

THE MOTHER AND CHILD HEALTH
SCHEME (IRELAND), 1951:
A CASE STUDY OF CHURCH-STATE RELATIONS
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PREFACE

In 1950, upon government authorization, Noel Browne, the Minister for Health, attempted to implement the Mother and Child Health Service of the 1947 Health Act. This Scheme was intended to provide free maternity care for mothers and free medical care to children under sixteen years of age. The Scheme not only caused a conflict to arise between the government and the medical profession but also between the government and the Catholic Hierarchy. The objections on the part of the bishops finally caused the government to reverse its decision and to withdraw the Scheme.

In my attempt to examine this particular case of Church-State relations, I am indebted to many people. I would like to express particular gratitude to the following: Joseph Kavanagh, who first introduced me to Irish history; to Professor Lawrence McCaffrey, who encouraged me to continue my studies in Irish history and whose valuable suggestions helped produce this thesis; to my parents and the Servite Fathers, who helped finance my research in Ireland; to Dr. Noel Browne, who gave up his valuable time for an interview; and to Thomas Greaney, who was a source of constant encouragement during the writing of this thesis.

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INTRODUCTION

Although Roman Catholics comprise more than 90% of the total population of the Irish Republic, Roman Catholicism is not an official State religion. In fact, the Irish Constitution specifically guarantees that the State will not endow any religion.¹ The only mention of Roman Catholicism in the Constitution is as follows: "The 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."² Despite the fact that the Church in Ireland is not accorded any kind of a privileged position, the Irish bishops did, in 1951, exert a significant amount of power and authority in matters which pertained to the State.

This is the paradox which characterizes the relationship between the Church and the State in Ireland. Legally and officially, the State subscribes to a policy of separation. The Church, however, has always looked upon its relation to the State in terms of expediency.

The Irish Church has always been ready to bargain with the State if the results promised to be favorable. Thus, before the Act of Union in 1800, the Irish bishops proclaimed

¹ Ireland, Constitution, Art 44, sec. 2, subsec. 2.

² Ibid., Art 44, sec. 1, subsec. 2.

loyalty to the King of England hoping, thereby, to obtain relief from the Penal laws.

At the same time, the Church has not supported anything which would not enhance its position. This explains why the Irish bishops and clergy in general have always been slow to support nationalistic movements such as (1) Daniel O'Connell's fight for Catholic emancipation, (2) Home Rule, and (3) Sinn Fein. Here, the question was one of power and authority. The bishops believed that nationalism would take away some of the power, prestige, and authority they possessed as far as the laity was concerned. In other words, their image was at stake.

Furthermore, the Irish bishops have always feared any political or social changes which might encroach upon their authority.

In addition to employing expediency in matters of Church-State relations, the Hierarchy often resorted to a certain schizophrenia which exists in Irish society. Many Irish Catholics believe that they may not, under pain of sin, criticize the Catholic Church, its prelates and clergy. Along the same lines, many Catholics also believe that obedience to a priest or bishops is always called for, no matter what. To disobey would be a sin. The bishops themselves have perpetuated this mentality. A good example of this is the Archbishop of Dublin's regulation that Catholics may not under pain of mortal sin attend Trinity College which is a non-Catholic university. They need his express permission to do so. This

type of mentality leaves the people with only three possible courses of action: (1) unreservedly accept the decision of the bishops, (2) evade the problem, or (3) rebel.

This attitude on the part of many Irish Catholics explains why the Church often does interfere in matters which pertain to the State. Although the State officially subscribes to separation of Church and State, the members of the government are caught in the web of this schizophrenia.

CHAPTER I

THE CONTROVERSY WITH THE IRISH
MEDICAL ASSOCIATION

Ireland's form of government is strictly a parliamentary system with a two-house legislature and a President. This system, however, differs from the present-day British governmental system in the sense that at various times an excess of political parties was a definite part of the Irish parliamentary structure. In fact, during World War II, no less than six different power blocs were represented in Dail Eireann, which is the lower house of Parliament and, therefore, equivalent to the British House of Commons. These six power blocs were the Independent deputies and the following five political parties: Fianna Fail, Fine Gael, Labour, National Labour, and Clann na Talmhan. The larger and more powerful of these parties were Fianna Fail and Fine Gael. The Independent deputies, however, played a very significant role since they often held the balance of power when no other party had a clear-cut majority in the Dail.

Since the early 1930's, the ruling political party in Ireland had been Eamon De Valera's Fianna Fail party. A Fianna Fail party was in power on March 27, 1947, when the then Minister for Health, James Ryan, introduced in Dail

Eireann the provisions of what became known as Part III of the Health Act of 1947.³ According to later reports, Ryan had his one and only meeting with the Medical Consultative Council on the day previous to which he introduced the Bill in the Dail. At this meeting he announced "that there would be no means test of eligibility."⁴

Since much of the controversy later centered around the means test, it is absolutely necessary that we have a proper understanding of this term. The means test was designed to measure an individual's and/or family's income. Consequent on obtaining this information, medical expenses were either assessed or eliminated as the case may have called for.⁵ In other words, the means test determined whether an individual or family fell below a certain financial bracket in order to qualify for free health services.

While the Bill was still in Committee Stage, Ryan said that Part III of the Health Act, entitled "Mother and Child Service," could start in Dublin almost immediately.⁶ In late 1947, the Bill passed both Dail Eireann and Seanad Eireann the latter of which is the upper house of Parliament, and which is "composed of sixty members, of whom eleven shall be

³Irish Press, April 12, 1951, p. 7.

⁴Irish Times, April 28, 1951, p. 3.

⁵Interview with Thomas Greaney, former Clerk, Galway County Council, April 1, 1968.

⁶Irish Press, loc. cit.

nominated members and forty-nine shall be elected members."⁷ Thus, upon the President's signature, the Health Bill became an official Act of the Oireachtas (Parliament). Such an Act could only be nullified by another Act of the Oireachtas or by a Supreme Court decision should the latter deem the Act contrary to the Constitution.

Part III of this Act was precisely that part of the Act to which the Irish Medical Association and the Catholic Hierarchy of Ireland objected. The following sections were the most important since they were the ones which came under such intense fire:

21. - A health authority shall, in accordance with regulations made under section 28 of this Act, make arrangements for safeguarding the health of women in respect to motherhood and for education in that respect.

22. - A health authority shall, in accordance with regulations made under section 28 of this Act, do, in respect to children in their functional area who are not pupils in any school, the following things ---

- (a) safeguard and improve their health and physical condition;
- (b) arrange for their medical inspection at schools or other places;
- (c) provide for their education in matters relating to health;
- (d) provide for treatment of their illnesses and defects;
- (e) ascertain cases of mental deficiency.

23. - A health authority shall, in accordance with regulations made under section 28 of this Act, do, in respect of the pupils of every school in their functional area to which this section applies, the following things ---

- (a) safeguard and improve their health and physical condition;
- (b) arrange for their medical inspection at the school or any other place;

⁷Ireland, Constitution, Art. 18, sec. 1.

- (c) provide for their education in matters relating to health;
- (d) provide for treatment of their illnesses and defects;
- (e) ascertain cases of mental deficiency.

27. - An amount not exceeding one-half the expenses certified by the Minister to have been properly incurred in accordance with regulations made under section 28 of this Act, by a health authority in the execution of this Part of this Act shall be paid to the health authority, out of moneys provided by the Oireachtas.

28. - The Minister may make regulations applicable to every health authority, every health authority of a particular class or a particular health authority as to the manner in which they are to exercise their powers under this Part of this Act.⁸

In very general terms, section 21 provided for the safeguarding of the health of women as regards motherhood and for educating women as regards proper health procedures in respect to motherhood. Section 22 and 23 dealt with the health of all children while section 27 provided a grant to the local health authority for his participation in the Mother and Child service. But the most important provision was section 28 which granted the Minister for Health the power to set up the Mother and Child service as he saw fit as long as his particular Scheme was not contradictory to any of the previous provisions or sections. In effect, section 28 gave the Minister some freedom as regards the details of the Scheme. He could decide whether the services were to be free to the people, whether the people were compelled to avail themselves of this service, and whether a means test of eligibility was required

⁸Ireland, Acts of the Oireachtas, Number 28 of 1947, "Health Act, 1947."

in order to qualify for the services.

Soon after the Bill had been enacted into law, James Dillon, an Independent deputy from County Monaghan, challenged its constitutionality in the courts. On December 3, 1947, he filed suit to test the constitutionality of the "Mother and Child" section of the 1947 Health Act.⁹ Whether Dillon's suit was sincere is open to serious questioning. Seemingly, this constitutional challenge could very easily have been a political issue especially since the counsel briefed to appear for Dillon were John Costello, Cecil Lavery, Patrick McGilligan, and P.J. Nugent.¹⁰ Both Costello and McGilligan were Fine Gael deputies in the Dail. Further credence is given by the fact that Dillon dropped the charges soon after the general election of early 1948 in which Fianna Fail lost control of the government.¹¹ In addition, this must be taken in the light of the fact that John Costello became the new Taoiseach (Prime Minister) and both Dillon and McGilligan became members of the new Cabinet.

The Fianna Fail Government had intended to implement the Health Act and its Mother and Child service before the summer of 1948. A general election on February 4, 1948, which had been precipitated by such issues as unemployment, emigration, the cost of living, and, most important, a supplementary

⁹Ireland, Parliamentary Debates (Dail Eireann), CXXV (1951), col. 733.

¹⁰Irish Times, December 8, 1947, p. 7.

¹¹The Standard, April 20, 1951, p. 8.

budget introducing new taxes, foiled the Government's plan.¹² Neither a disastrous defeat at the polls nor a coalition of the opposition parties as such managed to oust De Valera's government. Primarily, a new political party, Clann na Poblachta, dethroned the Fianna Fail Government.

The new party's founder and leader was Sean MacBride, a prominent figure in the Irish Republican movement. Clann na Poblachta's nucleus was, in fact, "the hard core of advanced Republicans who had hung together since the Saor Eire [Free Ireland] days."¹³ This party and the principles which it advocated attracted Dr. Noel Christopher Browne, a young and vigorous intellectual. As soon became apparent, Clann na Poblachta found a surprising amount of support throughout the country and, thereupon, decided to attempt to enter the political scene. In the 1948 election campaign, Clann na Poblachta promised vigorous nationalism and something akin to the Welfare State: "a reduction in the cost of living and special concern for the poor, the weak, and the unfortunate."¹⁴ Noel Browne vigorously denounced the inadequate health services of Ireland and this position brought to his support "the new party intellectuals and public-spirited social workers, while many of the very poor and unfortunate, feeling that the Labour party and the trade unions have done little for them,

¹²Timothy Patrick Coogan, Ireland Since the Rising (London: Pall Mall Press, 1966), p. 93.

¹³Ibid., p. 92.

¹⁴Manchester Guardian Weekly, May 3, 1951, p. 13.

were glad to vote for something different."¹⁵ In the general election of 1948, Clann na Poblachta polled 173,166 votes and won ten seats in Dail Eireann.¹⁶

As a direct result of Clann na Poblachta's entry into politics, Fianna Fail lost some of its seats in the Dail. Therefore, the Government could not retain its majority without the help of at least one other small political party. Yet every element in the Dail refused to go along with De Valera's party. The result was a coalition or interparty government composed of Fine Gael, Labour, Clann na Poblachta, Clann na Talmhan, National Labour, and Independents. The new Cabinet was composed of all these elements as follows:

Taoiseach	John Costello	- Fine Gael
Tanaiste & Minister for Social Welfare.	William Norton	- Labour
Minister for Educa- tion.	Richard Mulcahy	- Fine Gael
Minister for External Affairs	Sean MacBride	- C. na P.
Minister for Lands.	Joseph Blowick	- C. na T.
Minister for Posts and Telegraphs.	James Everett	- Nat. Lab.
Minister for Agricul- ture	James Dillon	- Ind.
Minister for Finance.	Patrick McGilligan	- Fine Gael
Minister for Justice.	Sean MacEoin	- Fine Gael
Minister for Defence.	Thomas O'Higgins	- Fine Gael
Minister for Industry & Commerce.	Daniel Morrissey	- Fine Gael
Minister for Local Government.	Michael Keyes	- Labour
Minister for Health	Noel Browne	- C. na P. ¹⁷

¹⁵Ibid.

¹⁶Coogan, op. cit., p. 93.

¹⁷Parliamentary Debates, p. iii.

Immediately after his first election to Dail Eireann, Noel Browne found himself in an important Cabinet position even though he had never before been involved in politics. He wasted no time in the Health Department and immediately attempted to tackle Ireland's inadequate health services.

In September 1949, Browne first intimated that he proposed to put into effect Part III of the 1947 Health Act. While speaking at a Clann na Poblachta meeting at Cashel, County Tipperary, on September 11, 1949, Browne said that he soon hoped to launch a Mother and Child Welfare scheme.¹⁸ Furthermore, Browne indicated that he would circulate the Scheme's provisions to the medical profession before releasing them to the public. Apparently, he was convinced that the Irish Medical Association would oppose certain provisions of the service which, in turn, would necessitate changes in the program.

In June, 1950, Browne sent the details of a no-means-test Scheme to the Medical Association. He also intimated to the medical profession at this time that there would be "no compulsion" on anyone and that the service would be free to all. A clarification is necessary here as regards the meaning of "no compulsion." The term did not mean, for example, that parents did not have the obligation to submit children to medical inspection. If this were the interpretation, "no compulsion" would be contrary to section 25, subsections (4)

¹⁸Irish Times, September 12, 1949, p.1.

and (5) of the Health Act. Subsection (4) stated that "the parent shall submit the child to such inspection unless an exemption from the inspection has been granted under subsection (5) of this section."¹⁹ Subsection (5) then stated that an exemption could be granted if a proper certificate, signed by a registered medical practitioner, attested to the fact that the child had been examined within a prescribed period. What "no compulsion" must have meant, then, was that mothers, children, and doctors were not to be forced to participate in, or avail themselves of, this particular program if they did not care to do so. The important thing to remember here is that this "Mother and Child" service was to be available for those who wanted to take advantage of it.

The Irish Medical Association's first major response was to poll its members regarding cooperation with the Scheme. Towards the end of October, 1950, the Medical Association prepared a referendum to be sent out to all its members. According to an editorial in the Association's Journal, this referendum was conducted in secret and the returns destroyed after they had been counted by "expert assessors outside the Medical Association."²⁰ These were the questions:

- 1) Do you agree to work a Mother and Child Health Scheme which includes free treatment for people who are able to pay for their own medical care?

¹⁹Acts of the Oireachtas, section 25, subsection (4).

²⁰Journal of the Medical Association of Eire, XXVII (November, 1950), 73.

- 2) Do you agree to work a Mother and Child Health Scheme if private practitioners are excluded?
- 3) Do you agree to work a Mother and Child Health Scheme which provides for free treatment for those who can afford to pay, and if private practitioners are excluded?²¹

Since the questions were phrased in this manner, they would most likely not reflect a true picture of the doctors' attitude towards the Mother and Child service. The questions were either phrased haphazardly, something which can never be done if one wants a true and valid result, or they were phrased in such a way as to obtain results favorable to the Association's point of view. Whatever the reason, the referendum certainly could not have given a valid result of the doctors' attitudes.

The Association claimed that 1,886 ballots were issued and that the results were as follows:

Question #1 - - Yes, 215 (20%);	No, 779 (80%);
Question #2 - - Yes, 144 (14%);	No, 850 (86%);
Question #3 - - Yes, 240 (25%);	No, 754 (75%). ²²

In other words, on the average, only 794 or about 80% of those voting rejected the referendum in one form or another. These results seemed to indicate an overwhelming rejection of the "free service" clause of the Scheme. Upon further analysis, however, this was not necessarily the case. First of all, only 50% bothered to return the questionnaire. With this in mind, we find that out of the total asked (1,886), on the average only 794 or 42% rejected the Scheme. Secondly, we

²¹Quoted in Irish Independent, November 24, 1950, p. 8.

²²Ibid.

must remember that not every doctor in Ireland was a member of the Medical Association and that, thereby, not all of the doctors had received the questionnaire. The Ministry for Health, as quoted in the Irish Times, estimated that there were at that time approximately 2,500 doctors in Ireland.²³ If we consider this, it becomes quite apparent that only about 32% of all the doctors in Ireland had openly and officially rejected cooperation with a "free service" Scheme. This represents a completely different picture than the one the Association attempted to give. In other words, the Association's claims are open to serious questioning.

Nevertheless, the Medical Association attempted to speak for all members of the profession. An editorial in the December Journal stated:

the rejection [of the referendum] was not because we do not wish to improve our health services, but because we members of the medical profession, as experts in our own right, do not believe that the proposed Scheme is by any means the best available for the patients who are to be served by it, for the doctors who are to work in it, and for the future of the country as a whole.²⁴

In order to give credibility to their argument that the services provided would not really be free, the Medical Association quoted figures having used British socialized medicine as an example. In 1949, the official estimates of British socialized medicine costs were £ 346,000,000. Since mothers and children up to sixteen years of age represented "at a

²³Quoted in Irish Times, January 4, 1951, p. 7.

²⁴Journal of the Medical Association of Eire, XXVII (December, 1950), 94.

conservative estimate 50% to 60% of medical practice," the equivalent of such a Scheme in Britain would have cost £ 173,000,000.²⁵ In Ireland, allowing for a population of only three million, the cost of Browne's Scheme would come to approximately £ 12,000,000. In addition to these facts, the Association stated that "it should be remembered that three-quarters of Britain's fabulous outlay had to be met from general taxation."²⁶

Indeed, the Association had cold facts to back up a very valid argument. But this interpretation of a free service seemed to be a misunderstanding as to what Browne meant by a free service. Obviously, the Scheme would not really be free since the necessary costs had to be met somehow, probably through taxation. Likewise, Browne most probably envisioned the money to become available through some form of taxation. To think otherwise would have been unimaginable, rash, and immature.

But the important question on the part of the Association ought not to have been whether the service would really be free. Rather, it should have asked whether taxes would have to be increased at all and, if so, to what extent.

The Medical Association also envisioned the Mother and Child Scheme as a State encroachment into the medical field. The Association not only opposed Browne's particular Scheme, but, seemingly, the 1947 Health Act as such. Statements by

²⁵Quoted in Irish Times, March 12, 1951, p. 4.

²⁶Ibid.

the Association indicated a basic disagreement with the Act's provision of permitting a Minister for Health to implement the Scheme. A statement in the Medical Association's Journal questioned Browne's authority: "the Minister for Health has in recent negotiations with the Association suggested that he was forced by the Act to set up certain services and that he could not (and would not) avoid this obligation."²⁷

But according to the Health Act as such, Browne, as Minister for Health, had no choice but to carry out the law. Sections 21, 22, and 23 of the Act stated that a "health authority shall . . . make arrangements" regarding the health of women in respect to motherhood and the health of children.²⁸ Section 28 said that the Minister "may make regulations [italics mine] . . . as to the manner in which and the extent to which they [health authorities] are to exercise their powers."²⁹ Therefore, the Act (1) required arrangements to be set up for implementing the Act, and (2) gave the Minister authority to regulate the arrangements. The Act never stated whether the Minister could or could not carry out implementation; instead, it merely stated that the Minister could regulate the details of the Scheme.

The Association, therefore, opposed anything which resembled the Welfare State with the accompanying bureaucracy and possibility of State domination. This position became

²⁷Journal of the Medical Association of Eire, loc. cit.

²⁸Acts of the Oireachtas, sections 21-23.

²⁹Ibid., sec. 28.

quite clear when the Association bluntly stated that "we are opposed to being told by others how to treat our patients, being told where to put our patients, and we are mentally completely at variance with any scheme which would turn us body and soul into civil servants of the State."³⁰ This was a valid point to consider on the part of the medical profession. But, at the same time, the Association seemed to overstate the argument. The Mother and Child Scheme did not tell the medical profession how to treat patients and where to put the patients. Instead, the Scheme merely attempted to set up a program so that these particular services would be available to patients who desired them.

During the controversy, the Medical Association's objections to socialized medicine were expressed in various forms - each emphasizing a different aspect. Browne's particular Scheme would not only rob parents of their responsibility, but also "destroy professional secrecy, invade the patient's personal privacy, and substitute political control for medical direction."³¹

The Medical Association also objected to the Scheme on the grounds that there would be no free choice of doctors because "the only type of doctors allowed are State appointed doctors to particular districts [District Medical Officers]."³²

³⁰Journal of the Medical Association of Eire, loc. cit.

³¹Quoted in Irish Times, March 12, 1951, p. 4.

³²Journal of the Medical Association of Eire, loc. cit.

Another significant objection on the part of the Association revolved around the question of the means test. The Association believed that the Minister for Health wanted a Scheme without a means test in order to ensure that rich and poor alike would be treated in the same manner. The Association said that this implied that "if left to their own devices, Irish doctors would give one kind of service to the rich and another to the poor."³³ This was a misinterpretation. A no-means-test Scheme merely meant that all, rich and poor alike, should have equal opportunities.

Apparently, the Medical Association's objections were not based on medical grounds as such but rather on the fact that no means test was required. As far back as December, 1950, the Association had claimed that the term "means test" was "neither suggested nor adopted" by them.³⁴ Furthermore, the Medical Association refused to change its position since a statement of the Association on March 12, 1951 claimed that "the words 'means test' have no place in the spirit of our proposals; but we do insist that a scheme of this kind should be reserved for those people who genuinely need to avail themselves of it."³⁵

In another objection to the Scheme, the Medical Association attempted to point out that the proper facilities did not exist for carrying out the program of the Scheme. The

³³Quoted in Irish Times, March 12, 1951, p. 4.

³⁴Journal of the Medical Association of Eire, loc. cit.

³⁵Quoted in Irish Times, March 12, 1951, p. 4.

Association offered quite a strong indictment of the medical facilities in Ireland:

We would also point out that the scheme, as envisaged, would be based on the dispensaries, many of which are so structurally bad that they would not be passed by the Department of Agriculture inspector for the housing of cattle. The plain facts are that neither the equipment nor the accomodation are available to meet the demands of this scheme, and that a dangerous strain would be thrown at once on hospitals and personnel. In this chaotic state the patient must be the ultimate sufferer.³⁶

Whether proper facilities existed or not was a question which could not have been answered definitively until all aspects of the Scheme had been worked out in detail. In effect, this objection was not an indictment of the medical facilities; instead, it was an indictment of the medical profession. If these conditions had really been as poor as described, the Association should long before then have made a concerted effort to have them alleviated.

In early January, 1951, the Irish Medical Association summarized quite succinctly its objections to the Mother and Child Health Scheme. The objections were as follows:

- 1) The Scheme will introduce a large scale of State control of the practice of medicine;
- 2) The claim that the service will be free belongs to the realm of phantasy. The cost of the service will inevitably come from the pockets of the people;
- 3) The Scheme rests on the principles that those of lesser means shall pay proportionately more so that those of greater means shall benefit;
- 4) The element of compulsion is inseparable from

³⁶Ibid.

the Scheme; and

- 5) Proper facilities for the working of the Scheme do not exist.³⁷

However, the Association's only valid objection seemed to have been the argument against what is now known as socialized medicine. The Medical Association itself stated that "chief among these objections were that the Scheme would pave the way to absolute State control of the profession, . . ." ³⁸ Apparently, all the other objections raised by the Association were merely tactics employed in the service of the argument against State intervention. Yet, in all fairness to Browne's Scheme, even this one objection seemed relatively unimportant in the light of the Scheme's objectives.

We have seen the Medical Association's response to the Mother and Child Scheme. How did Browne react to this response? Undaunted by the Association's objections, the Minister for Health slowly, but surely, forged ahead with his plans for implementation. At a Clann na Poblachta meeting at West Cabra, Dublin, on December 11, 1950, Browne stated publicly that "the mother and child health scheme is to be introduced early in the new year - as soon as final details have been completed."³⁹ He firmly believed that this particular Scheme represented a "considerable advance by the State

³⁷Quoted in Irish Independent, January 5, 1951, p. 5.

³⁸Journal of the Irish Medical Association, XXVIII (June, 1951), 91.

³⁹Irish Times, December 12, 1950, p. 1.

in the application of those fundamental principles of social justice with which the country must become more closely associated in the minds of the peoples of the world."⁴⁰

In spite of the Medical Association's strong objections to a no-means-test Scheme, Browne remained very adamant. Again and again he emphasized that there ought not to be a means test and that this was the position of the government. He insisted that all, rich and poor alike, should have the same chance of obtaining the best hospital diagnosis and treatment.

By insisting so strongly on this point, the Minister for Health was not the most tactful of men. He insisted time and again that

he believes that the only way to obtain a first-class service is to have no means test, so as to ensure that the rich and poor will be treated alike; he is satisfied that many families would go without medical care, or cripple themselves financially in order to get medical care, rather than submit themselves to a means test; he does not feel that an intrusion into the private affairs of any family is justified simply because its income is small and a member of it happens to need medical attention; its retention in a service of this nature involves the perpetuation of an out-of-date concept.⁴¹

In other words, Browne attempted to avoid at all costs a further degradation of an individual or family which was already very poor. A no-means-test Scheme would, at least, restore some of the person's dignity. In order to attain this end, the Minister for Health apparently felt that a no-means-

⁴⁰Ibid.

⁴¹Department of Health Statement, quoted in Irish Times, March 6, 1951, p. 1.

test Scheme and a free service for those who wished to avail themselves of it was an absolute necessity.

As if to prove that he would not alter his position regarding a free service, Browne simply dismissed the Medical Association's referendum. He convincingly stated that the referendum questions had been

phrased in such a way that if the members of the Association adhere to the spirit of certain resolutions and principles laid down from time to time by the Association on their behalf, it can only result in the returns from that Referendum showing a hostility and antipathy by the Medical Association to the proposed Mother and Child Scheme.⁴²

What was Browne's driving force? What was he trying to accomplish or, to put it in different terms, what was he trying to alleviate? Ever since his initial campaign for a seat in Dail Eireann, he had been very concerned about the health situation in Ireland. One aspect on which he focused his attention was the excessively high maternal and infant mortality rate in comparison to other nations. The infant mortality rate in Ireland at that time was considered to be extremely high in comparison to Great Britain's rate of thirty-six per one thousand deaths.⁴³ Even in the midst of his controversy with the Medical Association, Browne stated that he was very much concerned about the "still scandalously high preventible disease rate and avoidable death-rate figures

⁴²Quoted in Irish Independent, November 14, 1950, p. 3.

⁴³Manchester Guardian Weekly, May 3, 1951, p. 13.

among this section [mothers and children] of our people."⁴⁴

According to John F. Cunningham, Professor of Obstetrics and Gynaecology, University College, Dublin, maternal mortality "comprises the deaths of all mothers who have died from any cause during pregnancy, labour, or within some six weeks from the birth of the child, irrespective of whether the death had been due to childbirth or not" and infant mortality "comprises the deaths of all infants which occur during the first year of life."⁴⁵ According to the Medical Association, however, infant mortality rates were going down. In 1947, the figures for Ireland were sixty-eight per one thousand while in 1950, there were only forty-five per one thousand. In Dublin the figures were slightly higher: in 1947, eighty-eight per one thousand and in 1950, forty-eight per one thousand. At this time the maternal mortality rate was two per one thousand.⁴⁶ Whether infant mortality rates were actually going down however was questionable. On that same page in the Irish Times, a short notice gave the following information: Of the 197 deaths in Dublin city for the week ended March 3rd, 26 were infants under one year; 19 were under one month old."⁴⁷ A marked difference was noticeable: in 1947, the infant mortality rate in Dublin was 8.8%; in 1950, it was 4.8%. However, in one week in 1951, the rate was 13.1%.

⁴⁴Quoted in Irish Times, March 1, 1951, p. 1.

⁴⁵Quoted in Irish Times, March 17, 1951, p. 9.

⁴⁶Irish Times, March 12, 1951, p. 4.

⁴⁷Ibid.

Further spot checks revealed that the infant mortality rate in Dublin averaged about 10%. A small variation is understandable, but not such a large one. Therefore, the Association's claim that infant mortality rates were going down was possibly questionable.

Both the Medical Association and Professor Cunningham pointed out that if the infant mortality rate was to be lowered, its underlying cause must be alleviated. According to the Association, these causes were an improvement in "the standards of housing, nutrition, hygiene and working conditions."⁴⁸ This was precisely what Browne wanted to accomplish. As outlined in section 21 of the Health Act, Browne wanted mothers to be educated in the matter of proper nutrition and hygiene.

Throughout the controversy, Browne moved ahead as if there were no objections on the part of the Medical Association. One could almost say that he forged ahead in spite of the Association's objections. On March 6, 1951, the Minister for Health published the details of the Scheme. When in full operation, the Scheme was to provide:

For mothers (before, during, and after childbirth):

- 1) free family practitioner care;
- 2) free specialist, consultant and hospital treatment, if necessary;
- 3) free visits from the midwife at home, if necessary;
- 4) free dental and eye treatment.

For children (up to sixteen years of age):

- 1) free medical care (incl. inoculations and injections) at school and at home for all illnesses;

⁴⁸Ibid.

- 2) free specialist, consultant, surgical and hospital treatment;
- 3) free home visits by Public Health nurses;
- 4) free dental and eye treatment.

Supplementary provisions in regard to Scheme:

- 1) choice of doctor, including the family doctor, if he desires to participate in the Scheme;
- 2) the Scheme to be available to anyone who wants to make use of all or part of it;
- 3) no compulsion, no means test, no contributions;
- 4) no interference whatever with the doctor-patient relationship; and
- 5) no doctor's bills in respect of maternity or the health of children up to sixteen years of age.⁴⁹

Obviously, the objections raised by the Medical Association had not discouraged Browne at all, since the provisions of his particular Scheme were definitely in keeping with the stipulations of the 1947 Health Act. Furthermore, the details of the Scheme effectively destroyed most of the Association's objections. First of all, the Scheme did not force anyone to use the services which were being provided. The provisions did not force doctors to join the Scheme, nor did it tell them how to treat their patients. Therefore, the Scheme did not force doctors to become civil servants of the State. Apparently, the Scheme did not violate ethical principles since it neither invaded the privacy of the individual nor, necessarily, impaired the doctors' care and attention of patients.

The only objections of the Association which might not have been answered were the ones in relation to "proper facilities" and "no free choice of doctors". Whether this particular Scheme would actually lower maternal and infant mortality

⁴⁹Irish Times, March 7, 1951, p. 1.

rates did not depend on proper facilities but rather on the number of people who would avail themselves of the service. Browne had also realized that a "no free choice of doctor" clause could cause severe hardship on the general practitioner. For that reason he had written to all doctors asking them whether or not they would be interested in joining the Scheme. He was willing to amend the Scheme to enable general practitioners to join the Scheme.⁵⁰

Having examined the 1947 Health Act, how it became Noel Browne's duty to implement the Mother and Child Scheme, the Irish Medical Association's response to the Scheme, and, finally, Browne's reaction to the Medical Association's objections, we must now investigate chronologically those aspects of the controversy which made it so bitter.

Besides having responded directly to the provisions of the Health Act and the proposed Mother and Child Scheme, both the Medical Association and the Minister for Health hurled accusations at each other which prevented or, at least, forestalled a settlement. These accusations often either clouded the real issues involved or they gave the erroneous impression that a previously taken position was altered.

Apparently, the Medical Association had already objected to the no-means-test Scheme which had been announced in 1947 by James Ryan. Even before Browne had sent the details of the Scheme to the Association, he commented that some members of

⁵⁰Irish Independent, March 17, 1951, p. 3.

the medical profession took a stand of "uncompromising hostility" towards the Scheme.⁵¹

Yet in spite of the difficulties between the Medical Association and Browne in 1950, both sides were willing to discuss matters in the hope that a settlement could be reached. On October 24, 1950, the Minister for Health and members of the Medical Association discussed the Scheme whereupon "it was agreed that certain points would be considered further by the Minister and the Association."⁵² Even while the referendum question raged, the Medical Association was willing to continue further discussion in the hope of reaching an agreement. An editorial in the Association's Journal stated that "it is intended to continue further discussion with the Minister and his Department in the interval [until the referendum returns are counted], for clearly many points of detail can be discussed without delay on either side."⁵³ During an extraordinary general meeting of the Irish Medical Association on November 23, 1950, one member went so far as to urge "that a Commission be set up, representative of the profession, the Government, Heads of Churches, teaching bodies and trade unions, to inquire into the health services and to advise on ways and means for improvement."⁵⁴

⁵¹Irish Press, April 12, 1951, p. 7.

⁵²Irish Independent, October 25, 1950, p. 3.

⁵³Journal of the Medical Association of Eire, XXVII (November, 1950), 73.

⁵⁴Ibid., XXVII (December, 1950), 15.

After Browne had justifiably questioned the phrasing of the referendum, the Association seemed more concerned about the Minister for Health than about the Scheme. On November 14, 1950, a Medical Association statement attacked not the Scheme but Browne: "it is surely astonishing that a free and secret ballot of the members of any profession or trade on a vital matter should be subjected to comment of this type by a Minister of State at a time when it might influence the result of the ballot."⁵⁵

After the Medical Association had clearly pointed out its objections to the Scheme, differences between the Minister and the Association turned into fierce attacks. Around the end of January, or early February, 1951, an anonymous pamphlet was distributed throughout Ireland. This booklet advocated the Scheme and directly attacked the Medical Association. The document, which does not seem to be available anymore, was partially quoted in the Irish Independent:

It [the Scheme] means an end of the "Red Ticket" era. It means the end of the pauper "poor laws" in spite of the opposition largely centered in the wealthier members of the medical profession who know little of the misfortunes and the unhappiness of the poor, and care less.

The profession wants to maintain the means test - the "means test" associated with the "pauper" laws and the "occupation times" by the British.⁵⁶

⁵⁵Quoted in Irish Independent, November 13, 1950, p. 6.

⁵⁶Ibid., February 13, 1951, p. 8.

In mid-February, the Association issued the following statement:

Some weeks ago the Association obtained possession of a copy of this document. It charges the medical profession and the voluntary hospitals with criminal and callous indifference towards those people not in a position to pay large fees. This document, which purports to be in defense of the Mother and Child Scheme, has been circulated to householders, particularly in the Dublin Corporation housing areas, and also in other parts of the country. Inquiries were instituted by the Association as to the authorship and circulation, and these are still being pursued.⁵⁷

The question immediately arose regarding the authorship of the pamphlet. The Medical Association was torn between attributing authorship and circulation to either Clann na Poblachta or Browne himself. In a letter to the Minister, the Medical Association said that "they were informed that this document had been circulated by members of the Clann na Poblachta Party."⁵⁸ However, the Association's Journal seemed to blame Browne when it stated that "The Minister's disavowal is incomplete and, therefore, unsatisfactory."⁵⁹

Browne replied to this allegation by means of a letter to the press. He stated that he did not like the anonymous circulation of the document and that he was not aware of the fact that Clann na Poblachta had circulated it.⁶⁰ His letter,

⁵⁷Ibid.

⁵⁸Quoted in Irish Press, April 12, 1951, p. 7.

⁵⁹The Journal of the Irish Medical Association, XXVIII (March, 1951), 43.

⁶⁰Irish Press, April 12, 1951, p. 7.

however, never directly denied the allegation that he was responsible for the pamphlet. Clann na Poblachta, on the other hand, issued a statement clearly disassociating the party from the pamphlet. Clann na Poblachta stated that the Medical Association's assertion that the party was responsible was "completely without foundation."⁶¹ The significance of the pamphlet did not concern the question of authorship. Rather, its importance lies in the fact that it widened the gulf between the Minister and the Association.

After the anonymous pamphlet episode, the mud-slinging started in earnest. In his uncompromising stand regarding a no-means-test Scheme, Browne often lost sight of the real issues also. On March 1, 1951, he issued the following statement:

I may say, in passing, that I have little reason to feel optimistic concerning the likelihood for a favorable outcome to these prolonged negotiations with the Medical Association, but I sincerely hope that my worst fears will not be realized and in spite of every effort on our part, I regret to say that these negotiations are not progressing as well as I had hoped.⁶²

In retaliation, the Association issued the following statement:

The Association would, in fact, gladly cooperate with a reasonable Minister for Health to give the people the services they need. It has, however, been our misfortune to deal with a Minister who has jeopardised every effort at amicable discussion by untimely and

⁶¹Quoted in Irish Independent, February 15, 1951, p. 7.

⁶²Irish Times, March 1, 1951, p. 1.

hostile public speeches.⁶³

Not to be outdone by the Association, the Department of Health and the Minister soon increased their attacks on the Medical Association. On March 5, the Health Department accused the Association of "delaying tactics" regarding the Scheme.⁶⁴

By this time the Association seemed to have put aside the real issues. In a statement released on March 7, the Association refrained from saying anything at all about the Scheme as such, but instead continued its personal attack on Browne who "seeks to impose dictatorial terms."⁶⁵ The Association even went so far as to link Browne with Communism: "Lenin, the architect of Communism, has been attributed with the declaration that the first step towards absolute power was to gain control of the administrative machinery of medical practice."⁶⁶

Finally, the Medical Association submitted an alternative plan which provided for a grant-in-aid. This Scheme would be "free for the poor, assisted for the middle income groups and paid for by the rich."⁶⁷

The Minister, however, viewed the Association's plan with certain misgivings. He felt that their plan "was a scheme of

⁶³Quoted in Irish Independent, March 3, 1951, p. 7.

⁶⁴Irish Times, March 6, 1951, p. 1.

⁶⁵Quoted in Irish Times, March 7, 1951, p. 1.

⁶⁶Ibid., March 12, 1951, p. 4.

⁶⁷Ibid.

economic assistance and a person receiving money under its terms need not necessarily spend it in obtaining health care."⁶⁸ This was contrary to his line of thinking since he did not want availability of medical care dependent on a family's finances.

Before concluding this chapter, we must point out the fact that the Association, however, was not completely unified in its stand. First, the referendum results clearly pointed to either a lack of interest on the part of many doctors or to an opposition to the Association's point of view. Whichever it might have been is inconsequential. Both pointed to a lack of unity. Furthermore, at an extraordinary general meeting of the Medical Association, some doctors emphasized the fact that Browne was not responsible for the Mother and Child Scheme since the machinery for this had been set up by the 1947 Health Act.⁶⁹ In addition to this, the Central Council of the Irish Medical Association in Dublin deplored what was described as "the present impasse" concerning the Scheme and instead, proposed a committee of all concerned to work out details acceptable to both sides.⁷⁰ This branch of the Association, therefore, was open to the possibility of giving up some of the objections in order to obtain the best service possible.

Contrary to some disunity within the Medical Association

⁶⁸Irish Press, April 12, 1951, p. 7.

⁶⁹Journal of the Irish Medical Association, XXVIII (June, 1951), 91.

⁷⁰Irish Times, March 9, 1951, p. 9.

in its response to the Bill, Noel Browne and the Government seemed quite unified in their position - at least as far as the public was concerned. In January, 1951, Browne said that any attempts by the Medical Association to set up a Scheme on a voluntary contribution basis would not "be tolerated or accepted by the Government."⁷¹ Furthermore, Thomas F. O'Higgins, the Minister for Defence, said in a public speech in February that "when the Government changed in 1948 and Dr. Browne became Minister for Health it became his legal duty to carry out that law. . . . He drafted a scheme in compliance with the law for free treatment for all."⁷²

Patrick McGilligan, the Minister for Finance, also gave credence to Government unity regarding the Scheme. In the Estimates for 1950/51 he allocated £ 661,000 for the Mother and Child Service.⁷³ In the Estimates for 1951/52 he allocated the same amount with the following additional provision:

As many details (such as capitation rates, number of persons participating, date of commencement, etc.) affecting the probable cost of this service in the year 1951-52 cannot be finally determined at this stage, an accurate estimate of the additional outlay for that year cannot yet be given, but is probable that it would be in the neighbourhood of £ 300,000. When fuller information has become available a Supplementary Estimate for the additional amount will be introduced.⁷⁴

⁷¹Quoted in Irish Independent, January 4, 1951, p. 4.

⁷²Irish Independent, February 12, 1951, p. 4.

⁷³Ireland, 1950-51 Estimates for Public Services for the Year Ending 31st March 1951, p. 407.

⁷⁴Ireland, 1951-52 Estimates for Public Services for the Year Ending 31st March 1952, p. 403.

Had there been any doubt regarding implementation of the Scheme, an official estimate of expenses was completely uncalled for.

As far as the public was concerned, this was the situation in early April 1951. In his attempt to implement the 1947 Health Act, Noel Browne had met the fierce opposition of the Irish Medical Association. Nevertheless, Browne forged ahead slowly, but surely, despite the Association's objections and their personal attacks on the Minister for Health. Seemingly, a unified Government backed Browne in this controversy. Yet all this was changed in a matter of a few days by something of which the press and the general public had been completely unaware of.

CHAPTER II

THE CONTROVERSY WITH THE
CATHOLIC HIERARCHY

The Mother and Child Health Scheme controversy reached its climax on April 11, 1951. On that day, a few minutes before Dail Eireann adjourned, John Costello, the Taoiseach, made the following announcement in the Dail:

I beg leave to state, for the information of the Dail, that Dr. Noel Christopher Browne has placed in my hands, for submission to the President, his resignation from office as a member of the Government and that the President, on my advice, has accepted the resignation with effect from tomorrow, the 12th instant.

Dr. Browne's resignation as a member of the Government automatically terminates the assignment to him of the Department of Health, . . .⁷⁵

Noel Browne, however, refused to die in silence. Upon his resignation, he released a series of letters which suddenly disclosed that his nine-month old controversy with the Irish Medical Association had been complicated by the opposition of the Roman Catholic Hierarchy to his Mother and Child Health Scheme.

In retrospect, the developments of early April should not have been a complete surprise. Certainly, the public had been aware of some difficulties within the Cabinet since, on March 7,

⁷⁵Parliamentary Debates, cols. 639-40.

1951, the Government had already announced three changes of portfolios.⁷⁶ However the common opinion at this time was that the difficulty within the Government stemmed from the Minister of Health's continued difficulties with the Medical Association. In reality, however, the difficulties had arisen on account of the bishops' objections.

The first public indications of the bishop's opposition became evident on April 9, 1951. On that day, the Irish Times reported that the Government had decided to invite the views of authorities more influential than the doctors and that these "have not been in favour of the scheme in the final draft."⁷⁷ Secondly, Professor Felim O'Briain, speaking at a meeting of the Literary and Debating Society of University College, Galway, said that, "at least, one bishop had already condemned certain aspects of the scheme because of its unethical character."⁷⁸

In order to fully understand the controversy between the Minister for Health and the Irish bishops, we must rely on the correspondence which Browne released to the press and on the Dail debates subsequent to his resignation. Conflicting statements characterize both of these sources.

The Hierarchy had written to Eamon De Valera and the Fianna Fail government as early as 1947 protesting the "Mother and Child Service" of the Health Act as "an un-Catholic

⁷⁶Parliamentary Debates, p. iii.

⁷⁷Irish Times, April 9, 1951, p. 1.

⁷⁸Ibid., April 10, 1951, p. 9.

trespass on the rights and duties of the family and the Church."⁷⁹ In reply, De Valera deferred "a fuller answer to the Hierarchy's comments on the ground that the Constitutionality of the Act was being called into question [by Dillon]."⁸⁰ There were no further developments until Browne planned to implement the Act.

The bishops did not react again to Noel Browne's Scheme until October 10, 1950. On that day, the Most Reverend James Staunton, Bishop of Ferns and Secretary to the Hierarchy, prepared a letter for the Taoiseach, John Costello, in which he clearly voiced the objections of the bishops. In their opinion, the powers assumed by the State in the proposed Mother and Child service were "in direct opposition to the rights of the family and of the individual and are liable to very great abuse" since the Scheme constituted "a ready-made instrument for future totalitarian aggression."⁸¹

The prelates' objections were as follows:

The right to provide for the health of children belongs to parents, not to the State. The State has the right to intervene only in a subsidiary capacity, to supplement, not to supplant.

It may help indigent or neglectful parents; it may not deprive 90% of parents of their rights because of 10% necessitous or negligent parents.

⁷⁹Manchester Guardian Weekly, May 3, 1951, p. 13.

⁸⁰The Labour Party, A Report of the Administrative Council for the years 1950-51 and 1951-52, p. 15.

⁸¹Letter from James Staunton to John Costello, October 10, 1950, quoted in Irish Times, April 12, 1951, p. 1.

It is not sound social policy to impose a state medical service on the whole community on the pretext of relieving the necessitous 10% from the so-called indignity of the means test.

The right to provide for the physical education of children belongs to the family and not the State. Experience has shown that physical or health education is closely interwoven with important moral questions on which the Catholic Church has definite teachings.

Education in regard to motherhood includes instruction in regard to sex relations, chastity, and marriage. The State has no competence to give instructions in such matters. We regard with the greatest apprehension the proposal to give to local medical officers the right to tell Catholic girls and women how they should behave in regard to this sphere of conduct at once so delicate and sacred.

Gynaecological care may be, and in some countries is, interpreted to include provision for birth limitation and abortion. We have no guarantee that State officials will respect Catholic principles in regard to these matters. Doctors trained in institutions in which we have no confidence may be appointed as medical officers under the proposed services, and may give gynaecological care not in accordance with Catholic principles.

The proposed service also destroys the confidential relations between doctor and patient and regards all cases of illnesses as matters for public records and research without regard to the individual's right to privacy.

The elimination of private medical practitioners by a State-paid service has not been shown to be necessary or even advantageous to the patient, the public in general or the medical profession.⁸²

Since the Hierarchy claimed that the Scheme violated moral and social principles, one must take into consideration Catholic social principles in examining the prelates' objections. Besides this, the reader ought to remember that this is an

⁸²Ibid.

historical study and that, therefore, the bishops' objections must be studied from the viewpoint of the historian rather than that of the social philosopher.

According to Catholic social doctrine, parents obviously had the right to provide for the health of children while, no less obvious, the State only has the right to function in a subsidiary role in this sphere. Instead of worrying about the rights of the State, the bishops ought to have considered the question whether or not the State by means of this Health Scheme would supplant the role of parents. Instead, the prelates insisted that the Scheme would deprive the greater majority of parents of their rights to provide for the health of their children and that this was unjust merely because a small minority would actually need the services which the Scheme provided.

The moral question of depriving parents of their right ought not to have been the main issue at all. Rather, the issue was the question of who and what criteria decided, or would decide, which families would fall into the category of those needing the services provided for by the Scheme. According to Catholic social doctrine, when a family's income is insufficient, the State not only has the right, but it has the duty "to supply for the insufficient forces of individual effort, particularly in a matter which is of such importance to the common weal, touching as it does the maintenance of the family and married people."⁸³ The next question which ought

⁸³Pius XI, On Christian Marriage (December 31, 1930), (New York: The Paulist Press, n.d.), Art. 120, p. 39.

to have been considered by the Hierarchy was whether or not the State was fulfilling its obligations to its citizens and, if it was not, whether the Scheme would fulfill this obligation. A means test would be discriminatory and as such would not have guaranteed that the State fulfilled its obligations, since, in a certain sense, it would be arbitrary on the part of the State to decide who was or was not needy. In addition to this, the Scheme was not taking away from the rights of the parents since they were not compelled to use the services of the Scheme. The Scheme did, however, fulfill the State's obligation to provide for the needy since the service would be available to them. Furthermore, a concern for infant mortality and the health of mothers and children must be the function of the State since Catholic teaching states that the common good must have priority over an individual's good.

The bishops objected to education in regard to motherhood because they construed this to include questions of sex relations. In this matter, the prelates took the question completely out of context since this was not what was meant by education in respect to motherhood. In context, proper education meant education in respect to proper hygiene, a proper diet, and proper medicine. Browne himself stated that the question of sex did not even enter his mind until he heard about it from the Hierarchy.⁸⁴

⁸⁴Interview with Noel Browne, former Minister for Health, July 14, 1967.

The Hierarchy also objected to the Scheme because (1) the State did not guarantee gynaecological care in accordance with Catholic moral principles and (2) the doctors might not practice in accordance with these principles. This objection was absurd and contradictory. First of all, since the greater majority of all the citizens of Ireland were Roman Catholic, the law of averages would assume that the greater majority of the doctors would also be Roman Catholic. Furthermore, the law of averages would also assume that the greater majority of the lawmakers would be Catholics and, therefore, not pass legislation contrary to Catholic moral principles. Seemingly, the Hierarchy did not place any confidence in the people, especially in the doctors and the lawmakers. Secondly, if gynaecological care might have included provisions for birth control, then Catholic social doctrine would contradict itself by permitting the State to provide this care in a subsidiary role for at least the needy. According to Church teaching, the State must assist the needy mother whose private resources are insufficient and "if she, too, in the ordinary or even extraordinary labors of childbirth, is deprived of proper food, medicine, and the assistance of a skilled physician, . . ."85

Obviously, there is no guarantee of following Catholic moral principles here either. Again, the bishops were concerned about the wrong question. The main issue ought not to have been whether the law or the Scheme would take into consideration Catholic moral principles. This would have been presumed

⁸⁵Pius XI, op. cit., Art. 120, pp. 39-40.

in Ireland. Instead, the bishops should have asked whether or not the Scheme fulfilled the State's obligation of assisting the needy mother with gynaecological care. The Catholic social ethic puts a serious burden on the State and its lawmakers: "those who have the care of the State and of the public good cannot neglect the needs of married people and their families, without bringing great harm upon the State and on the common welfare."⁸⁶

Since the alleged moral and ethical objections were not very valid, the bishops must have had other reasons for opposing the Scheme. Upon a closer analysis of their objections, one finds a latent fear of socialized medicine. This was quite understandable since in the years following World War II, when country after country in Eastern Europe fell under the Communist sphere of influence, there existed a deep, though maybe somewhat unrealistic, phobia of Communism in the West. The prelates apparently believed that socialized medicine would ultimately lead to a Communist State. In other words, the Irish bishops were afraid of the Welfare State. They should have said so publicly however.

In order to prevent anything which might even hint at socialized medicine, the bishops opposed the no-means-test clause of the Health Scheme. Hopefully, the prelates were in favor of a Mother and Child Health Service, but it would have to be a service in which a means test was embodied. What the Hierarchy seemed to be saying was that "a Mother and

⁸⁶Ibid., Art. 121, p. 40.

Child Scheme, embodying a means test, is in accordance with Christian social principles; a Mother and Child Scheme without a means test is opposed to them!"⁸⁷

In effect then, this position and the fact that their "moral" and "ethical" objections were untenable in regard to Catholic social doctrine indicated that the bishops of Ireland were either unaware of, or ignorant of, the true implications of the Christian social ethic.

In order to understand the Minister for Health's reaction to the Hierarchy's opposition we must closely examine the Dail debates subsequent to Browne's resignation in 1951. At that time, Browne claimed that, despite the bishop's earlier objection to De Valera, the Government had specifically authorized him in 1948 to set up a free-for-all and no-means-test Mother and Child Service. The Minister for Health's reaction to, and refutation of, the bishop's objections will only be tenable if what he claimed was true.

He based his belief of Government authorization on a June, 1948, Cabinet meeting. He said:

In June, 1948, the Government, in Cabinet, authorized me to introduce a mother and child health scheme to provide free maternity treatment for mothers and free treatment of their children up to the age of 16 years. At the meeting of the Government at which this decision was taken the question of whether this scheme would be free to all those anxious to use it was discussed. The decision of the Government was, in effect, that there should be no means test.⁸⁸

⁸⁷Irish Times, April 12, 1951, p. 5.

⁸⁸Parliamentary Debates, col. 668.

He also stated that the Government had studied the Medical Association's opinion regarding the means test and had rejected their proposal that the means test should be imposed.⁸⁹

John Costello, however, gave a completely different account of that same Cabinet meeting. By way of introduction, he said that the roots of the problem with the bishops went back to a letter from the Hierarchy to the then Taoiseach, Eamon De Valera. Costello further maintained that this letter had objected to the powers given by the Health Act since they were "entirely and directly contrary to Catholic teachings, the rights of the family, the rights of the Church in education, the rights of the medical profession and of voluntary institutions."⁹⁰

Having also referred to De Valera's reply to the bishops and to Dillon's court suit, Costello then stated that "when we became the Government, we immediately said: 'We must get rid of these offending sections [of the Act] . . .'"⁹¹ The Taoiseach then referred to that particular Cabinet meeting:

On 25th June, 1948, proposals embodying our suggestions, our directions I may say, to the Minister for Health to have prepared a Bill repealing those offending sections, came before the Government, and on that occasion he [Noel Browne] brought forward heads of a Bill which included provisions for the repeal of the offending clauses of the Act of 1947, and other proposals dealing

⁸⁹Ibid.

⁹⁰Ibid., cols. 734-35.

⁹¹Ibid., col. 736.

with the mother and child scheme.⁹²

Costello also claimed that until that particular Cabinet meeting he "had heard no suggestions of a mother and child scheme," and when he finally did, it "was not a proposal for a free-for-all and no-means-test scheme."⁹³

In direct reply to Browne's claim that a no-means-test Scheme had been a Cabinet decision, Costello said that the Scheme never came before the Government and that at no time was this Scheme "ever considered by the Government or ever approved by the Government."⁹⁴

As is obvious, Costello's statements regarding the 1948 Cabinet meeting were quite different and contrary to what Browne had said. During a personal interview, Browne said that there are minutes of that particular Cabinet meeting which clearly state that there was to be no means test. He also said that during that controversial Cabinet meeting, William Norton, the then Minister for Social Welfare, told him that the Irish Medical Association would certainly stop the Scheme. Browne claimed that in spite of this the Cabinet as a whole told him to go ahead with the Scheme.⁹⁵

Since the Government documents pertaining to that particular Cabinet meeting are not yet available to the public,

⁹²Ibid.

⁹³Ibid.

⁹⁴Ibid., col. 738.

⁹⁵Interview with Noel Browne, former Minister for Health, July 14, 1967.

it is extremely difficult to say what actually happened. The main issue seemingly revolved around the question of the means test. Apparently, the Government did not relish the thought of opposition by the Hierarchy.

However, Costello's statements did not present, in any form whatsoever, satisfactory proof that the Cabinet did not consider the question of a means test in that June, 1948 meeting. Most probably, the later situation forced the Taoiseach into denying Browne's statement regarding that Cabinet meeting because, as will become evident, Costello finally yielded to the Hierarchy's opposition.

Since there is no solid evidence to the contrary, the Cabinet most probably gave Browne the authorization to proceed with a no-means-test Scheme. Browne's refusal to change his stand is a strong indication that he had had Cabinet support up to the time the Hierarchy intervened. The fact that Patrick McGilligan, the Minister for Finance, had definitely allocated funds for the Scheme in the official Estimate was further proof that the Cabinet had supported Browne.⁹⁶

Although the bishops had already objected to the Scheme, the Government most probably authorized a free-for-all and no-means-test Mother and Child service. The Hierarchy took no further notice of the Scheme until October, 1950. By this time, Browne had already intimated his plans to the Irish Medical Association and had also publicly announced that he would implement the 1947 Health Act.

⁹⁶Cf. above, p. 33.

Since Browne believed that the Government had authorized him to set up a free-for-all, no-means-test Scheme, his response to the bishops was nothing more than a simple clarification of the Scheme's provisions. On October 11, 1950, the Minister for Health met with John Charles McQuaid (Archbishop of Dublin), James Staunton (Bishop of Ferns and Secretary to the Hierarchy), and Dr. Browne (Bishop of Galway).⁹⁷ The prelates, who "had been appointed to put before the Government certain objections which the Hierarchy saw in the Scheme," informed Browne of these objections "as a matter of courtesy before transmission to the Taoiseach as head of the Government."⁹⁸ At this meeting McQuaid read the letter which Staunton had prepared and which was to be sent to Costello.⁹⁹

After Browne had clarified the Scheme's provisions to the three prelates, he was under the erroneous impression that the bishops were satisfied with the explanations of the Scheme and with his answers in regard to the objections made by them.¹⁰⁰ In reality, however, the bishops were not at all satisfied with the Minister for Health's explanation.

In reality, then, the prelates and Browne were still in basic disagreement, unknown to Browne however. He, therefore,

⁹⁷Parliamentary Debates, cols. 669, 741.

⁹⁸Ibid., col. 669.

⁹⁹Ibid., col. 669, 741.

¹⁰⁰Ibid., col. 669.

went ahead with his plans to implement the service. There were no more attempts at negotiations in the immediate future because of the Taoiseach's gross ineptitude in handling the matter. In his own mind, Costello had already yielded to the Hierarchy's demands, also unknown to Browne.

On the day after which Browne had met with the prelates, McQuaid met with the Taoiseach. They not only discussed the Hierarchy's objections as outlined in Staunton's letter but they also discussed the previous day's meeting between the bishops and the Minister for Health.

Later, in public debate in Dail Eireann, Browne and Costello differed in their account of what exactly had happened at that meeting between the Minister for Health and the prelates. Browne maintained:

At the conclusion of this interview I was under the impression, erroneously as it now appears, that His Grace and Their Lordships were satisfied with my explanation of the scheme and with my answers and undertakings given in regard to the objections made by them On the following day, the Taoiseach spoke to me of his interview with His Grace the Archbishop of Dublin, and he informed me that he had been told by His Grace that he and Their Lordships were satisfied following their interview with me. The Taoiseach has since denied that he made this statement. What is certain, however, is that he did not give me to understand that His Grace and Their Lordships remained unsatisfied.¹⁰¹

The Taoiseach however presented a completely different account of the bishops' meeting with Browne. Costello said:

[His Grace of Dublin] told me that, at that interview, the Minister for Health brushed aside all suggestions about the invalidity of the means test and the free-for-all scheme, and would consider

¹⁰¹Ibid.

nothing but the question of education, on which he said "you have a point there" and that he would consider it. The Minister himself terminated the interview and walked out. He refused to discuss anything other than the question of education, ¹⁰² brushed aside the other matters and walked out.

Costello further claimed that he asked McQuaid to permit him "to have matter adjusted between him [Browne] and the Hierarchy, to see if their point of view might be met."¹⁰³ Yet, in his rebuttal Costello never said whether or not he had actually communicated to Browne the bishops' dissatisfaction. Since there is no solid evidence to the contrary, we must accept Browne's claim that Costello never told him of the bishops' continued dissatisfaction. Furthermore, since all these claims were made after Browne's resignation, Costello's statements were probably the result of his reversal as regards the no-means-test Scheme. In other words, the situation had forced Costello into making these statements.

On or about November 9, 1950, the Taoiseach sent a letter, dated October 10, 1950, to Browne. Both Browne and Costello agreed later that this was the letter which Staunton had sent to Costello and which outlined the bishops' objections.¹⁰⁴

Browne, acting on the assumption that the letter had been transmitted solely for the purpose of record, wrote "a draft letter for transmission by the Taoiseach to His Lordship of Ferns, as secretary to the Hierarchy, in reply to the various

¹⁰²Ibid., col. 740.

¹⁰³Ibid., col. 742.

¹⁰⁴Ibid., cols. 669, 742.

points raised in their letter."¹⁰⁵ In this letter he recapitulated the case he had made to the bishops at their earlier meeting. He sent this letter, which he also regarded as being solely for the purpose of record, to Costello in mid-November. Since Browne heard nothing further from either the prelates of the Taoiseach, he "had no reason to believe that the Hierarchy were not fully satisfied, and the work of preparing for the introduction of the mother and child scheme continued."¹⁰⁶

In early March 1951, Browne sent a publicity brochure of the proposed Scheme to all members of the Hierarchy. This brochure clearly stated that the Scheme would be voluntary, without a means test, and without any compulsion. The question of education in regard to motherhood was also quite clear:

. . . The doctor will advise the expectant mother as to what she should do or not do, what her diet should be and so on. This counsel will enable her to keep herself well and to bring into the world a strong and healthy child.¹⁰⁷

On March 9, 1951, Browne received a reply from McQuaid indicating quite unmistakably that the Hierarchy might not approve the Scheme. The Archbishop said:

I regret, however, that, as I stated on the occasion when on behalf of the Hierarchy, I asked you to meet me with Their Lordships of Ferns and

¹⁰⁵ Ibid., col. 670.

¹⁰⁶ Ibid.

¹⁰⁷ Ireland, Department of Health, Mother and Child: What the New Service Means to Every Family, no page numbers.

Galway, I may not approve of the Mother and Child Health Service, as it is proposed by you to implement the Scheme.

Now, as Archbishop of Dublin, I regret that I must reiterate each and every objection made by me on that occasion, and unresolved, either then or later, by the Minister for Health.¹⁰⁸

This letter, then, was the first official notice given to Browne that the bishops had not been satisfied by their meeting with him in October. A copy of this letter was also sent to the Taoiseach.

A week later, on March 15, 1951, Costello wrote to Browne regarding McQuaid's letter. First of all, the Taoiseach implied that Browne's continuous advertising of the Scheme was a defiance of the Hierarchy. Secondly, he indicated for the first time that he had never sent to the bishops the Minister for Health's reply to their letter of October 10, 1950.¹⁰⁹ His reason for not having sent the letter was as follows: "I have postponed sending a formal reply in the hope that you would have been able to achieve a satisfactory adjustment of the matters in controversy."¹¹⁰ This clearly indicated to Browne that the Taoiseach had reversed his position regarding the Scheme and that he had done so precisely because of the bishops' stand on the matter. This attitude on the part of Costello was typical of the Irish

¹⁰⁸Letter from John C. McQuaid to Noel Browne, March 8, 1951, quoted in Irish Times, April 12, 1951, p. 3.

¹⁰⁹Letter from John Costello to Noel Browne, March 15, 1951, quoted in Irish Times, April 12, 1951, p. 3.

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¹⁰⁹Letter from John Costello to Noel Browne, March 15, 1951, quoted in Irish Times, April 12, 1951, p. 3.

¹¹⁰Ibid.

The leader of the Government told Browne unmistakably that he had yielded to the pressures of the Roman Catholic bishops:

My withholding of approval of the Scheme is due to the objections set forth in the letter to me from the Secretary to the Hierarchy, written on behalf of the Hierarchy, and to the reiteration of their objections by His Grace the Archbishop of Dublin, as Archbishop of Dublin.¹¹³

Browne and Costello wrote several other letters to each other with accusations of duplicity and with restatements of former arguments. This accomplished absolutely nothing in the line of a settlement. Bitterness became stronger than ever.

Finally, on March 27, 1951, the Taoiseach sent a letter to James Staunton in which he unequivocally indicated that he and the rest of the Government would follow the wishes of the Hierarchy. He said:

May I be allowed to state that since the receipt by me from His Grace of Dublin of Their Lordships' letter my colleagues and I have given anxious consideration to the objections made by the Hierarchy to the Scheme advocated by the Minister for Health.¹¹⁴

Costello, thereby, clearly disassociated himself from Browne's Scheme. The State had yielded to the Church.

Costello also enclosed a memorandum by the Minister for Health on the various objections raised by the Hierarchy in their letter of October 10, 1950. The memorandum was either

¹¹³Letter from John Costello to Noel Browne, March 21, 1951, quoted in Irish Times, April 12, 1951, p. 3.

¹¹⁴Letter from John Costello to James Staunton, March 27, 1951, quoted in Irish Times, April 12, 1951, p. 3.

the same on which Browne had written in November and which Costello had failed to forward or it was, at least, a similar one.

The memorandum emphasized that the Scheme would not replace the rights of the family and of the individual since there would be no compulsion. The Scheme would merely be an aid to help the family or individual to carry out its obligation in regard to health just as the public schools would be an aid to help parents carry out their duty to educate their children. Furthermore, the Scheme would not impose a State medical system; instead, it was to make available to all a service without a means test. In addition to this, education in regard to motherhood would not include matters relating to sex relationship, chastity, and marriage. And since the State did not permit discrimination on grounds of religious belief, it would not be possible to permit only Catholic gynaecologists to come under the Scheme. For this reason, Browne hoped that enough general practitioners would join the Service in order to permit a free choice of doctors. This Scheme would not destroy the patient-doctor relationship any more than any other public health service such as diagnosis and treatment of venereal disease and tuberculosis. Finally, taxation relief for poor families would not be any more beneficial, since this was already being done according to the tax laws.¹¹⁵

¹¹⁵Memorandum of observations for the Minister for Health on various matters relating to the Mother and Child Scheme referred to in a letter, dated October 10, 1950, addressed to Mr. John Costello by the Most Reverend James Staunton, Secretary to the Hierarchy, quoted in Irish Times, April 12, 1951, p. 3.

These arguments, however did not satisfy the bishops. They persisted in their contention that the Scheme would be contrary to Catholic moral principles. The Hierarchy carefully studied and considered the memorandum at a Standing Committee on April 3, 1951, and at a General Meeting on the following day.¹¹⁶ They refused to reverse their earlier position.

The bishops again opposed the Scheme on the grounds that it was contrary to Catholic moral teaching. They contended that the Scheme would permit the State to arrogate to itself control of education which would necessarily include matters of chastity. The State would also arrogate to itself health services which could easily be obtained by the majority through private initiative. Furthermore, the prelates claimed that the State would seriously enter into the doctor-patient relationship. And in order to implement the Scheme, the State would also be obliged to levy heavy taxes which, in turn, would morally oblige the citizens to avail themselves of the services provided by the Scheme. In addition to this, the State would also seriously damage the self-reliance of those who could provide for themselves. Lastly, implementation of the Scheme would mean that the State would have recourse merely to ministerial regulations and not legislation.¹¹⁷

¹¹⁶Letter from John C. McQuaid to John Costello, April 5, 1951, quoted in Irish Times, April 12, 1951, p. 3.

¹¹⁷Letter on behalf of the Hierarchy from John C. McQuaid to John Costello, April 5, 1951, quoted in Irish Times, April 12, 1951, p. 3.

Apparently, the bishops had simply even refused to consider Browne's clarifications. They opposed the Scheme on the grounds that it was contrary to Catholic moral teaching, but, in doing so, they clearly indicated that their objections were based on a fear of the Welfare State assuming some social obligations which were also definitely obligations of the Church. In effect then, they opposed the Scheme because it threatened their power and authority. In other words, they opposed the Scheme because Browne had, for all practical purposes, challenged their authority.

Since this effort at meaningful negotiations had failed, Sean MacBride, on April 10, 1951, requested Browne to resign. MacBride, the leader of the Clann na Poblachta party, clearly indicated that he based his demand for resignation on Browne's continued difficulty with the Hierarchy. He said:

The creation of a situation where it is made to appear that a conflict exists between the spiritual and temporal authorities is always undesirable; in the case of Ireland, it is highly damaging to the cause of national unity, and should have been avoided.¹¹⁸

Whether MacBride's action was constitutional or not, was certainly questionable since the Irish Constitution states that the "President shall accept the resignation of a member of the Government, other than the Taoiseach, if so advised by the Taoiseach [*italics mine*]." ¹¹⁹ The Constitution also states:

¹¹⁸Letter from Sean MacBride to Noel Browne, April 10, 1951, quoted in Irish Times, April 12, 1951, p. 1.

¹¹⁹Constitution, Art. 28, sec. 9, subsec. 3.

The Taoiseach may at any time, for reasons which to him seem sufficient, request a member of the Government to resign; should the member concerned fail to comply with the request, his appointment shall be terminated by the President if the Taoiseach so advises.¹²⁰

Thus, on April 11, 1951, Browne resigned from the Government and from the Cabinet. While attempting to put into effect a comprehensive Mother and Child health service, he had, until almost the very end, been led to believe that the Government was backing the no-means-test Scheme which he had prepared. From the time the Hierarchy had issued its first objections in October, 1950, the Taoiseach had been in a state of trepidation about this particular Scheme. Finally, the Government reversed a decision taken at a June 1948 Cabinet meeting which, most probably, had endorsed a Scheme without a means test. The reason for this reversal was precisely because the bishops of Ireland had objected to this clause. Browne resigned because of the positions taken by the bishops and that taken by the Government. Had he yielded to the pressures of the prelates, he would have had to abandon his promise of offering to the people of Ireland a Scheme without a means test. This he could not bring himself to do.

¹²⁰Ibid., subsec. 4.

CHAPTER III

THE EFFECTS OF THE HIERARCHY'S INTERFERENCE

The Hierarchy's interference in matters of the State not only affected Noel Browne and the Cabinet, but also the Clann na Poblachta party and the Coalition Government itself. The bishop's actions influenced the character of the Clann to such an extent that, for all practical purposes, the party ceased to exist within a few months.

Before the 1948 election, Clann na Poblachta's members were generally young and enthusiastic, and, for a time, the party seemed destined to become a decisive force in Irish affairs. But in 1951, internal strife split the party to such an extent that it soon ceased to be any type of a force in Irish politics. This internal difficulty, which already had been present a few months before Browne's resignation, had arisen over the question of loyalty to party.

Although the Mother and Child Health Scheme, as proposed by Noel Browne, was in complete accord with the party's principles, Sean MacBride, the leader of the Clann, never publicly expressed his support for it. Even though he realized that loyalty to his own party and to its principles demanded his endorsement of the Scheme, he refused to do so precisely because of the bishop's objections to the Scheme. By his

refusal and because of the Hierarchy's opposition, he had sacrificed the principles of his party in favor of the Coalition Government.

MacBride's betrayal of the party caused Noel Hartnett, a member of the executive and standing committees of Clann na Poblachta, to resign from the party on February 13, 1951.¹²¹ In his letter of resignation, released to the public only in April, he expressed his dissatisfaction with the "position of the party in its relationship with the other parties forming the Coalition."¹²² He resigned from the party precisely because party principles were being sacrificed for the sake of the Coalition. He said:

Each issue which has come before us for decision has been measured not by any standards of right or wrong, or a consideration of whether it was to the interest or detriment of national well-being, but solely as to whether it would precipitate an election or prove popular with the electorate.¹²³

On the day after which Hartnett had resigned from the party, Browne also resigned from the standing committee of Clann na Poblachta.¹²⁴ The Irish Press immediately suggested that the difficulties within the party had arisen on account of the anonymous pamphlet and Browne's continuing difficulties

¹²¹Irish Times, February 14, 1951, p. 1.

¹²²Ibid., April 16, 1951, p. 1.

¹²³Letter of resignation by Noel Hartnett, February 8, 1951, quoted in Irish Times, April 16, 1951, p. 1.

¹²⁴Irish Times, February 15, 1951, p. 1.

with the Irish Medical Association.¹²⁵ Browne, however, immediately rejected these rumors: "My resignation from the standing committee of the Clann na Poblachta party was for purely personal and private reasons, and has no other significance."¹²⁶ In view of the fact that Hartnett's reasons for his resignation were not publicized until after Browne's resignation, we can assume that Browne did not publicize his real reasons for resignation at this time. In effect, his real reasons were not "personal and private"; instead, they were very much more basic. MacBride had altered the very notion of party loyalty; Browne, however, was convinced that he could not, in conscience, betray the electorate by abandoning the principles of the party. He, therefore, believed that it was his duty to resign from the standing committee of the Clann.¹²⁷

Despite these resignation, Sean MacBride, speaking in Cavan on February 18, 1951, emphatically said: "There is no split in Clann na Poblachta."¹²⁸ In spite of this statement, the difficulty amounted to nothing less than a fundamental cleavage within Clann na Poblachta.

Two opposing views were developing within the party. MacBride was willing to compromise, or even abandon, the Clann's platform and principles in favor of the Coalition.

¹²⁵Irish Press, February 14, 1951, p. 1.

¹²⁶Quoted in Irish Times, February 15, 1951, p. 1.

¹²⁷Interview with Noel Browne, former Minister for Health, July 14, 1967.

¹²⁸Quoted in Irish Times, February 19, 1951, p. 7.

Hartnett and Browne, on the other hand, intended to adhere to the party's original principles. They were even willing to go so far as to oppose the other parties within the Coalition. On the issue of the Health Scheme, the Minister for Health preferred "to face the wrath of his Cabinet colleagues rather than desert his Clann na Poblachta principles."¹²⁹

The Clann, however, considered the matter from a completely different point of view. Instead of considering the controversy within the Clann as a question of loyalty to party principles, the party preferred to look at the crisis primarily as one of loyalty to party leadership. A resolution, passed at a March 31st-April 1st meeting of the Clann's National Council, stated that the National Council viewed "with grave concern and disapproval the attitude and conduct of Dr. Browne, and [was] perturbed by his lack of cooperation and by his apparent disloyalty to the leadership of the Party, . . ." ¹³⁰

At that same meeting, the National Council reiterated its support for the Scheme while at the same time it expressed its fear of the manner in which the Minister for Health handled the situation. The Clann, at this meeting, also claimed that the Hierarchy's opposition to the Scheme only became known to them then. The Council considered the bishops' opposition so serious that their resolution continued in this manner:

That the Ard Comhairle [National Council] wishes to put on record that if the leader of the Party deems

¹²⁹Irish Times, February 21, 1951, p. 1.

¹³⁰Quoted in Irish Times, April 13, 1951, p. 1.

it necessary to call for the resignation of Dr. Browne from the Government he can rely on the loyal support of the Ard Comhairle [National Council] .¹³¹

In effect, this resolution enunciated three new guidelines or principles for the party. First, loyalty to the party meant loyalty to the leader of the party instead of to the principles of the party. Secondly, the good of the Coalition Government was more important than the principles of the party. Finally, the party would yield to the demands of the bishops.

These three new guidelines were enunciated and passed specifically because of the bishops' uncompromising stand towards the Scheme. By adopting these principles, the party had, in effect changed its identity so radically that its original purpose and principles were no longer valid.

Apparently, either some individual members of the Clann or some of the local branches were unwilling to accept this decision of the National Council. This was indicated by the fact that a second meeting of the National Executive Council was held on April 9, 1951.¹³² The following resolution was passed at this meeting:

That the National Council again affirms its complete loyalty to Mr. Sean MacBride as leader of the Party, and that each member of it acknowledges the leader's right and the right of the Party's executive bodies to take any actions in accordance with the powers vested in them which is required to

¹³¹Ibid.

¹³²Irish Times, April 10, 1951, p. 1.

maintain party discipline and loyalty to the leader.¹³³

This resolution indicated that the party as such had chosen to support MacBride's interpretation of loyalty.

In their attitude towards both the Scheme and the Hierarchy's objections, MacBride and Browne followed their own principles and conviction. Since these were completely irreconcilable, the members of the party could not follow both at the same time. They had to make a decision.

As soon as the circumstances surrounding the Minister for Health's resignation had become a public issue, individual members and various local branches chose between the two opposing principles. Late on April 11, 1951, all seven branches of the Dublin South-East constituency council of the Clann severed all relations with the party.¹³⁴ Their resolution affirmed their loyalty to Browne and "denounced the party executive's 'base betrayal' of [the] Clann's principles 'under pressure of vested interests.'"¹³⁵

At this time, French-O'Carroll [sic] also resigned from the party. In a letter to the editor of the Irish Times, he outlined his reasons for resigning:

. . . it was clearly stated in the December, 1950-January, 1951 edition of the Clann na Poblachta Bulletin that it was party policy that the Mother and Child Scheme should be non-contributory and without a means test.

Today he [Browne] stands out in public life, as the

¹³³Quoted in Irish Times, April 10, 1951, p. 1.

¹³⁴Irish Times, April 12, 1951, p. 1.

¹³⁵Ibid.

only member of the present Government who has upheld the principles and ideals which he put before the public at the last election.¹³⁶

O'Carroll resigned because Clann na Poblachta, under the leadership of Sean MacBride had, first, reversed itself as regards Browne's Mother and Child Health Scheme, and, secondly, had placed the good of the Coalition before that of the party.

The situation regarding Clann na Poblachta quickly deteriorated. On April 12, 1951, J.J. McQuillan, Dail deputy from Roscommon, resigned from the party because he believed that "the Clann leaders had betrayed the trust reposed in them by the electors."¹³⁷

As a result of his letter of resignation, an interesting fact became known. McQuillan accused MacBride of keeping from the party executive and from Browne the fact of the bishops' attack on the Health Scheme when at this time the Minister for Health was still under the impression that he had allayed the fears of the prelates.¹³⁸ In reply, MacBride claimed that McQuillan's accusation was not true. MacBride said: "I dealt with the matter specifically in my report to the National Executive on February 10th, 1951, . . ."¹³⁹ This statement was not true either since the National Council had claimed that it only became aware of the bishops' objections

¹³⁶Quoted in Irish Times, April 12, 1951, p. 5.

¹³⁷Irish Times, April 13, 1951, p. 1.

¹³⁸Ibid.

¹³⁹Quoted in Irish Times, April 14, 1951, p. 3.

at its meeting of March 31st-April 1st.¹⁴⁰ The Labour party's report of the Administrative Council later confirmed this fact. The report stated:

On receipt of the [Hierarchy's] reply [to Browne's memorandum] the Leaders of the Parties comprising the Inter-Party Government sought and were granted permission to convey to their Executives (in a confidential manner) the findings of the Hierarchy of the question of a Mother and Child Health Scheme without a Means Test.¹⁴¹

This memorandum had not even been sent to the bishops until March 27, 1951.¹⁴²

Even though MacBride's statement as such was not true, it indicated that he most probably knew of the bishops' stand as early as February 10, 1951.

During the two weeks subsequent to Browne's enforced resignation, the various locals of the Clann na Poblachta party decided (1) whether to abandon the party's principles and, thereby, be loyal to MacBride and the Coalition, or (2) to remain loyal to the party's original aims and, thereby, disassociate themselves from the party. On April 14, 1951, the Cork branch severed its relationship with the Clann because it believed that MacBride should have stood by his colleague, even at the cost of withdrawing from the Coalition.¹⁴³ Glendalough (Co. Wicklow) and Galway broke all ties

¹⁴⁰Cf. above, p. 61.

¹⁴¹The Labour Party, A Report of the Administrative Council for the years 1950-51 and 1951-52, p. 15.

¹⁴²Cf. above, p. 53, and Irish Times, April 12, 1951, p. 3.

¹⁴³Sunday Press, April 15, 1951, p. 1.

with the Clann shortly thereafter.¹⁴⁴ On the other hand, Limerick, Belfast, Ballyshannon (Co. Donegal), Dublin North-West, North Mayo, Ballineas (Co. Westmeath), and Waterford City all supported MacBride.¹⁴⁵

On May 4, 1951, J.P. Brennan also resigned from the Clann. He joined the Labour party.¹⁴⁶

By this time, Clann na Poblachta had, for all practical purposes, ceased to exist. Certainly, the party had ceased to exist as a serious force in Irish politics. The bishops' attack on the Health Scheme and the ensuing squabble between Browne and MacBride had split the party from top to bottom.

No other political party shared the problems encountered by Clann na Poblachta. Fianna Fail had nothing to lose by the controversy. It could only gain. In order to profit as much as possible out of the blunderings of the Coalition Government, Fianna Fail played a waiting game and said very little.

As early as March 1951, Lt. Col. Feehan, the National Executive of Fianna Fail, had correctly analyzed the position of Costello and the Coalition Government. Speaking in Mountmellick, Feehan criticized the constant reversal of Government decisions which was due to the Taoiseach's invariable surrender to each pressure group. He also said:

¹⁴⁴Irish Times, April 16, 1951, p. 1., and April 20, 1951, p. 1.

¹⁴⁵Irish Times, April 16, 1951, p. 1; April 17, 1951, p. 1; April 21, 1951, p. 1.

¹⁴⁶Irish Press, May 5, 1951, p. 1.

To surrender is now second nature to [Costello]. His chief preoccupation is holding the coalition together. The welfare and well-being of the nation are of secondary importance.¹⁴⁷

This definitely was the case in April when the Taoiseach, in the name of the Government, yielded to the demands of the bishops.

During the Dail debates following Browne's resignation, Fianna Fail members took absolutely no part in the debate. They neither gave their views regarding the merits or shortcomings of the Scheme nor expressed their feeling on the circumstances leading to the Minister for Health's resignation. Fianna Fail was obviously interested in the matter, but for different reasons. Secretly, it hoped that this would be the beginning of their return to governmental power.

The only Fianna Fail deputy who said anything at all about the Coalition Government's problems was Gerald Boland. Speaking at a Mid-Roscommon Fianna Fail meeting on April 15, 1951, he said that "it is clear that one of them was not telling the truth, for each flatly contradicted the other."¹⁴⁸ He was referring to Browne and Costello. Boland sided with Browne. He said that if Costello had been correct in his statements, many questions would remain unanswered: (1) why had Browne been permitted to spend large sums of public money for advertisement of the Scheme, (2) why had the Minister for Health been allowed to broadcast an account of the Scheme on

¹⁴⁷Quoted in Irish Times, March 6, 1951, p. 3.

¹⁴⁸Quoted in Irish Times, April 17, 1951, p.1.

the radio, and (3) why had the Minister for Finance been permitted to allow a definite sum to appear in the Estimates.¹⁴⁹ These questions, obviously, pointed to a lack of unity within the Coalition Government. Fianna Fail was hoping for this disunity to become disruptive because sooner or later it would cause the downfall of the Coalition and return the leadership to Fianna Fail.

Generally speaking, members of the political section of the Labour party refrained from making any comments on the controversy. But once the labor movement knew the cause of the controversy and realized that the bishops might stop the Scheme, an attempt was made "to mobilize pressure from the Trade Union upon the political arm of the Labour Party."¹⁵⁰

The political section of the party apparently believed in submitting to the rulings of the Hierarchy when it said that Browne did not appreciate "the seriousness of the Bishops' rulings, . . ."¹⁵¹ Although the Labour party supported Costello and the Government, it was not beset by internal strife and resignations as was Clann na Poblachta.

Since Fine Gael was the leading party in the Coalition Government, its position was basically that of the Government and need not be discussed separately.

The Hierarchy's attack on the Health Scheme not only

¹⁴⁹Irish Times, April 17, 1951, p. 1.

¹⁵⁰Editorial in The Leader, LI (April 14, 1951), 3.

¹⁵¹The Labour Party, A Report of the Administrative Council for the years 1950-51 and 1951-52, p. 15.

affected the Government's immediate course of action, but also threatened the very existence of that particular Coalition Government. As was the case with Clann na Poblachta, and also unknown to the public, the bishops' strong stand made itself felt even before the Government had capitulated to their demands.

On the day on which Browne had widely publicized the details of the Scheme, a hurried meeting of Cabinet ministers gave rise to speculations of difficulties within the Government. Present at this meeting were John Costello, William Norton, Patrick McGilligan, Richard Mulcahy, Sean MacBride, and Joseph Dillon.¹⁵² Noticeably absent was Noel Browne. This conference was widely understood to have concerned itself with some Cabinet members' serious dissatisfaction regarding Browne's Health Scheme.¹⁵³ This lack of agreement with the Minister for Health was due to the fact that the bishops still opposed the Scheme. After the meeting, the Government announced the following Cabinet changes:

- 1) Sean MacEoin - from Minister for Justice to Minister for Defence,
- 2) Thomas O'Higgins - from Minister for Defence to Minister for Industry and Commerce,
- 3) Daniel Morrissey - from Minister for Industry and Commerce to Minister for Justice.¹⁵⁴

¹⁵²Irish Times, March 7, 1951, p. 1.

¹⁵³Cf. Irish Times, March 7, 1951, p. 1. and Irish Press March 8, 1951, p. 1.

¹⁵⁴Parliamentary Debates, p. iii.

These Cabinet shifts were apparently due to a disagreement among Fine Gael Ministers over Browne's course of action.

Although Browne himself had survived this aspect of the controversy, the question remained at that time whether the Scheme would also survive. Costello met separately with Browne the following night. At this time, the Taoiseach most probably explained to Browne the positions of the various other Cabinet members in regard to the Scheme. On the following day, the Irish Press reported that the Government had urged the Minister for Health to change his stand as regards his no-means-test position.¹⁵⁵

A few days prior to Browne's resignation, the Coalition Government found itself in serious difficulty because differences of opinion had arisen within the Government. Although, it had become common knowledge that a Cabinet crisis existed on account of the Health Scheme, some members of the Cabinet apparently did not even realize that a crisis was at hand. On April 8, 1951, James Everett, Minister for Posts and Telegraphs, told a Labour party meeting in Waterford that Browne's Scheme would be enacted.¹⁵⁶ On the same day, Sean MacEoin, Minister for Defence, flatly denied reports that a Cabinet crisis existed when he spoke at a Fine Gael convention in Cavan.¹⁵⁷ These events either indicated that the Taoiseach

¹⁵⁵Irish Press, March 8, 1951, p. 1.

¹⁵⁶Ibid., April 9, 1951, p. 1.

¹⁵⁷Irish Times, April 9, 1951, p. 1.

had not yet told the whole Cabinet of the seriousness of the bishops' objections, or that some Cabinet Ministers did not agree with Costello's plans to withdraw the Scheme. However, they did indicate a lack of unity because of the bishop's stand.

During the Dail debates concerning Browne's resignation, more than one Independent deputy seemed determined to have the issue of the Hierarchy's interference thrashed out to its limits. The crisis had become so serious that the Independents might ask for a motion of "no confidence" if, and when, the Dail should again consider Browne's resignation.¹⁵⁸ Passage of such a motion was definitely not out of the realm of possibility since, on the day preceeding the resignation, the Government had carried the second reading of the Social Welfare Bill by only four votes.¹⁵⁹ Since that time, however, several members of the Clann na Poblachta party had resigned from the party on account of the controversy. Whether these men would support the Government would remain to be seen.

This motion of "no confidence" never materialized at the next sitting of the Dail even though the debate concerning the resignation continued. Therefore, the actual strength of the Government could not be tested until a major issue would be voted upon. On April 17, 1951, the same day that Browne's resignation debate continued, discussion started on a Bill

¹⁵⁸Ibid., April 14, 1951, p. 1.

¹⁵⁹Parliamentary Debates, col. 637-40.

concerning Estimates for the Department of Agriculture.¹⁶⁰
This would be the crucial test for the Government.

A week later Fianna Fail and several Independents were apparently ready to vote against the Government should there be a vote on the Estimate for the Department of Agriculture. But a minor snag threatened to foil Fianna Fail's plan. On April 16, 1951, Patrick Smith (Fianna Fail) was expelled from the Dail because of unbecoming behaviour in the Dail.¹⁶¹ Since the Opposition would need every possible vote it could get, Smith's expulsion meant that Fianna Fail had lost one crucial vote. The expulsion of Smith, however, indicated a definite tension in the Dail, and it was largely by accident that a vote was not called for.

By the end of April, the Government was very much aware of the critical position it found itself in. The Taoiseach was ready to ask for a dissolution of both Houses of the Oireachtas rather than risk a defeat on the Estimate for Agriculture. Had there been a vote on the Estimate, the Opposition would probably have defeated the Government. De Valera could certainly have mustered all Fianna Fail votes and could have counted on the "probably support from Captain Cowan, Dr. Browne, Mr. McQuillan, Mr. Cogan and Mr. P. O'Reilly."¹⁶² These five men either had been Independents or had become

¹⁶⁰Ibid., cols. 833-94.

¹⁶¹Ibid., cols. 1675-78.

¹⁶²Irish Times, April 30, 1951, p. 1.

Independents after Browne's resignation.

The Government's situation was becoming more critical as time went on. On May 1, 1951, Sir John Esmonde, a former Fine Gael deputy who had chosen Independent status some months previously, resigned his seat in Dail Eireann.¹⁶³ The Coalition, therefore, had lost one more vote, each of which was crucial at this time. On the same day, Patrick Smith (Fianna Fail) made a suitable apology for his behavior and was subsequently reinstated to the Dail.¹⁶⁴ The opposition had now gained a net increase of two votes.

While the Dail was adjourned from May 2nd until May 8th, Costello apparently took a hard look at the situation confronting his Government. Since he did not want to be defeated on an issue in the Dail, he asked for a dissolution. On May 4, the President of Ireland signed an Order which dissolved Dail Eireann on May 7, 1951 and summoned a newly elected Dail to meet on June 13, 1951.¹⁶⁵

Even though the final issue which ended the Coalition Government seemed to have been the Estimate for Agriculture, the fundamental cause of the dissolution was, beyond doubt, the bishops' meddling in the affairs of the government.

In the election campaign which followed the dissolution of the Dail, little was said about Browne's controversy with

¹⁶³Parliamentary Debates, col. 1717.

¹⁶⁴Ibid.

¹⁶⁵Irish Times, May 5, 1951, p. 1, and Ireland, Parliamentary Debates (Dail Eireann), CXXVI (1951), col. 2.

the prelates. Rather, the important issue seemed to revolve around the type of Government best suited for Ireland. Simply, the issue was inter-party Government versus single-party Government.

Browne decided to seek re-election in his old constituency as an Independent. In opening his election campaign he stated that, if elected, he would follow the same course he had followed in the Coalition Government.¹⁶⁶

Clann na Poblachta, which had placed ninety-two candidates in the 1948 election, this time only thirty-seven in contention.¹⁶⁷ Obviously, this was due to a large extent to the fact that the Clann had been deeply split after the controversy. Another reason was that the Coalition had 'pooled' candidates, the result very often being that the parties eliminated contests between their own candidates.¹⁶⁸ The reason for this was to have as many of the candidates elected as possible. This 'pooling' of candidates would prevent one member of the Coalition from losing to another member.

After the election, the question of single-party Government versus inter-party Government was as unresolved as before the dissolution of the Dail. Again, the balance of power was in the hands of the Independents. They could vote either for the Coalition Government or Fianna Fail. The results were

¹⁶⁶Irish Times, May 9, 1951, p. 1.

¹⁶⁷Ibid., May 18, 1951 p. 1.

¹⁶⁸Ibid.

as follows:

	<u>BEFORE</u>	<u>AFTER</u> ¹⁶⁹
Fianna Fail	68	69
Fine Gael	29	40
Labour	20	16
Clann na Poblachta	6	2
Clann na Talmhan	5	6
Independents	17	14

We must remember that in the Irish electoral system, several deputies are elected from the same constituency. Browne and Costello were both re-elected by the same constituency. French-O'Carroll had challenged Sean MacBride on the issue raised by Browne's dismissal. O'Carroll won the election easily, but Sean MacBride was elected only with difficulty. In fact, he almost lost his seat in the Dail. J. McQuillan, who had also bolted the Clann na Poblachta party, was also re-elected rather easily. But the most striking feature of the election was that Clann na Poblachta was dead as a political party. While it had won ten seats in the 1948 election, the party won only two seats this time.¹⁷⁰

When the Dail convened on June 13, 1951, the first order of business was the election of the new Taoiseach. Since there had been little change in the line-up of the political parties, the Government could fall to either Fianna Fail or to Fine Gael and the Coalition. The motion that John Costello be re-elected as Taoiseach failed to pass the Dail by two votes, seventy-two for and seventy-four against. Noel Browne,

¹⁶⁹Ibid., June 2, 1951, p. 1.

¹⁷⁰Ibid., June 1, 1951, p. 1.

French-O'Carroll, and J.P. Brennan voted against the Coalition.¹⁷¹ Had these three men, all of whom had been members of Clann na Poblachta, voted for Costello, their three votes would have been sufficient to put the Coalition or Interparty Government back into office. The second motion, that Eamon De Valera be elected as Taoiseach, passed by a vote of seventy-four in favor to sixty-nine against with the same three men voting for De Valera.¹⁷² Again their votes had been the crucial votes since without them the second motion would have been defeated also. John Costello's Coalition Government had ended.

In summary, the controversy between the Minister for Health and the bishops had claimed many victims. First, Browne himself was forced to resign from the Government. Secondly, the controversy had split the Clann na Poblachta party to such an extent that it ceased to exist as a vital force in Irish politics. Finally, the controversy not only weakened the Coalition Government; it meant the very end of that Coalition. In other words, the power of the Roman Catholic Hierarchy and its interference in matters of the State had affected the complete political picture of Ireland.

¹⁷¹Parliamentary Debates, CXXVI, cols. 73-76.

¹⁷²Ibid., cols. 77-80.

CONCLUSION

When Noel Browne was caught in the web of the religious schizophrenia, he had three possible courses of action open to him: (1) unreservedly accept the decision of the bishops, (2) evade the problem, and (3) rebel. John Costello and the Government had chosen to opt for the first. They had accepted the rulings of the bishops. Noel Browne, however, chose the third option. He chose to rebel.

Publicly Browne announced that "As a Catholic I accept the rulings of Their Lordships the Hierarchy without question."¹⁷³ This must have been nothing more than a political statement, because if he really had accepted the bishops' ruling he would not have resigned. He would have remained in the Government as Costello had done. The fact that he resigned is a definite indication that he did not accept the rulings of the prelates. When questioned about this matter, Browne admitted that he never accepted the bishops' rulings.¹⁷⁴

In a certain sense, Browne was a man who was ahead of his time. The bishops certainly were not ready for his course of action, nor were the members of the Government. In fact,

¹⁷³Quoted in Irish Times, April 12, 1951, p. 1.

¹⁷⁴Interview with Noel Browne, former Minister for Health, July 14, 1967.

Ireland was not ready for him. It was not ready for him in the sense that he had publicly challenged the authority of the bishops. At this time, however, it was not acceptable to question the actions of the bishops. One was only allowed to object and criticize in private. But by his resignation, Browne had done so publicly.

In a sense, he had put his finger on the national pulse. The people of Ireland wanted to free themselves from this web of schizophrenia, but they were not quite ready to accept the risks involved. However, this was not to be the case for long. Slowly the people have moved ahead. They have started to question, they have started to oppose. Although the people have moved ahead since that time, the bishops have not. This is evident by the bishops' attempt to perpetuate the religious schizophrenia. Since the controversy, the Archbishop of Dublin has re-iterated his regulation that a Catholic may not, under pain of sin, attend Trinity without his express permission. Here the people have moved ahead in the sense that they ignore, for the most part, regulations such as this.

Shortly after the controversy, Sean O'Faolain analyzed the situation between Church and State as "The Dail proposes; Maynooth disposes."¹⁷⁵ But this is not the way it should be. Instead, the relationship between Church and State, especially in a country where the majority of the population is Catholic,

¹⁷⁵Sean O'Faolain, "The Dail and the Bishops," The Bell, XVII (June, 1951), 7.

must always be "a healthy struggle, in which the Church will properly, but always prudently fight for power, and the State will always try to restrain that power within due limits."¹⁷⁶ This has, since the controversy, become noticeable in Ireland. When the Bishop of Galway confronted the government about a school situation, the government did not yield to his demands. Maybe the spirit of Noel Browne's position has permeated the Irish religious schizophrenia.

¹⁷⁶Ibid., p. 9.

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