upon an “aggressive role in state policy—initiating change rather than simply responding to it” vis-à-vis abortion, overtly overstepping the institutional separation doctrine (Hoff 1994, 623).

This paper will seek to examine the variances in the Irish and Polish experiences with regards to abortion legislation, paying particular attention to the critical differences existing in terms of constitutional prerogatives enjoyed by the churches, and the institutional influence of the Roman Catholic faith on the lay population—while stark differences exist between the two, it is interesting to note that both states have arrived at the same landmark decision to ban abortions. This analysis will examine three critical areas relating to each country’s abortion experience—the constitution, the history, and finally the role of the electorate versus the role of the Roman Catholic Church vis-à-vis the abortion legislation in Ireland in 1992 and in Poland in 1993.

The institutional separation of church and state and the notion of religious participation in politics are two completely separate and not wholly irreconcilable principles. On the one hand, the doctrine of institutional separation, as stated by Robert Audi, maintains that, “in a free and democratic society the state should neither establish a church nor impair religious liberty” and similarly “the church should not interfere with the state” (Audi 1989, 260-261). While this definition seems rather vague, Audi deconstructs it by stating that there are three “basic strands” involved in this institutional separation doctrine: the libertarian principle, the equalitarian principle, and the principle of state neutrality (Audi 1989, 262-264). The first maintains that the state permit the practice of any religion, the second “rules out an established church” and allows for the treatment of all religions in an egalitarian fashion, and the final maintains that the state would neither endorse nor condemn any specific religious denomination (Audi 1989, 262-264). In theory, while this doctrine holds that the church cannot directly influence governmental legislation, for example, through the back channels of the institution, it by no means precludes religions—and in the case of Ireland and Poland, the Roman Catholic Church—from participating in politics, so long as the political convictions of any given

religious institution remain in the pulpit and not directly influencing legislation.

This notion is further substantiated by proponents who argue that the religion, and, more specifically, the Roman Catholic Church, should play an integral role in issues of a moral nature—abortion being an example of one such moral issue. Certainly the issue of whether a fetus has a right to life can be argued outside of the scope of Catholic dogma. Kent Greenawalt agrees with this position stating that, “[t]he idea that no church or religion should be established concerns most basically religious institutions, practices, and doctrines. A political decision to protect fetuses does not establish any religious institution, practice, or doctrine. It does not do so, even if religious influences have some effect on the political decision” (Greenawalt 1993, 506). However, this is not the main issue. What remains particularly troublesome in the Irish and Polish cases is the degree to which the separation doctrine is maintained in the face of this moral debate: to what degree does each constitution guard this principle, and to what degree is this principle upheld outside of its theoretical framework?

According to Buckley, the Preamble of the Irish Constitution embodies the state’s “staunchly Roman Catholic nature” (Buckley 1998, 275). Having been criticized for its almost blatant support for the Roman Catholic Church and the excessive references to God throughout, Articles 44, sections one and two are interesting examples of the contradictory nature of the Constitution: on the one hand the Irish state “acknowledges...the homage of public worship is due to Almighty God” but at the same time it vows that the state will not “endow any religion” (Hogan and Whyte eds. 1994, 712 & 744). This paradox is an unusual one for, while Article 40.2 of the constitution maintains state neutrality vis-à-vis religion, in Article 12.8, the Presidential oath contains two blatant references to God, one of which has the president pledge, “[m]ay God direct and sustain me” (Hogan and Whyte eds. 1994, 81).

While references to state neutrality exist, there is no explicit clause separating church and state, and in practice this phenomenon appears to be more of a product of a tacit understanding. However, what is disconcerting is the fact that the Irish Constitution is still heavily guided by Catholic principles. For example, the repealed provision of Article 44.1.2, in which “[t]he state recognises the special position of the Holy Catholic Apostolic

and Roman Church as the guardian of the Faith professed by the great majority of the citizens,” continues to be “looked at for guidance on the intended sense of other provisions, or of the Constitution as a whole” (Hogan and Whyte eds. 1994, 1094). This remains one of the inherent weaknesses in the Irish case: the fact that even jurisprudence has failed to consistently interpret constitutional law in a truly secular manner (Weinstein 1993, 193).¹ While it is certainly inaccurate to state that the Court system has always been lax in “defend[ing] the pluralist interpretation of Irish law, a position that is explicitly rejected by the Catholic Church,” the balance of power between church and state, however, remains not only tenuous but also consistently at odds (Kissane 2000, 12).

In the Polish case the main difference is that, at the time of the passage of the ban on abortion in 1993, Poland was still without a new, democratic constitution: its 1952 Constitution passed during the communist regime explicitly separated church and state; however, “new constitutional drafts, submitted to the Parliament, [were] not compatible with each other in the area of church-state relations” and so a number had been rejected (Daniel 1995, 410).² In addition, in 1993, the legal position of the Catholic Church also came under the regulation of the Concordat, which was signed between the Holy See and Poland (Daniel 1995, 410). According to Daniel, the main objective of the Concordat had been to “[establish] the entanglement between the Church and state as well as [strengthen] the position of the Church by allowing it to influence or even determine the content of the new Polish Constitution” (Daniel 1995, 410). While the implications of this Concordat were manifold—certain tenets providing for state subsidization of religious schools and lending financial support to the maintenance of Church buildings—the most important provisions were

¹ The example of this is cited with regards to Cases X and C in Ireland regarding young adolescent women pregnant as a result of rape. According to Buckley, Sterling, Weinstein and others, the Supreme Court’s initial rulings were in line with the traditional Christian interpretation of the Constitution. However following mass protests in opposition to the courts ruling against allowing abortions in these cases, the Court eventually “broadened the circumstances under which a woman in Ireland could receive a legal abortion.”

² According to Daniel, some of the drafts outlined a “neutral position of the state...but in others the Catholic Church [held] a privileged position, and no clear separation between church and state [existed].”

those which were not contained in the text: “no provision [existed] requiring the Church to respect the existing law, specifically the constitutional order” (Daniel 1995, 411). As a consequence, the amendment of the Statute on the Relationship Between the Catholic Church and the State which stipulated that the Roman Catholic Church abide by “the framework of the Constitutional order” was removed and rewritten to read, “[t]he Catholic Church acts in the Republic of Poland in Each of its Rites” (Daniel 1995, 411). This development appeared to set a precedent in Poland with regards to church-state relations in the years leading up to the passage of the anti-abortion legislation: the Catholic Church, its influence seemingly unchecked in the face of the Concordat, would be able to wield a considerable amount of power in lobbying for its pro-life stance. In essence, “Polish bishops [did] not simply [blur] the line between church and state, they...called for the line’s erasure” (Kissling 1991).

The conclusion that can be drawn from both the Irish and the Polish case is that the constitutional relationship between church and state was not clearly delineated. In the Irish case considerable controversy exists surrounding the potential violation of the equalitarian component of the institutional separation doctrine, and, in the Polish case, the separation of the two institutions was challenged by the new Concordat with the Vatican. This allowed for potential interpretation of its terms to override those outlined in the Constitution and led to an almost special-status position for the church whereby it was not required to adhere to the existing constitutional order. What is of particular interest to note is that, in the Irish case, an institutional separation of church and state seems to have evolved, particularly with regards to the abortion debate: the Roman Catholic Church in Ireland does not appear to have infringed upon the institutional separation doctrine vis-à-vis its position on abortion. However, the same can hardly be said of Poland where it appears that the Roman Catholic Church has contravened democratic principles in order to ensure passage of legislation in line with their own doctrinal agenda. This, it appears, has a considerable amount to do with the history of abortion in Poland. Whereas in Ireland abortion has been illegal since 1861, in Poland abortion was made legal under the communist regime in 1956. In order to better understand the respective positions of the Churches on this issue, it

would be helpful to briefly examine the history of abortion legislation in both states.

Until 1921 Ireland had been subject to the rule of Great Britain—its royal veto and its Privy Council. As a result, abortion policy, up until the creation of the Irish Free State, had been formulated by English statutes, the earliest of which, in 1803, “imposed the death penalty for the administration of an abortifacient, with the intention of causing a miscarriage” (Weinstein 1993, 170). In 1861 the Irish parliament enacted the Offences Against the Person Act in which sections 58 and 59 made abortion—both self-induced and assisted—a felony (Weinstein 1993, 170). This Act remained unaltered by the constitutions of 1921 and 1937. However, as early as 1939 a legal case in the British court system found a loophole in the Act³ causing anti-abortion groups to consider the Offences Against the Person Act an “insufficient abortion restriction” (Weinstein 1993, 171).

Fears also mounted over the issue of abortion when, in 1967, the British Parliament passed the Abortion Act, legalizing abortion without overturning the Offences Against the Person Act (Weinstein 1993, 171). This, in conjunction with the increasing demand for the legalization of contraceptives in Ireland in the 1970s caused the Catholic Church to fear “the direction of the speed of the tide of public opinion in sex and family matters. More specifically, they feared the tendency of the courts to identify new constitutional rights as the judges developed the doctrine of unspecified human rights” (Chubb 1991, 53-54). The Church, convinced that legislation permitting abortion in certain circumstances—if not permitting abortion without any restrictions—was imminent, thought it necessary to insert “an article into the Constitution forbidding abortion” pre-emptively curbing any pro-abortion developments that might arise from the courts or the Oireachtas (Chubb 1991, 54). With the assistance of the Pro-Life Amendment Campaign (PLAC)—a pressure group formed by the amalgamation of several Catholic organizations—a referendum was held in

³ According to the case of *Rex v. Bourne*, (1939), “a doctor, prosecuted under the Offences Against the Person Act for performing an abortion on a fourteen-year-old rape victim, was found not guilty. The court distinguished between an ‘unlawful abortion,’ as prohibited by sections 58 and 59 of the Act, and the ‘lawful abortion’ in the case at bar.”

1983 on the anti-abortion amendment, which was passed and added to the Constitution as the Eighth Amendment, Article 40. It stated that, “[t]he State acknowledges the right to life of the unborn child and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right” (Hogan and Whyte eds. 1994, 790).

In order to ensure that the right to life of the unborn child was protected, the supporters of the amendment sought aid from the courts in opposing the operation of abortion referral services, and preventing individuals from “assisting pregnant women ‘to travel abroad to obtain abortions by referral to a clinic’” (Hogan and Whyte eds. 1994, 792). However, while there was considerable success in preventing clinics from disseminating information regarding where pregnant women could obtain abortions abroad, the European Commission on Human Rights felt that any ruling banning the dissemination of information was in direct violation of Article 10 of the European Convention of Human Rights (Hogan and Whyte eds. 1994, 795). Consequently, the Irish Government “was persuaded to lobby its European partners for the adoption of what eventually became Protocol No. 17 to the Treaty on the European Union, signed at Maastricht on 7 February 1992”: the protocol stipulated that nothing contained within the European Union Treaty nor within any other Treaties established by the European Community could affect Ireland’s Article 40.3.3 (Hogan and Whyte eds. 1994, 795).

Within ten days of the passing of this protocol, a controversial legal case arose where a fourteen-year-old girl—identified as *X*—was a victim of statutory rape and sought legal grounds for an abortion even if this “was not viable under Catholic natural law” (Buckley 1998, 275). The court interpreted Article 40.3.3 as allowing for abortions in certain limited instances, and permitted the young girl to travel to England to procure an abortion. This case sparked debate over a new constitutional amendment permitting pregnant women to obtain abortions outside of Ireland—a debate that culminated in the 1992 referendum and will be the primary area of concern in this essay.

In Poland, the history of abortion legislation is quite different. While, like the Church in Ireland, the Polish Roman Catholic Church has maintained its hard-line anti-abortion position, abortion has not always been illegal in Poland. As early as the 1930s the issue of criminalizing

abortion has engaged women's rights advocates and the Church in oftentimes heated debates. In 1930, one of the earliest supporters of a law decriminalizing abortion, writer and journalist Tadeusz Boy-Zelenski, was met with hostile criticism by the Catholic Church for his position. The church maintained that,

[a]bortion is unacceptable because as soon as conception has taken place, the foetus represents an individual human being, autonomous to a certain extent (...) This is why, as painful and sad as the death of a woman may be, it is better to accept her death rather than accept the murder of a foetus (...) One might add to this: where does the certainty that the mother's life, rather than the child's represents a greater value for society come from? If we think of all our individuals of great merit, we may be allowed to think that their life in their mother's womb had 'more value' than her life (Heinen 1992, 131).

According to Heinen, "[t]his discourse has been taken up by members of the clergy today, albeit in slightly less crude terms" (Heinen 1992, 131). Boy-Zelenski and his supporters who sought a more liberal abortion law "lost their battle" when, in 1932, abortion was made "a criminal offence, with a three-year penalty for the mother and five years for the helper" (Heinen 1992, 131). Albeit a mere thirteen years later with the conclusion of the Second World War, the Soviet Union promised female emancipation in all of its satellite states, but the abortion law remained unchanged. Poland would not pass legislation decriminalizing the act until one year after abortion-on-demand was introduced in the U.S.S.R. (Heinen 1992, 131).

In 1956, the Polish government—in spite of vocal opposition from the Church—passed its Law on the Termination of Pregnancy, which permitted women to obtain abortions under conditions of "social and economic hardship" (Miller 1997, 70). According to Kulczycki, due to the often poor quality and safety issues associated with clandestine abortions, one of the aims of this law was to protect women from obtaining them illegally and from individuals whose methods and procedures could place the woman's life at risk (Kulczycki 1995, 476). As the rise in abortions

increased due to the number of women invoking their claim of social and economic hardship, the 1956 abortion law was followed three years later with an Executive Order issued by the Health Minister which further liberalized the law by “promulgat[ing] a new interpretation [of it]...in effect giving women the right to abortion on demand” (Leslie 1994, 457). However, the direct impact of this Order was the almost immediate substitution of abortion as a form of birth control amongst Polish women: “[i]t came to be treated more as an alternative to contraception and childbirth than as an emergency act” (Kulczycki 1995, 477). This, in part, reflected the lack of both sexual education and contraceptive availability in communist countries, and similarly indicated that while the majority of Poles considered themselves Catholic, they remained “selective in terms of living by the tenets of the Roman Catholic Church” (Miller 1997, 71). In 1981, after a great deal of “pressure” was exerted by “segments of the population”—particularly the Catholic Church and groups of Catholics associated with the Movement for the Protection of the Unborn Child—the Minister of Health proposed to restrict the abortion law (Okólski 1983, 264). His proposals included “a ban on outpatient clinic abortion; limiting permission to perform abortion to gynaecologists only; mandatory special counselling in case of termination of a first pregnancy; and the physician’s right to refuse to perform an abortion on moral grounds” (Okólski 1983, 264). Nevertheless, the proposals were never enforced and until the fall of communism the policy of abortion-on-demand in Poland remained unaltered.

In Ireland, the government had never circumvented the teachings of the Roman Catholic Church as they had in Poland. Abortion remained illegal in Ireland throughout the state’s history, thus preserving that important aspect of the Church’s fundamental teaching. However, in Poland, not only had abortion been legalized under the communist regime—in contravention with Church teaching—but it had also become a substitute form of birth control and eventually a mainstream practice irrespective of the moral criticisms voiced by the Roman Catholic Church. By conjecture, the Church in Poland would have far more difficulty in imposing its own convictions on a populace for whom abortion had been available on demand, even after the toppling of the communist regime; whereas the Irish Church would face a lesser challenge in maintaining its traditional teachings, and, consequently, enjoying a larger popular support

base for this stance. The basis for this conjecture can be substantiated by examining the methods undertaken by both the Irish and Polish Catholic Churches in 1992 and 1993, respectively.

In the months leading up to the referendum in Ireland, the Roman Catholic Church was relatively “[ambiguous]” in its position on the terms of three key abortion issues, and this, it has been reported, led to widespread confusion on the part of the electorate as to how they should vote: lay people were uncertain as to whether or not the Church advocated a pro-life stance or encouraged the Irish citizens to vote with their own conscience (Deane and Lodge 2000, 8). Following the ruling that the Supreme Court had made with reference to Case *X*—specifically permitting the young girl to obtain an abortion due to the risk of suicide—both the Roman Catholic Church and the Fianna Fáil party were adamant on reviewing this ruling, arguing that the “Supreme Court judgment was fatally flawed” (Ruane 2002). The referendum hinged on the interpretation of Article 40.3.3 of the Constitution, and whether this article precluded women from travelling outside of the state or obtaining information about such services—both of which “passed with the support of both ‘liberal and ‘centrist’ voters”—and the issue of whether abortions should be permitted “only in cases where a continued pregnancy would have meant a risk to ‘the life, as distinct from the health, of the mother’ (except where the risk to life arose from the possibility of suicide)” (Coakley and Gallagher eds. 1999, 80). This last issue was defeated.

According to Hoff, the Catholic Bishops Conference issued a statement “sent by the Primate of All Ireland, Cardinal Daly, to be read at all masses just before the vote, in which abortion was condemned as the ‘deliberate and direct destruction of unborn human life,’ but parishioners were told they could vote either way” (Hoff 1994, 629). In addition, the bishops “sent special pamphlets to homes around the country, supporting the proposal to make abortion a constitutional crime on any grounds other than the threat of a pregnant woman’s imminent death” (Ruane 2002, 1). However, according to Smyth, the bishops’ message, “when not directly addressed from the pulpit” caused the Irish electorate to conclude that they were given “licence to decide with their own conscience in line with the Second Vatican Council” (Deane and Lodge 2000, 9). Even if this were a contributing factor to the voting patterns of the Irish electorate during this referendum, the majority of Irish citizens were still fundamentally

conservative in their convictions, voting against liberalizing the abortion ban in Ireland—in fact, “at least a third of Irish voters...[were] committed to a traditional Catholic viewpoint” (Kissane 2000).

While certain statistics identify the number of nominal Catholics in Ireland to be as high as 90%, surveys also indicate that citizens in Ireland no longer agree “with the monolithic package of beliefs in the Catholic catechism” and these same surveys highlight the decline of the “centrality of God in people’s lives” (Coakley and Gallagher eds.1999, 43). Although statisticians may observe a trend of overall secularization in Ireland based on falling church attendance, the decline in the number of clergy in Ireland as a whole, and the drop in clerical recruitment, the contrapuntal tendency amongst the electorate, nevertheless, appears to be the steadfast link to Christian values. As Coakley and Gallagher point out with reference to gender voting patterns in the 1992 referendum, women even more than men appear to be clinging to their Catholic ideals: men were far more liberal on the issue of allowing women to travel to another country to obtain an abortion as well as on the issue of lifting the abortion ban in Ireland, while women were found to be “less liberal,” and more likely to maintain their “Christian values” (Coakley and Gallagher eds. 1999, 43).

What is to be gleaned from this deconstruction of voting behaviour is that, while there exists a prominent Catholic bias in the realm of church-state relations and Irish jurisprudence, this same tendency is prevalent amongst the Irish populace who, in the case of constitutional amendments, have a considerable influence in the formation of public policy. However, these numbers seem particularly high when juxtaposed against statistics from surveys conducted in Poland on issues of abortion and Church involvement in politics.

The main difference between the Polish and Irish cases is that while the Irish held a popular referendum on the issue of the abortion ban, the Polish Sejm (Polish parliament) passed the anti-abortion bill directly “abolishing abortion on demand introduced in Soviet-controlled Poland in 1956” (“Pro-Life” 1993). However, where in the Irish case a distinctly Christian bias was expressed by the electorate, in Poland, the general populace does not hold a similar view.

According to 1993 statistics, “[o]f Poland’s roughly 36 million citizens, 95 percent identify themselves as Catholics, with a rate of practice of no less than 85 to 90 percent, the highest level in all of Europe”

(Gagnere 1993, 861). While only 20% of Polish society remains extremely traditional in their Catholic beliefs, an attitudinal survey in Poland revealed “both a sharp polarization of opinion and an ambivalent majority that is troubled by abortion, but wants to maintain some form of legal access to it” (Nowicka 1996, 22; Kulczycki 1995, 477). In “one of the most reliable surveys, conducted in 1991...one-fifth (19.7 percent) of Polish women aged 15-59 stated that they were categorically against abortion, and one-quarter (25.3 percent) thought that women alone should be allowed to decide the course of their pregnancies” (Kulczycki 1995, 482). The proportion of women who supported a total ban of abortion rose in conjunction with the age of women surveyed, as one would expect (Kulczycki 1995, 482). And, as in the case of Ireland, a similar phenomenon occurred where a higher proportion of women than men supported a ban on abortion (Kulczycki 1995, 482). While statistics such as “50 percent of all women thought that the Church’s injunctions against abortion should be weighed in deciding on abortion” indicate that there is at least some margin for Church discourse on the subject of abortion, what is more telling is that “recent evidence shows that 71 percent of Poles hold that the Church does not have a right to demand that believers submit to its teaching on the issue” (Kulczycki 1995, 482).

While these figures may indicate, however minimally, the attitude of the general populace vis-à-vis abortion, the fact still remains that, between 1990, and the eventual anti-abortion legislation passed in Poland in 1993, the Roman Catholic Church was far more vehement in their opposition and methods of opposition than were Irish bishops. The Polish Catholic Church emerged after communism “as one of the most organized and coherent institutions in the country,” and this fact, according to Byrne, the Catholic Church has taken advantage of by “translating its strengths into tangible influence in parliament, the president’s palace, and perhaps the voting booth” (Byrnes 1993, 12). However, as Korbonski points out, the Polish Roman Catholic Church found the democratic process challenging to respond to: while under communism the church was able to procure concessions from the government by adopting the role of “martyr” and mobilizing widespread public support, these same tactics, nevertheless, are not reconcilable with achieving their desired ends in a democratic system where tolerance and consensus building are key (Korbonski 2000, 124-125). Certainly, this same style of negotiating has procured results that have

worked in the Church's favour; they, however, remain principles at odds with liberal democracy.

According to Nowicka, a kind of religious fundamentalism developed on the part of the Catholic Church, not only resultant from the cult of the 'Polish Pope' and his anti-choice position inside Poland but also stemming from the number of Christian national parties whose influence increased with the support of the Catholic Church (Nowicka 1996, 22). In 1993, the Christian-National Union "mobilized...enough support in the Sejm to pass a tough anti-abortion law...only a shade less strict than Ireland's" (Korbonski 2000, 127). This party, which, according to *The Sarmatian Review* is "[v]ery traditionalist and somewhat suspicious of free-market capitalism," does not subscribe to the institutional separation doctrine: "[t]hey reason that separation of Church and State is impossible in a land where more than 90 percent of the population is Catholic" ("Pro Life" 1993; Leslie 1994, 465). Having been dubbed the "official political mouthpiece of the Catholic Church in Parliament," the Christian-National Union has flagrantly violated the doctrine separating church and state in Poland by cooperating with the Roman Catholic Church. Leslie agrees with this position stating that the Roman Catholic Church, since 1990, has "aggressively pursued" legislation that "first would limit, and then ban, abortions and contraceptives" (Leslie 1994, 463-464). This aggressive pursuit has extended into areas such as revising the moral code undertaken by physicians, preventing them from performing abortions due to a conflict of ethical beliefs, and pressuring women not only to discontinue their use of contraception if they admit to usage of it during confession—and therefore barring them from absolution until they discontinue their usage—but also to sign anti-abortion petitions whether or not they share a similar view (Nowicka 1996, 25).

Ultimately, this is the fundamental difference between the course taken by both institutions with regards to anti-abortion legislation: while in Ireland an approach more in keeping with the democratic principles of the state had been undertaken by the Catholic Church, in Poland tactics which undermined the democratic principles and the institutional separation doctrine were adopted by the Roman Catholic Church. While hypotheses with regards to the insecurity of the Church in democratic Poland might be to blame for this strategy towards achieving legislation in line with their own moral position, the fact of the matter is that, in the Polish case,

attitudinal surveys reported that popular support for anti-abortion legislation was not present—a potential by-product of the communist legacy. By conjecture, women, having experienced the liberal policies regarding abortion since the mid-1950s would hardly be willing to return to an ultra-conservative position with regards to a strictly anti-abortion position. Therefore, unlike in the Irish case where attitudinal surveys projected a majority vote in favour of maintaining the 1983 ban on abortions in Ireland, the Polish case prohibited a popular referendum on the subject of abortion due to fears that the general populace would vote in favour of retaining the 1956 law (Korbonski 2000, 127).

As it has been pointed out throughout this analysis, the Roman Catholic Church in both Poland and Ireland occupies a unique position not only in each respective state's history, but also in terms of its placement in relation to the state in the constitutional framework. In Ireland it has been pointed out that the Constitution, while not explicitly separating church and state, and oftentimes referring to a Catholic interpretation of the law, still manages to maintain an integration of religion and politics without the predominant religious institution—the Roman Catholic Church—interfering through political channels in order to secure legislative decisions in line with their own teachings. This, however, is not the case with Poland, for, although the 1952 Constitution provided for an institutional separation of church and state, not only did the Concordat appear to circumvent the Church's adherence to this principle, but the Church also made no attempt to preserve the institutional separation by carving out its own political channels for achieving its ends.

What is to be gleaned from this analysis of abortion legislation in both states is that, while there exists considerable similarities between the two cases—in terms of their historical affiliation with Roman Catholicism, and the predominance of the faith in relation to its contemporary influence in the state itself—the mechanisms in place to prevent the Church from involving itself in politics in Poland ultimately did not prevent the Church from achieving a privileged position; while, with no such mechanism in place in Ireland, the Irish state was able to develop the institutional separation doctrine, perhaps tacitly, whereby the Roman Catholic Church did not directly attempt to influence the course of legislation.

The primary difference between the two cases has a great deal to do with the historical roots of abortion in both states. While the traditional

salience of the Roman Catholic Church in both countries is undeniable, the Roman Catholic Church in Poland holds less sway over the general population on the issue of abortion than does the Irish Catholic Church. Certainly this was a contributing factor to the Church's "heavy hand" in Poland; however, the Church also has the communist legacy to contend with—a factor not present in the Irish case. This added another dimension of complexity to the relationship between church and state, and was further exacerbated by the signing of the Concordat.

However, what is ultimately similar between the two is that, even in the face of increased secularization and the liberalization of abortion laws in most Western liberal democracies, both Ireland and Poland have managed to retain their fundamentally Christian values on the issue, and maintain, or return to, their anti-abortion legislation.

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