
Repealing the Eighth Amendment

A Historical Institutional Discursive Analysis

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Abstract

This study analyzes the Republic of Ireland's successful 2018 referendum to repeal the Eighth Constitutional Amendment restricting access to abortion. Using a historical institutionalist perspective to interpret our findings, we analyze the dominant issues informing Irish public opinion towards abortion over time by conducting a discursive analysis of newspaper publications between 1992 and 2018. Our study concludes that the X Case and the death of Savita Halappanavar constitute critical policy junctures resulting in the development of new moral templates, which in turn shifted popular opinion towards liberalizing abortion, and ultimately led to the repeal of the Eighth Amendment.

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Introduction

The Republic of Ireland offers a compelling case study in the politics of abortion policy as the country remained an outlier amongst comparable cases until the 2018 referendum to repeal the Eighth Constitutional Amendment was passed. Pre-referendum, Ireland remained one of the only developed nations to restrict access to abortion to only severe cases where the life of the mother or birthing parent was at severe risk of death.¹ The 2018 referendum successfully passed to repeal the Eighth Amendment allowing access to abortion within Ireland. This paper explores how this liberalization in abortion politics came to be in Ireland, a European country with historically restrictive abortion laws influenced by the Catholic Church.

Existing literature tends to emphasize either the decline of the influence of the Catholic Church in Ireland²³ or the death of Savita Halappanavar to explain the repeal of the Eighth Amendment.⁴ Influenced by a historical institutionalist approach, we conduct a discursive analysis of newspaper articles over more than

¹ See Appendix 1.

² See for example: Iga Kozłowska, Daniel Béland, and André Lecours. 2016. "Nationalism, Religion, and Abortion Policy in Four Catholic Societies." *Nations and Nationalism* 22, no. 4 (2016): 824-844, <https://onlinelibrary-wiley-com.ezproxy.library.uvic.ca/doi/full/10.1111/nana.12157>.

³ See for example: Sydney Calkin and Monika Ewa Kaminsk, "Persistence and Change in Morality Policy: The Role of the Catholic Church in the Politics of Abortion in Ireland and Poland," *Feminist Review* 124, no. 1 (2020): 86-102, <https://doi-org.ezproxy.library.uvic.ca/10.1177/0141778919894451>.

⁴ See for example: Orla McDonnell and Padraig Murphy, "Mediating Abortion Politics in Ireland: Media Framing of the Death of Savita Halappanavar," *Critical Discourse Studies* 16, no. 1 (2019): 1-20, <https://doi-org.ezproxy.library.uvic.ca/10.1080/17405904.2018.1521858>

26 years to highlight two critical junctures in the decade leading up to the repeal of the Eighth Amendment. We argue that to understand the change of abortion policy in Ireland, a qualitative analysis into the decades-long debates that preceded and followed each critical juncture related to abortion policy, such as the death of Dr. Savita Halappanavar and the *X Case*, is necessary to get a holistic understanding of why the Eighth Amendment was repealed. While most analyses focus on either the decline of the Catholic Church over time, or Halappanavar's death as the sole cause for the Eighth Amendment being repealed, we argue that the *X Case* and Halappanavar's death constitute critical junctures over the backdrop of the declining influence of the Church. The discourse around these critical junctures produced the core themes that came to shape Irish public opinion on abortion leading up to the 2018 referendum. These themes are: mental health, the stances of elected officials, religion, women's rights, the perceptions of official campaigns around the 2018 referendum, and health care. Each core theme forms the foundation of a normative template upon which individual opinion is based, ultimately shifting the majority opinion towards liberalizing access to abortion.

Much of the academic literature focuses on connecting the role of the Catholic Church, and Catholic national identity and values to the public's opinions on abortion. Studies on the role of Catholicism and abortion policy suggest a strong correlation between strong Catholic national identity and restrictive abortion policy.⁵ Following the 2018 referendum, Calkin and Kaminska⁶ add to this argument by highlighting the correlation of the liberalization of

⁵ Kozłowska, Béland, and Lecours, "Nationalism, Religion, and Abortion Policy in Four Catholic Societies."

⁶ Calkin and Kaminsk, "Persistence and Change in Morality Policy: The Role of the Catholic Church in the Politics of Abortion in Ireland and Poland."

abortion policies in Ireland with the declining role of the Catholic Church in Irish political culture. Statistical evidence further supports a strong correlation between religious practice and opinion on abortion policy.⁷ The 2016 Irish Census illustrates that while Roman Catholicism remains the most prominent religion in the country at 78.3% of the population, this represents a decline of 5.9% since 2011.⁸ During this same period, approximately 10% of the population identified as having no religious affiliation, or a 73.6% rise.⁹

While the role of the Catholic Church in shaping public opinion on abortion is evident, we maintain that these analyses do not pay sufficient attention to the role of the *X Case* and the death of Halappanavar. To better understand how public opinion shifted in favour of legal abortion over time, we employ a historical institutionalist lens to analyze the development of new policy paths created by the *X Case* and Halappanavar's death, exploring their influence over time through newspaper discourse analysis ranging from 1992 to the 2018 referendum.

This paper primarily discusses abortion in terms of the ways that cisgender women are affected by the institutions surrounding it. We recognize that reproductive rights are not only important to cisgender women, that many women are unable to become pregnant,

⁷ Michael Lipka, "Irish vote highlights widespread popular support for legal abortion in Western Europe," *Pew Research Centre*, May 28, 2018, <https://www.pewresearch.org/fact-tank/2018/05/29/ireland-abortion-vote-reflects-western-europe-support/>

⁸ Faith Survey, "Measuring Religious Adherence in Ireland April 2016," Last modified May 2, 2022, <https://faithsurvey.co.uk/irish-census.html>.

⁹ Faith Survey, "Measuring Religious Adherence in Ireland April 2016."

and that not all people who are able to get pregnant are women. Due to the nature of our study as a critical discourse analysis designed to ascertain changes in public opinion over time, we are reliant upon the ways that abortion is framed within the publications we analyzed. While it would certainly be important for future analyses to focus the implications of Irish abortion policies for those who are not cisgender women, it is outside of the scope of this study.

Background

Abortion was first made illegal in Ireland in 1861 under the *Offenses Against the Person Act*, which banned access to all forms of abortion, regardless of circumstances.¹⁰ Throughout the 1960s and 1970s, concern around abortion mounted within Ireland as legal access to abortion was increasing in other countries. This included Britain passing the Abortion Act in 1967 and the U.S. Supreme Court passing the seminal *Roe v. Wade* decision that declared access to abortion protected under the U.S. Constitution.¹¹ Fears began to grow that a similar judicial case in Ireland could deem restricting access to abortion unconstitutional, leading to the formation of the Pro-Life Amendment Campaign (PLAC) in 1981. The group organized with the goal of including an explicit prohibition on abortion within the Constitution to protect against liberalization through legislation or judicial rulings.¹² Due to the joint efforts of the PLAC, the Catholic Church, and the Fianna Fáil party, the Eighth Amendment of the Constitution was passed by referendum in 1983 by 66.9% to 33.1%. Eighth Amendment is written as follows: “The

¹⁰ Field, Luke, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," *Irish Political Studies* 33, no. 4 (2018): 609, <https://doi-org.ezproxy.library.uvic.ca/10.1080/07907184.2018.1500461>

¹¹ Field, “The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date,” 609.

¹² Field, “The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date,” 609.

State acknowledges the right to life of the unborn and, with due regard to the equal right to the life of the mother, guarantees in its laws to respect and, as far as practicable, by its laws to defend and vindicate that right.”¹³

In 1992, the High Court granted an injunction to prevent a 14-year-old from accessing abortion abroad after being raped. In what became known as “The *X Case*,” the girl, identified in court documents as X, successfully appealed the decision, applying the “equal right to the life of the mother” clause of the Eighth Amendment due to a risk of death by suicide.¹⁴ In 2002, a referendum was put forward to revoke the findings of the *X Case* and remove risk of suicide as grounds for legally accessing abortion in the Republic of Ireland.¹⁵ The referendum failed by a narrow margin of 50.42% against and 49.58% in favour.¹⁶ In 2012, public attention to issues surrounding abortion in Ireland was significantly heightened following the death of Savita Halappanavar. Halappanavar died of sepsis at age 31 in hospital after being denied a medically necessary abortion, despite being in the process of a miscarriage, which posed an immediate threat to her life, because the fetus still had a heartbeat.¹⁷ Mass public outcry and demonstration followed her death, leading to the passage of the *Protection of Life*

¹³ Field, “The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date,” 609-610.

¹⁴ Field, “The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date,” 611.

¹⁵ Irish Family Planning Association, “History of Abortion in Ireland.”

¹⁶ Irish Family Planning Association, “History of Abortion in Ireland.”

¹⁷ Kitty Holland, “How the death of Savita Halappanavar revolutionized Ireland,” *Irish Times*, May 28, 2018, <https://www.irishtimes.com/news/social-affairs/how-the-death-of-savita-halappanavar-revolutionised-ireland-1.3510387>

During Pregnancy Act in 2013 to give legislative effect to the *X Case*. Between 2014 and 2017, international pressure for Ireland to further liberalize access to abortion began to mount as several branches of the United Nations and fifteen member states openly denounced Ireland’s current legal framework.¹⁸ In 2016, the Irish government committed to establishing a Citizens’ Assembly to evaluate and develop recommendations on the Eighth Amendment.¹⁹ In 2017, the Citizens’ Assembly voted by 87% to recommend that the Eighth Amendment not be maintained as is, 56% to recommend that the Eighth Amendment either be entirely repealed or replaced, and 64% to recommend that access to abortion be made, legal regardless of reason.²⁰ In January of 2018, Cabinet gave approval for a referendum to be held on the future of the Eighth Amendment in May of 2018, which resulted in 66% voting “yes” to its repeal.²¹ The referendum gave the Oireachtas the ability to legislate on abortion without Constitutional restriction, resulting in the passage of *The Health (Regulation of Termination of Pregnancy) Act* of 2018, enabling access to abortion without restriction as to reason up to 12 weeks of gestation and additional provisions for cases of health and safety, and fetal abnormality.²²

Theoretical Framework

Historical institutionalism developed in an interest to determine political outcomes and institutional and social factors

¹⁸ [Irish Family Planning Association](#), “History of Abortion in Ireland.”

¹⁹ Irish Family Planning Association, “History of Abortion in Ireland.”

²⁰ Irish Family Planning Association, “History of Abortion in Ireland.”

²¹ Irish Family Planning Association, “History of Abortion in Ireland.”

²² Irish Family Planning Association, “History of Abortion in Ireland.”

leading to “distinct national trajectories,” therefore, lending itself well as an analytical tool for comparative research and case studies.²³ To help explain these distinct trajectories, historical institutionalists conceptualize institutional development as creating policy paths that determine the range of options available to states to address various challenges as they arise.²⁴ As institutions are created and changed, they develop unique “policy legacies”, making it difficult to pursue alternative paths once they have already been established.²⁵ Historical institutionalists therefore posit a “path dependency” approach to understanding historical change, rejecting the position that the same conditions will lead to the same outcomes under different circumstances.²⁶ As policy lines are drawn, significant policy change becomes more costly as individuals and societal forces develop identities surrounding particular policies and begin to organize around their continuation, amendment, or termination.²⁷ Significant policy changes are therefore not likely to occur suddenly, but will generally undergo incremental changes over longer periods of time. However, this characteristic of policy continuity is not believed to be universal. In cases where significantly culturally and politically disruptive events have occurred, more substantial policy change becomes politically viable.

²³ Peter Hall and Rosemary Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996): 938, <https://doi-org.ezproxy.library.uvic.ca/10.1111/j.1467-9248.1996.tb00343.x>.

²⁴ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 941.

²⁵ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 941.

²⁶ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 941.

²⁷ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 941.

These disruptions, known as “critical junctures,” create new “branching points” wherein new policy paths are created.²⁸

Individual behaviour is conceptualized under historical institutionalism in broad terms, employing both calculative and cultural approaches to explain the persistence of institutions over time.²⁹ Calculative approaches account for the elements of human behaviour that assess the risks and rewards of various possible actions based on their assumptions of what others are likely to do in each given circumstance. According to this explanation, institutions primarily persist because they provide individual actors with a greater degree of certainty about the future behaviour of others, making the prospect of substantive changes unsettling.³⁰ Meanwhile, cultural explanations account for the ways that individuals behave according to their worldview, while “institutions provide moral or cognitive templates for interpretation and action,” which strongly contribute to individuals’ self-image and group identification.³¹ While historical institutionalists maintain that strongly-held values are important additional factors in explaining behaviour,³² we draw upon the normative institutionalist perspective that values can constitute institutions unto themselves within our analysis.³³ This approach is particularly relevant when considering the role of the

²⁸ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 942.

²⁹ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 941.

³⁰ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 939.

³¹ Hall and Taylor, “Political Science and the Three New Institutionalisms,” 939.

³² Hall and Taylor, “Political Science and the Three New Institutionalisms,” 938.

³³ Vivian Lowndes, “Institutionalisms,” In *Theory and Methods in Political Science*, 60. Palgrave Macmillan, 2010.

Catholic Church in Ireland in shaping individual and group moral values, and the drastic shift in public opinion away from the Catholic Church's position over time.

Access to abortion is maintained and constrained through a wide range of formal legal and informal social institutions across jurisdictions. In Ireland, these include the Eighth, Thirteenth, and Fourteenth Amendments, policies within individual hospitals that are informed by their interpretation of the relevant constitutional amendments, and the norms and values surrounding abortion that are held within the Irish polity, including religious teachings, perspectives on women's rights and wellbeing, beliefs around the rights of the unborn, liberal values of freedom of choice and bodily autonomy, and beliefs around access to physical and mental healthcare.

Methodology

To better understand the context of the abortion debates in Ireland and why the 2018 referendum led to the repeal of the Eighth Amendment, we used process tracing, allowing us to generate causal reasoning within our case study by breaking down the phenomena into a series of observations from 1992 to 2018.³⁴ This time period reflects the beginning of the *X Case* and the first referendum on abortion since the 1983 passage of the Eighth Amendment, allowing us to trace the major shifts in public opinion across the lifespan of the Eighth Amendment.³⁵

We drew our data from popular media, and conducted a critical discourse analysis by using an interpretivist approach. We

³⁴ Loleen Berdahl and Keith Archer. *Explorations: Conducting empirical research in Canadian political science* (3rd ed. Don Mills, Ontario: Oxford University Press, 2015), 145.

³⁵ See Appendix 2.

specifically used newspaper articles because readership in Ireland is particularly high, with 84% of the adult population regularly reading the newspaper.³⁶ As such, a representative sample of public discourse over time can be effectively examined through Irish newspapers. We examined the *Irish Times*, a reputable center-left newspaper that has been in print since 1859.

The discourse fragments we focused on were places in the text that showed how the issue of abortion was being framed in the media by different actors. Through this, we could pull out certain themes driving the abortion debates, which allowed us to identify the dominant norms and values circulating within Irish society.³⁷ The public's opinion is represented by the changing discourses within the text we analyzed. Influenced by the historical institutionalist definition of informal institutions, we define public opinion in this discursive analysis as the ongoing informal discourse represented within *Irish Times* news media.

To gather our data, we used the LexisNexis database, allowing us to look up news articles during certain periods of time using the search terms "Abortion" and "Ireland" in articles from the *Irish Times*. We sampled 20 articles from each period, examining 80 articles in total, based on the time constraints and our capacity to analyze articles. We used a random number generator to pick 20 numbers among the number of articles that were generated in each period and chose the corresponding articles in the database that were numbered and ordered from A-Z. Each sample produced a data set

³⁶ News Brand Ireland, "84% of the Adult Population Regularly Read Newspapers," Last modified August 30, 2013, <https://newsbrandsireland.ie/84-of-the-adult-population-regularly-read-newspapers/#:~:text=Almost%203%20million%20people%20in,2012%2F2013%2C%20released%20today.>

³⁷ Berdahl and Archer, *Explorations*, 238.

that included regular news pieces, opinion pieces, features, and letters (sections where citizens can voice their opinions on topics).

To organize and analyze our data we conducted a three-step coding process. In the initial review of the articles, we open-coded to pull out the general themes and patterns of the data. Here, we summarized and organized each article into four categories: for abortion, against abortion, for abortion to a certain extent, and neutral articles that show both sides of the debate.³⁸ The objective of this second stage of coding was “to identify specific elements of more general sets of patterns” and to provide evidence to each theme.³⁹ This process was primarily inductive. The themes we identified were the topics that were being used most often within the abortion debates and were the independent variables of our study that we determined were influencing our dependent variable of Irish people’s public opinions around abortion. The following are the dominant themes identified: mental health, politicians’ stances, religion, women’s rights, campaigns, and health care.⁴⁰

During the third phase, based on the themes identified, we considered all the data in relation to one another and summarized our findings within each time period. This involved data cleaning to ensure that all the data appropriately corresponded to the assigned categories.⁴¹ To ensure the precision of our research, we maintained inter-coder reliability.⁴² To ensure that each researcher was coding in the same way, we first made clear categories to organize the data. We then coded our own datasets. Ongoing communication amongst the researchers was maintained during this process to explain our

³⁸ See Appendix 3.

³⁹ Berdahl and Archer, *Explorations*, 250.

⁴⁰ See Appendix 4.

⁴¹ Berdahl and Archer, *Explorations*, 251.

⁴² Berdahl and Archer, *Explorations*, 380.

data organization processes to one another. This three-step coding process allowed us to immerse ourselves in the data and refine our understanding around the themes that were developed from the data.⁴³

Discussion on our Findings

Debates during each period were focused on the important issues of the year regarding abortion. Each of these periods revealed themes that influenced the public's opinions on abortion. Beginning with religion as a theme, the Catholic Church strongly denounced abortion in the two early periods. Their arguments against abortion are tied to a sense of morality and wanting to protect the unborn, seeking to restrict abortion as significantly as possible. Following Halappanavar's death, however, we see the Church far less in the media as the conversation shifts more firmly toward women's healthcare. Leading up to the 2018 referendum, the Church continued to advocate for the life of the unborn, however, there is notably less coverage of religious figures denouncing abortion. Several articles point to concerns around people feeling alienated and victimized by the Church due to the many scandals of the past few decades. While our findings do highlight the waning influence of the Catholic Church on the abortion debate over time, the *X Case* and Halappanavar's death appear to have had a much more substantial influence on shifting public opinion towards liberalizing. Both the *X Case* and Halappanavar's death, therefore, constitute critical junctures in Irish abortion policy development, giving rise to new moral templates based on the dominant themes of discussion within our analysis.

Mental health was a theme that originally spurred from the *X Case*. The inclusion of suicidality as a valid reason for abortion was debated in each period we analyzed. Some suggested it was more

⁴³ Berdahl and Archer, *Explorations*, 248.

practicable to save the life of the suicidal woman by providing access to abortion, while others argued there were alternative treatments to deal with such a patient. These discussions consistently led to the recognition that the state and society had to do more to prevent unwanted pregnancies and support women experiencing crisis pregnancies.

Healthcare was another theme discussed in each period, mainly concerning whether abortion should be allowed when there is a risk to a women's life. The discussion around women's health and abortion reached a peak after Halappanavar's tragic death. This situation revealed the limitations of healthcare in Ireland to properly address health crises such as Halappanavar's. The publicity around Halappanavar's death depicting it as a great tragedy was an important influence on the public's opinion on abortion leading to the repeal of the Eighth Amendment and the creation of a legal framework around reproductive health that allowed for abortion to be legalized within Ireland.⁴⁴

Conversations around women's rights and abortion rights were present in every period where there was a referendum and were mostly pro-abortion, however, not all. In the 2001–2002 period some were outright against abortion but wanted the state to support women better, while others were supportive of abortion to a certain extent, such as in the early weeks post-partum and for additional medical reasons. The period immediately leading up to the 2018 referendum reflects a peak in the coverage of pro-choice discourse compared to other periods examined. Women spoke out about the right to have autonomy over their bodies, arguing that since Irish women were already having abortions abroad, they should be able to do so

⁴⁴ McDonnell, Orla and Pdraig Murphy. "Mediating Abortion Politics in Ireland: Media Framing of the Death of Savita Halappanavar."

domestically. Women’s perspectives became more seriously considered as the years went on, suggesting that the acceptance and mainstreaming of feminist attitudes may have contributed to changes in public opinion on abortion.

Campaigns focusing on abortions were an important theme in each period. Pro-life campaigns were closely tied to religious arguments on abortion. The arguments made by pro-life campaigns almost always used an emotional appeal to influence Irish people’s opinions. The pro-choice campaigns, which were mostly present in 2018, aimed to strategically disprove many of the pro-life campaign claims. Although pro-choice campaigns were not as prominent in our sample throughout the periods, their impact during the 2018 referendum on the public’s opinion on abortion was significant. While the “Yes” campaign made effective use of emotive personal stories of individuals who had been negatively impacted by the Eighth Amendment, the “No” side failed to provide any meaningful responses to questions of crisis pregnancies and fetal abnormalities.⁴⁵ Claims by the “No” side that repealing the Eighth Amendment would lead to nearly unrestricted access to abortion up to six months of pregnancy were easily refuted and cost them critical support.⁴⁶

Politicians speaking out on abortion issues was also a relevant theme, but this theme did not appear to have a substantial impact on Irish public opinion. Rather, politicians can actualize the demands of the public opinion on abortion, and consequently, their

⁴⁵ Harry McGee, “How the Yes and No Sides Won and Lost the Abortion Referendum.” *Irish Times*, May 26, 2018, <https://www.irishtimes.com/news/politics/abortion-referendum/how-the-yes-and-no-sides-won-and-lost-the-abortion-referendum-1.3509924>

⁴⁶ Harry McGee, “How the Yes and No Sides Won and Lost the Abortion Referendum.”

impact creates endogenous change within Irish political institutions. For example, the scale of the abortion debate generally grew following the introduction of bills and referenda questions relating to abortion in the Taoiseachs (Irish Parliament).

One of the main reasons that abortion has been such a hot-button issue for almost 30 years is due to the referendums, and the discussion generated around them. These discussions have allowed Irish people to form their own distinct opinions on abortion through ongoing discourse and debate. This is a finding that we want to emphasize, because through these referendums Irish people can have a uniquely direct impact on the issues that are important to them. Irish people's opinions are not simply being manipulated or directly influenced by institutions like the Catholic Church. Rather, the Irish public also grapples with informal institutions on questions of abortion, such as public debate and discourse through the consumption and consideration of opinions presented to them from all sides within media and other aspects of their society. Such debate contributes to the development of new moral templates and the development of new value systems that focus on women's autonomy and well-being.

Limitations

While historical institutionalist analysis heavily focuses on these power imbalances, it does not incorporate a nuanced understanding of gender and how gender is socially and politically constructed; a gap that feminist institutionalism attempts to bridge.⁴⁷⁴⁸ Given the importance of gendered power dynamics

⁴⁷ Hall and Taylor, "Political Science and the Three New Institutionalisms," 940.

⁴⁸ Jennifer Thomson, "Gendering Institutions and Devolution," In *Abortion Law and Political Institutions*, 19-50. Cham: Springer International Publishing, 2018, https://link-springer-com.ezproxy.library.uvic.ca/chapter/10.1007/978-3-319-96169-9_2.

surrounding abortion policy discourses,⁴⁹ applying a feminist institutionalist analysis in further studies may yield additional illuminating results. Furthermore, the effect of international trends toward liberalizing abortion policy in the 1960s and 1970s affected Irish public opinion, such as Britain passing the Abortion Act, 1967, and the U.S. Supreme Court ruling on *Roe v. Wade*,⁵⁰ but its influence is beyond the scope and timeline of our study. Lastly, the main limitation of our methodology was our sample size. There was a high degree of heterogeneity within the articles and each time period resulted in anywhere from 462–997 possible articles to sample from. This would call for a larger sample size to ensure representativeness and increase the confidence level in our data.⁵¹ However, due to time constraints, we were only able to sample 20 articles from each period.

Conclusion

The Republic of Ireland offers a critical case study in the politics of abortion policy, not only because the country remained an outlier as one of the only developed nations to restrict access to abortion to only severe cases up until recently, but also because the Irish population has been so directly involved in the creation of legislation around abortion through frequent referenda. Our study confirms the hypothesis of past studies that suggest that the repeal of the Eighth Amendment was influenced by the decline of the Catholic Church. However, our study goes further in an attempt to promote a more holistic understanding of the political processes involved by applying a historical institutionalist lens to the case, thus highlighting the crucial role of the two critical junctures—the *X Case*

⁴⁹ Jennifer Thomson, "Gendering Institutions and Devolution," In *Abortion Law and Political Institutions*.

⁵⁰ Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," 609.

⁵¹ Berdahl and Archer, *Explorations*, 164.

and Halappanavar's death—in shaping public opinion. These junctures led to the introduction of referenda and bills that heightened the debate around abortion in Irish society. In turn, these events produced the themes that we argue influenced the public's opinion toward liberalizing abortion laws in Ireland. The themes resulted in the development of new moral templates and the development of new value systems that focus on women's autonomy and well-being, ultimately leading to the repeal of the Eighth Amendment and the creation of a legal framework around reproductive health that allowed abortion to be legalized within Ireland.

Appendix 1

Comparative Chart of Abortion Policies Amongst the Top 10 Strongest Democracies (2016/2017)

Table A1		
Country	EIU Democracy Index Ranking (2016)	Guttmacher Institute Abortion Legality Category: 1-6 (2017)
Norway	1	6
Iceland	2	5 (i, r, f)
Sweden	3	6 (spousal approval required)
New Zealand	4	4 (i, r, f)
Denmark	5	6
Canada	6	6
Ireland	7	2
Switzerland	8	6
Finland	9	5 (r, f)
Australia	10	6
		Mean (excluding Ireland): 5.556
		Mode: 6
<p>Key:</p> <p>i: special considerations for cases involving incest.</p>		

r: special considerations for cases involving rape.
f: special considerations for cases involving fetal abnormality.

Prior to the 2018 referendum, Ireland remained one of the only developed nations to restrict access to abortion to only severe cases where the life of the mother or birthing parent were at severe risk of death (Singh, et al., 2018).⁵² In 2016, Ireland was ranked 7 of the top 10 strongest democracies globally by the Economist Intelligence Unit's (EIU) Democracy Index (Willige, 2017).⁵³ The Guttmacher Institute provides a global index of abortion laws, ranking countries on a 6-point legality category scale, with 1 signifying total restriction with no clear legal exceptions, through to 6 signifying "no restriction as to reason," with additional notations for specific gestational period and additional requirements, including additional access in cases of rape, incest and fetal abnormality (Singh, et al., 2018).⁵⁴ In 2017, of all developed nations, Ireland was the only country to receive a ranking of 2, only ahead of Andorra, Malta and San Marino (Singh, et al., 2018).⁵⁵

⁵² Singh, Susheela, Lisa Remez, Gilda Sedgh, Lorraine Kwok and Tsuyoshi Onda. "Abortion Worldwide 2017: Uneven Progress and Unequal Access," New York: *Guttmacher Institute*, 2018.

<https://www.guttmacher.org/report/abortion-worldwide-2017>

⁵³ Willige, Andrea. "Which are the world's strongest democracies?" World Economic Forum. Last modified February 23, 2017.

<https://www.weforum.org/agenda/2017/02/which-are-the-worlds-strongest-democracies/>

⁵⁴ Singh, Remez, Sedgh, Kw

⁵⁵

Methodology Appendix 2

The Context for Each Time Period

June 1st, 1992- June 1st, 1993: the year when the Supreme court ruled in the *X Case* that abortion was permissible to save the life of a suicidal person. This was followed by a referendum on three questions regarding abortion rules in Ireland. The two questions that passed were the freedom to travel, including allowing women to travel to seek abortions abroad, and the freedom of individuals to obtain information relating to services lawfully available in another state, indirectly referring to information on abortion services from other countries. The third question, which was defeated, sought to remove the risk of self-destruction as grounds for abortion.

April 1st, 2001- April 1st, 2002: another year with an abortion referendum. This referendum sought to introduce legislation into the constitution to permit abortion in cases of a threat to the life of a woman, but not in cases where there was a risk of suicide. This question was again defeated.

November 1st, 2012, Nov 1st, 2013: the year of Savita Halappanavar's death. Her death led to calls to change Ireland's abortion laws. During this period the Protection of Life During Pregnancy Act 2013 was proposed and passed.

December 31st, 2017- December 31st, 2018: the year of the referendum to repeal the Eighth Amendment which would allow for abortion to be made legal in certain circumstances. This passed and led to the Health (Regulation of Termination of Pregnancy) Act of 2018.

Appendix 3

Determining what was For, Against or For to a Certain Extent in Relation to Abortion

- **For abortion:** Signaled that they think abortion should be legalized or less restrictive
- **Against abortion:** Signaled that they think abortion should never be legalized
- **For abortion to a certain extent:** Signaled that they think abortion should be allowed in certain circumstances (for the health of the mother for example)
- **Neutral/showed both sides:** No signalling as to what stance the article took on abortion

This was important to ensure intercoder reliability.

Appendix 4

Themes Defined:

- **Mental health:** Referring to the discussion of suicidality and mental distress in the case of a crisis or unwanted pregnancy
- **Politicians' stances:** Referring to the position that politicians take on the abortion debate as shown through the media
- **Religion:** Referring to the mention or use of religion as an argument within the abortion debate
- **Women's rights:** Referring to the mention of women's issues or rights concerning the abortion debate
- **Campaigns:** Referring to either pro-life or pro-choice campaigns that attempt to influence the public's opinion on abortion
- **Health care:** Referring to the discussion of pregnant people's health during pregnancy and abortion when there is a risk to a women's life

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