Who Broke Irish Democracy?

by Aidan Harte (April 2024)

Before and After the Vote –by Charles-François Daubigny

A set of referendums went so horribly wrong in Ireland last month that the Prime Minister resigned. In the days after March 8th, the streets of Dublin rang with a din that was last heard in Britain immediately after Brexit.

Cast your memory back, if you haven't suppressed the horror. From Lands' end to John O'Groats, there were recriminations, rationalisations and rewriting of history. Since that darkest hour, any idealistic Westminster staffer naïve enough to

suggest holding another referendum to settle some tricky social question risks defenestration. But here, on the greener and rainier side of the Irish Sea, the R-word is not so taboo. Indeed, over the last decade holding referendums became an addiction for Ireland's ruling class.

No mystery why. While Ireland's recovery after the bailout of 2010 has been spotty—revealing a dependence on multinationals like Google, Apple, and Facebook that hover over Dublin to avail of our 15% Corporate Tax Rate—harried politicians can always answer cynics who say that nothing changes by pointing to a pair of referendums in the last decade that led to constitutional reforms long sought by liberals, the first permitting Gay Marriage and the next Abortion on Demand.

If the 1996 referendum legalising Divorce was the first crack in an Irish conservative bloc that had, allied with the Catholic Church, dominated the Irish State for its first half century, the two-punch combination of the referendums in 2015 and 2018—shattered the ancien regime entirely. That at least is the just-so story that Irish politicians have told themselves since, and the story that an exultant media repeated back to them and us. Una Mullally in *The Irish Times* framed it all as anti-clerical revolution, "The fiction of Ireland as a conservative, dogmatically Catholic country has been shattered."

It is hard to overstate the utopianism that gripped Irish bien pensants after 2018. You could spot them easily, swaggering around Dublin still wearing campaign tee shirts months, and even years, after the votes were counted. For Mullally, nothing less than a new Ireland had been created, a country with, "No more secrecy, no more shame, no more stigma, only support, kindness, and care."

The truth was and is, as always, rather more complicated. An official determination to ignore that, and to mock and marginalise those troglodytes who had voted the other way,

gradually created a schism between much of the Irish electorate and their government. That gulf was starkly revealed in last month's referendums on rewriting sections of the 1937 constitution dealing with women's role in the family.

Given that opponents, such as the conservative barrister Maria Steen, feared that these amendments sought "to erase women from the Constitution," the government's decision to hold the vote sandwiched between International Women's Day and Mothers' Day demonstrated considerable chutzpah, if not arrogance. The electorate, in their wisdom, answered contempt in kind, and rejected both proposals with the largest No vote in any referendum since 1937.

The defining moment of the campaign was a televised face-off between Maria Steen and an increasingly flustered Tánaiste (deputy prime minister) Micheál Martin. Teasing out the implications of replacing a venerable and well-understood word like "Marriage" with the ambiguous formula of "durable relationship," Steen asked Martin if he would fancy telling, "a Muslim man who has fled persecution to make his home in Ireland with his two wives and children that they are not in a durable relationship…" Martin responded petulantly that both bigamy and polygamy are illegal and dismissed the question as a "red herring" and his interlocutor as "prophet of doom."

Doom was indeed coming, for Martin. The numbers show how comprehensibly both amendments were rejected, 67.7% to 32.3% and 73.9% to 26.1%.

In the weeks since that day of reckoning, Berlin bunker scenes have played out in the Dublin offices of every major political party. Yes, all of them. These amendments were proposed by and campaigned for not only by the current government—a coalition of traditional rivals Fianna Fail and Fine Gael with Green Party garnishing—but also Sinn Féin, the main opposition party that is widely tipped as the coming power. Labor, the Social Democrats and independents were for it too. Only one small

party, Aontú—a conservative splinter of Sinn Féin—stood against the amendments.

How did it happen, that most of Ireland's parliament found themselves so out of step with most of Ireland? The answer's in the detail.

Of 39 constituencies, the only one that voted in favour of *any* of the government proposals was Dun Laoghaire. The result was also very close in Dun Laoghaire's neighbour, Rathdown. This stretch of south Dublin's east coast contains the richest postcodes in Ireland. This affluent enclave has been disproportionately represented at the cabinet table for as long as there's been a cabinet table. If half of Ireland's parliamentarians are millionaires, most of them will share the prejudices of what the *Irish Independent* described as "one of the most liberal constituencies in the country." That this is also where most of the staff and all of the management of *The Irish Times* and RTE—our fun sized version of *The Guardian* and BBC—grew up completes the cozy picture.

South Dublin's nexus of power, money and influence is also the heartland of the Green Party, which helps to explain a minor mystery of the referendums—how the Greens, with only 12 seats in our 160-seat parliament, were such a driving force pushing for the amendments in the first place. Along with a legion of progressive lobbyists from Ireland's bloated NGO sector, the Greens' voice is amplified by its numerous media champions.

So here we are, with free-range egg on every face. A referendum that goes wrong is, like an asteroid landing in Times Square, one of those low-probability high-impact disasters that keep actuaries awake at night, but it's still possible to see why referendums seem such a panacea to the political class. Much of politics is a dull business of horse-trading unsavoury favours. Referendums offer the prospect of a clear and photogenic victory. In an age where Democracy is everywhere wobbling, the apparent clarity of a show of hands

is obviously appealing. Little wonder too that referendums are so habit forming—it doesn't take a genius to win them. You dictate the date and terms of a contest that you fight with more resources than the naysayers. It's normally such a shoo-in over here that the celebratory hoolie at Dublin Castle gets started even before the votes are counted.

Of course, when the wheeze backfires, it backfires publicly.

This shouldn't be such a shock. One of the greatest political upsets in recent Irish history was a referendum held in 2008, this one on the Lisbon Treaty which expanded EU parliamentary power over member states' legislation and budgets. It was defeated by 53.4%. Great was the embarrassment in Dublin; greater still was the fury in Brussels. Shamefully, a second referendum on the same question was held a year later. This time, the Fianna Fail government campaign left nothing to chance. No expense was spared. No threat was too dire. Finally, a harried and terrified electorate surrendered and coughed up the right answer.

Lisbon remains such a black name in the annals of Irish democracy, so much so that there is no real question, thank God, of rerunning these disastrous referendums.

The most notable result of last month's upset was of course the resignation of the Irish Prime Minister Leo Varadkar. But those who imagine that progressives will now call it a day delude themselves. There are other ways to skin the cat. Asked to explain the defeat, Varadkar said, "It was our responsibility to convince a majority of people to vote yes, and we clearly failed to do so." The problem, then, was the government's strategy not its goal. That the people don't remotely share that goal is an inconvenience. Nothing more.

As Mr Varadkar's surviving colleagues know, the most reliable method of social engineering is the traditional but unglamourous route of tinkering with existing legislation.

While the people occasionally kick, members of the lower house and senate are eager to please and on the payroll. They'll nod through any bill the whip tells them to.

And this is, in fact, the piecemeal approach that Justice Minister Helen McEntee—a protege of Varadkar—is sensibly taking with her mooted Hate Speech bill, which has drawn such extraordinary international criticism from the likes of Elon Musk and Jordan Peterson. Their misgivings are well founded. The bill represents an attack on Free Speech that is far more radical than the relatively arcane constitutional tweaks rejected in last month's referendums. Higher too are the stakes. As the European headquarters of so many tech companies, what happens in Ireland has wide implications. It's something that companies like Meta, faced with fines like €1.2 billion imposed by Irish regulators in 2023, must factor in to how they run their platforms, and how much unfettered expression they permit.

Where this ends, how much push back the regulators get, is anyone's guess but one thing is certain—Irish voters won't be asked about it.

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