COUNTERMOVEMENTS AND DECISION-MAKING: THE CASE OF THE IRISH CIVIL PARTNERSHIP ACT AND THE RELIGIOUS RIGHT

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I, the undersigned ……Justin Ryan De Los Santos………………………. hereby declare that I am the sole author of this thesis.

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Abstract

Democracy is a means to an end, a place in which active citizenry can band together to affect social change. On the opposite side of the coin, it can be a place to perpetuate the status quo and stall or prevent social change by an active opposition citizenry. Social movement studies have clearly established the influential role social movements play in regard to policy outcomes. Furthermore, studies now utilize the stages of the policy process to pinpoint where social movements matter throughout the stages; finding substantial support for an influence at both the early and late stages, leaving the middle stages understudied. Conversely, studies on counter-mobilization have been largely focused on the interactions between opposing movement, resulting in a limited discussion of countermovement influence on policy outcomes through the policy process. In order to add to the knowledge of movement influence on policy outcomes throughout the policy process as well as the growing knowledge on counter mobilization, this paper examines the Religious Right in the Republic of Ireland as an LGBT countermovement during the middle stage of the policy process, the decision-making stage.

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Introduction

Between 2001 and 2009 there was an explosion of social movement articles that examined the influences of social movements on policy outcomes (Snow 2013, 889). The Blackwell Encyclopedia on Social movements cites at least "45 articles, 38 in the top four general sociology journals and seven articles in *mobilization"* focusing on political outcome during this time frame. These studies have firmly established that movements influence policy outcomes. Thus, 'how much do social movements matter to policy change?' has become a quintessential question among social movement scholarship. However the debate has largely been focused on the influence of a movement on the final output – the policy outcome. While the focus is understandable in relation to a data or methodological standpoint, it creates a puzzle for movement scholars in exposing and pinpointing where exactly movements matter throughout the stages of policy process and to what degree the influences matter at the various stages of the policy process (Soule, King 2006, 1872).

Nonetheless, a select number of social movement studies have begun to utilize the policy process model as a microscopic lens to expose and pinpoint the influence of social movement during the stages of the policy process. Soule and King (2006), find that "social movements matter more in the earlier stages of the policy process" (Soule, King 2006, 1896). Andrews 2001, established that social movements can shape policy even at the later stages of the policy process, specifically their ability to affect policy implementation. This new focus on policy process will serve analysts well in developing a much broader understanding of the influences at each 'stage of policy responsiveness' and the connections between movements and public policy (Meyer 2003, 3).

These gains notwithstanding, the scholarship on the influence of social movements throughout the stages of the policy process is still limited. A clear connection of influences

has been established at the early and later stages of the policy process (which will be described in more depth later in this paper), leaving the middle stages such as policy adoption and decision-making understudied. Furthermore, scholars have noted a need to expand the scholarship on countermovement to encompass their influences throughout the policy process, which has primarily been concerned with the countermovement influence on movements (Benford, Snow 2000, Meyer, Staggenborg 1996; Andrews 2001; Soule 2004). In order to redress these two deficiencies within the scholarship, this paper examines the Religious Right in the Republic of Ireland as an LGBT countermovement on the Civil Partnership Act during the middle stage of the policy process, the decision-making stage.

The case of the Religious Right movement and the Irish Civil Partnership Act poses an interesting puzzle which illustrates the difficulty of exposing and pinpointing the influence of movements, particularly when examining a countermovement. The Civil Partnership Act was passed with vocal opposition of a Religious Right in a nation wherein more than 84 percent of the population self-identifies as Catholic (Central Statistics Office 2012; 42) and has been lauded by LGBT movement activists and government officials as "the most important piece of civil rights legislation to be enacted since independence" (GLEN, 2012). However, in an interview with Senator David Norris[1], he explained the act to be "completely unsatisfactory particularly with regard to children". Furthermore, an audit of the legislation has found 169 "missing pieces" when compared to civil marriages of same sex couples (Marriage Equality, 2012). Senator Norris explained that the inadequacies of the bill can be contributed to conservative political elites.

> "The cowardice and laziness of the Government. The Irish people have consistently shown themselves to be immensely in advance of the Irish Government on matters like abortion, rights with regard to gay marriage where an overwhelming majority now believe it should be permitted, the Government is still nervous, all these things show that we are still dominated by very conservative political forces."

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[1] Personal interview conducted in the winter of 2013

If the Civil Partnership Act was to be examined as a policy outcome one could infer that it was solely influenced by the larger LGBT movement in Ireland. On the one hand the Civil Partnership Act was successfully put on the agenda of the Irish Parliament, and on the other hand it was successfully passed by the Irish Parliament. However, the interview with Senator Norris brings to light a more complex scenario regarding the passage of the Civil Partnership Act in which an influence of the Religious Right could have equally influenced the policy outcome alongside the LGBT movement.

Understanding that the policy outcome may have been influenced by the Religious Right, that negative aspects of the policy outcome may have been a result of conservative political elites, and that the policy was both successfully placed on the agenda and implemented, this paper argues that the Religious Right should have executed influence over political elites during the mid-level stage of the policy process – decision-making. The question then is, "how can the influence of the Irish Religious Right on Civil Partnership Act during the decision-making stage be exposed?" Illustrating the influence of the Religious Right would contribute to both deficiencies of the recent scholarship: first, it would find a relationship between movement influences during a middle stage of the policy process, and second, it would begin to add scholarship to countermovement's influence during a specific stage of the policy process. In order to expose the influence of the Religious Right on the Civil Partnership Act, this paper will use the method of critical frame analysis to systematically examine select documents produced by the Irish Religious Right, in order to develop a policy frame index. The index will then be used to interpret the debate process of the Irish Parliament during the Civil Partnership Act.

Chapter 1: Literature Review

The function of this literature is threefold. First, the literature will unpack the relevant social movement scholarship related to political/policy outcomes and countermovements in order to highlight two main deficiencies found within these areas of study. Second, throughout the literature review the case of the Irish Religious Right and Irish Civil Partnerships Act will be revealed as an ideal case of study to redress the deficiencies. Third, throughout the literature review the relevant scholarship on the policy process and critical frame analysis will be shown as appropriate methical tools to examine the case in order to redress the deficiencies.

Part 1: Social Movement Theory & Policy Outcomes

Part 1.1: Outcomes

Until recently scholars of social movements neglected the consequences of movements and instead focused largely on issues such as resource mobilization, participation and collective identity. Amenta et al (2010) argues that the neglect comes in part from the many different potential consequences of social movements. The first step in studying the consequences of social movements is developing a common agreement about the meaning of a successful or influential consequence of a social movement targeting the state. Forging a common agreement on success or influence has proven itself to be a difficult task than. William Gamson's *The Strategy of Social Protest* is perhaps the most significant study that attempted to define successful consequences of social movements (Staggenborg 1995, 340). This study proposed two types of movement success:

1. Acceptance - recognition of a challenging group as a legitimate representative of a constituency by the target of collective action.

2. New advantages – the win or approval of the challengers stated goals or claims by the state (Staggenborg 1995, 340).

Gamson's definition implies that the success of a social movement is twofold – (1) gaining a specific policy outcome or/and (2) gaining access as a member of the polity. Burstein et al (1995) further adopted these two types of success to account for the political process. In line with the idea of the political process, movement success involves "getting movement demands on the political agenda, getting new policies implemented, actually having the intended impact on an aggrieved population, and transforming the political structure" (Staggenborg 1995, 340). Social movement scholarship has traditionally labeled these types of successful social movement consequences as political or policy outcomes (Staggenborg 1995, 340). It is worth noting that social movement scholarship has expanded vastly beyond political and policy outcomes to include the biographical and cultural outcomes of movements. However, a description of these types of outcomes is not germane to this thesis and will not be reviewed.

Part 1.2: A Focus on Political/Policy Outcomes

As stated previously recent developments in social movement literature scholarship focuses on the political outcomes of social movements. This new direction of scholarship has been a step away from addressing whether movements are successful in gaining benefits but instead examine the causal influences of movements on political outcomes and processes (Snow, 2013 889). One of the most notable works which sparked the discussion of social movements and policy outcomes was produced by Daniel Cress and David Snow. Cress and Snow provide a systematic understanding of movement outcomes that they claim had been missing from the previous research (Cress, Snow 2001, 1064). Cress and Snow find that there are a number of different pathways in which social movements can attain desired policy outcomes or influence policy outcomes. These pathways are all contingent on three attributes: (1) organizational viability, (2) rhetorical quality of diagnostic and prognostic farming, and (3) contingent relationship between tactics and political environment (Cress, Snow 2001, 1065).

Since the initial work of Cress and Snow in 2001 there has been a dramatic acceleration in the study of outcomes as stated earlier. Amenta et al (2010) published a review of the 45 articles cited by the Blackwell Encyclopedia; together these articles represent 54 movement or movement organizations. Table 1 taken from this work divided the articles by type of political outcome the movement– structural, multiple policies, single policy or election/inclusion.

Movement family (prominence)[b]	Movements examined[c]	Influence of Movements				
		Strong	Modest	Weak	None	Negative
Labor (1)	2	1	1	0	0	0
Civil rights, black (2)	11	3	6	1	1	0
Feminism/women's rights (4)	11	7	3	1	0	0
Nativist/supremacist (5)	1	0	0	0	0	1
Environment (6)	6	1	2	3	0	0
Antiwar (9)	2	0	0	1	1	0
Civil rights, other (19)	5	0	1	3	1	0
Christian Right (21)	2	1	1	0	0	0
Lesbian and gay (24)	3	0	1	2	0	0
Other/non-U.S.	11	5	5	1	0	0
Outcome type						
Structural	3	1	1	1	0	0
Policy, multiple	10	3	5	2	0	0
Policy, single	40	14	14	9	3	0
Election/inclusion	1	0	0	0	0	1
Total	54	18	20	12	3	1

Table 1 – Source: Amental et al

All but four of the 54 movements found at least one positive relationship between political outcomes and social movements. Amenta et al (2010) cite two main takeaways from the aggregation of scholarly studies on political outcomes:

1. Movements have had some impact on some issues of concern to them.

2. It remains difficult to pinpoint how much even the larger movements have mattered in comparison to other actors and structures in relation to specific outcomes of interest.

Part 2: Deficiencies in Scholarship

Part 2.1: Exposing/Pinpointing Influence & Role of Countermovement

In spite of these gains in scholarship, there remains two glaring deficiencies. First, a difficulty within the literature with regard to exposing and pinpointing where the influence on the policy outcomes transpires. Meyer (2003) states that the focus on outcomes has led to the influence of movements being underdeveloped theoretically and understudied empirically. The difficulty comes from an issue that these recent studies traditionally have taken a basic view of the policy process by a focus on outcomes (Soule King 2006, 1872). Díez (2013), notes that public policy work can significantly benefit from reconsidering the role of movement actors in the policy process. Similarly, McAdam (2003) insists on more procedural accounts of social movement theory. To sum up, now that social movements scholars have credibility established that movements do in fact influence political outcomes they must begin to closely examine the influences across the stages of the policy process in order to provide a more critical understanding of movements.

The second deficiency is in regard to the literature on countermovements. Early literature on countermovements clearly established the countermovement as separate movement although related to the movement (Meyer, Staggenborg 1996, 1631); however the trend in literature has moved to an examination of movement-countermovement dynamics, rarely examining the influence of the countermovement on policy outcomes throughout the policy process. A discussion on literature regarding countermovement shall illuminate this trend.

Part 3 Countermovement

3.1: A Focus on Movement-Countermovement Dynamics

Movement-countermovement interaction has been an evolving area of study amongst social movement scholarship. Initially literature viewed countermovements as simply reactionary movements consisting of entirely different phenomena than the movement they opposed. These reactionary movements opposed the movement by targeting their claims directly

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towards the state and society and not towards the movement they were resisting (Meyer, Sraggenborg 1996, 1631). However, David S. Meyer and Suzanne Staggenborg (1996, 1633) contributed new thinking which defines countermovements "as networks of individuals and organizations that share many of the same objects of concerns as the social movement they oppose" (Meyer, Staggenborg 1996, 1631). Accordingly, countermovements are seen as actors that not only react with the state but which additionally influence and shape the discourse produced by the movement. This influence is attributed to the idea that both movements appeal directly to and compete for specific targeted audiences within the general public, from whom they seek empathy for their claims (Crowley 2009, 725). The movement-countermovement dynamic creates ongoing and altering opportunities as well as challenges for one another (Meyer, Staggenborg 1996, 1643).

Furthermore, it is theorized that the success of one movement will allow for the other movement to flourish in opposition resulting in an ebb and flow of opposing interactions (Meyer, Staggenborg 1996, 1645). The ebbs and flows of the relationship between opposing movements has sparked an abundance of literature focused on the interplay between movements. The most notable work on movement-countermovement dynamics has been done with regard to the tactical use of framing. Framing plays a key role in explaining the dynamic because opposing movements often attempt to "rebut, undermine or neutralize a person's or group's myths or versions of reality" (Benford, Snow 2000, 626). Thus, the literature on LGBT and religious anti-gay movements illustrates the dynamic between movements and the role of framing.

Part 3.2 LGBT-Religious Right Dynamic
Although the literature dealing with movement/countermovement dynamic has been able to clearly establish the on-going influence between movements, these studies have not shed much light on the influence of countermovements on policy outcomes (Benford, Snow, 2000

626). For example, numerous scholars find that the religious anti-gay movements have successfully constructed values and norms through the process of framing in order to mobilize opposition to the LGBT movement (Afshar 2006; Fetner 2001). The religious movement in the United States has traditionally framed homosexuality as "immoral, unnatural, and against God's plan, that homosexuality and pedophilia are connected, and that gays are a threat to society in general" (Afshar 2006, 65). Research conducted by Tina Fetner found that the religious anti-gay countermovement became strategically useful for LGBT activists (Fetner 2001, 412). A rise in LGBT activism in areas in which no LGBT activism had occurred before resulted from the establishment of the counter movement (Fetner 2001, 425). Furthermore, Fetner found that the LGBT movement responded to the religious anti-gay movement by "altering the tone, language, and frames they use in making claims to the state" (Fetner 2001, 424). Future research can instead focus on the influence of countermovements on policy outcomes and therefore shed the light that Benford and Snow cite as missing from the current scholarship. Throughout the rest of this literature review, the Irish Civil Partnership Act will be shown to be an ideal case in which to examine the influence of a countermovement on a specific policy outcome.

The case of the Religious Right movement and the Irish Civil Partnership Act poses an interesting puzzle which illustrates the difficulty of exposing and pinpointing influence. If one was to examine the overall policy outcome (civil partnerships) one could take away an understanding that the policy outcome was simply influenced by the LGBT movement. In fact as stated in the introduction of this thesis the larger Irish LGBT movement considers the policy outcome as one of its greatest successes. However, in a nation with a strong and vocal anti-gay Religious Right movement and affiliation to religious ideology, one could postulate that the Religious Right movement could have potentially played a role in the policy outcome. Breaking down the Civil Partnership Act into the stages of the policy process could expose

where the Religious Right also influenced the policy outcome alongside the LGBT movement.

Part 4: Social Movements & the Policy Process

Part 4.1: Defining the Policy Process

The policy process model has been become the most widely accepted conceptual framework to organize and systematize public policy research (Fischer, Miller 2006; Werner, Wegrich 2007). Harold Laswell (1970) first pioneered the concept that the policy process could be thought of as a series of interrelated but distinct steps or stages within a greater policy cycle. While the literature on the precise details of the policy stages varies, they all attribute similar elements to each step (Sato 1999, 30). The most commonly used model amongst public policy scholars comprises the following five stages.

1. Agenda Setting

2. Policy Formation

3. Decision-Making

4. Policy Implementation

5. Policy Evaluation (Araral, Fritzen , Howlett 2012, 17)

Breaking down policy development into these stages allows for independent, critical examinations at each stage. Additionally, model allows analysts to follow any policy down a "straightforward path from problem definition through policy implementation and evaluation" (Sato 1999, 31). Thus, by breaking down the policy process throughout the course of the Irish Civil Partnership Act this paper can begin to shed light on the puzzle and expose the influence of the Religious Right on a pro LGBT policy. Recent scholars have made great strides in breaking down the policy process in order to expose and pinpoint movement influence.

Part 4.2: Social Movements - Through the Policy Process Lens

King et al (2005) claim to be the first social movement scholars to analyze the influence of movements throughout the policy process model, contending that no study has examined social movement "effects across stages nor has any previous study made assertions about the differenced influence of movements across the legislative stages" (King 2005, 1213). The authors argue that the sequential stages of the policy process model allows a better determinant of when social movements are most likely to influence legislation. The study was backed by an overarching idea that the policy process will condition the influence of movements differently at each stage (King 2005, 1212). The key findings of this study were that social movements are influential at the earlier stages of the policy process, namely agenda setting. King et al (2005) claim that their findings call for a more in-depth analysis of the relationship between social movements and the policy stages. The call for further analyses has been taken up by a number of studies. For example, Baumgartner (2005) finds that larger social movements effectively influenced the policy agenda of the US government. Soule, King (2005) attempted to foster "a deeper understanding of the specific mechanisms by which social movements matter to various stages of the policy process" (Soule, King 2006, 1900). The study confirmed previous findings, stating that "social movements matter more in the earlier stages of the policy process, when the consequences of legislative action are less and when the legislative rules are less stringent" (Soule, King 2006, 1896). Soule King (2006) conclude their study with a demand that more research should be done specifically in relation to the impact of framing by both social movements and countermovement during the different policy stages of the policy process. Although these articles have been able to expose pinpoint influence to the early stages of the policy process, there is more work to be done in regard to the mid to later stages.

Andrews (2001) established that social movements can shape policy even at the later stages of the policy process, specifically their ability to affect policy implementation (Andrews 2001, 89). The study presents a model referred to as the "movement infrastructure model" which focuses on an organization's structure, resources and leadership as a means to explain the potential impact on the political process. Through the use of this model Andrews (2001) finds that movements that contain a strong infrastructure will be able to employ multiple mechanisms of influence and will be able to affect policy at the later stages of the policy process. However, Andrews too contends more research is necessary and that researchers must "specify more precisely how movements shape policy" (Andrews 2001, 89). Through the analysis of emerging literature on social movements and policy outcomes, it is clear that social movements affect policy outcomes and their effect can be more influential at different stages (Andrews 2001; Soule King 2006). Furthermore, there is an emerging viewpoint that argues that in order to understand the impact on policy outcomes, careful consideration must be made to framing efforts of both social movements and counter movements and the ways in which framing effectively influences policy outcomes during the various stages of the policy process.

The Irish Civil Partnership Act is useful to gain a deeper understanding of movement influence throughout the policy process stages. The act provides an interesting case to hone in on the influence of a countermovement through the lens of the policy process. The Civil Partnership Act was successfully placed on the agenda of the Irish Parliament and was successfully passed by the Irish Parliament as well. Taken together these facts would imply that any influence of the Irish Religious Right movement on the policy outcome should have transpired after the agenda setting phase and before the implementation phase of the policy process. This fact is useful since as stated above the scholarship on social movements has proved movements can be influence at both the earlier and later stages of the policy process,
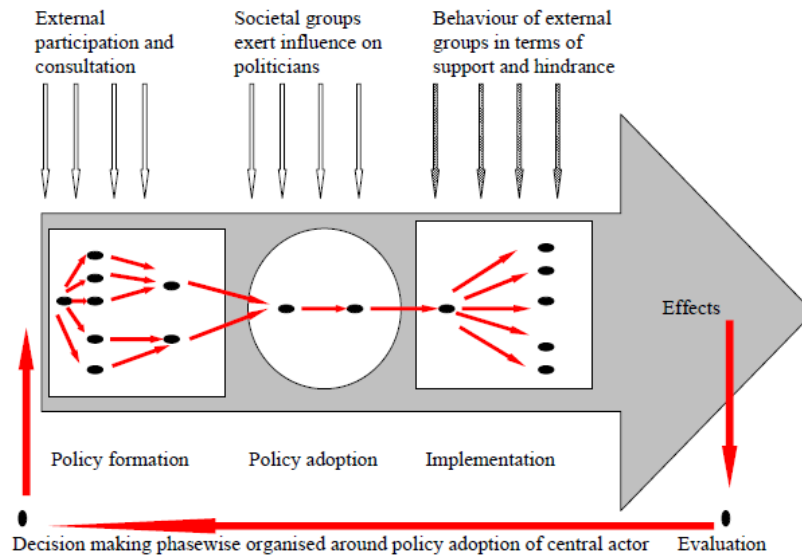
leaving little knowledge about the influence of movements at mid-stages: policy adoption and decision-making.

Furthermore, the findings in Andrews (2001) are particularly valuable in the case of the Irish Religious Right because this movement contains many of the characteristics which Andrews notes as crucial to a strong infrastructure. Andrews (2001) describes strong movement infrastructures having "diverse leaders and a complex leadership structure, multiple organizations, informal ties that cross -geographic and social boundaries and a resource base that draws substantially on contributions from their members for both labor and money" (Andrews 2001, 76). Therefore it is reasonable to postulate that the Irish Religious Right had the characteristics necessary to be influential during a mid-stage of the policy process pertaining to the Civil Partnership.

Part 4.3 Decision-making a Mid-Level Stage for Analysis

Whereas the stages of policy process is a useful model to pinpoint where influences of social movement actors takes place, an analysis of the Religious Right's influence on the Civil Partnership Act will be better examined by further developing the model. As mentioned earlier, one of the integral stages of the policy process is decision-making. A number of models have been developed to analyze decision-making but the most commonly accepted and used is the phase model (Teisman 2000, 936). Similar to the policy process model, the phase model breaks down the decision-making stage into three distinct sub-stages.

1. Policy Formation
2. Policy Adoption
3. Policy Implementation

External participation and consultation

Societal groups exert influence on politicians

Behaviour of external groups in terms of support and hindrance

Effects

Policy formation   Policy adoption   Implementation

Decision making phasewise organised around policy adoption of central actor   Evaluation

Source: Teisman 2000

The model provides the crucial framework to structure studies on decision-making. The phase model allows for scholars to develop theories relating to decision-making and hone in on specific attributes and actors that may be influential during different sub-stages of decision-making (Teisman 2000, 940). This model will prove useful to a study of movements' influence during a specific sub-stage of a specific stage the policy process. The model contends that societal groups exert influence on the policy adoption sub-stage of the decision-making stage. Therefore, a study of the Irish Religious right movements influence during this specific sub-stage shall further unpack movement influences on policy outcomes as requested by the social movement's scholars describe previously.

Part 5: Methodology

While the policy phase model of the policy process model has been presented to be the preferred model expose where the Irish Religious Right influenced the policy outcome, it is incomplete methodology in regard to this analysis. A method is needed to capture the influence as well. Building on the idea that it is of upmost importance for excluded groups to define the define the public debate in order to influence public policy (Verloo 2007, 23), there is a need for this thesis to assess the way the Religious Right framed their debate in order to

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understand a connection between the debate produced by the Religious Right and the debate produce by Irish parliamentary members. In order to do so this analysis will also employ the use of the method known as critical frame analysis.

Part 5.1: Critical Frame Analysis

Critical frame analysis is a "methodology that allows the mapping of policy frames through an analysis of different dimensions of the latter" (Verloo 2007, 41). A policy frame is defined as an "organizing principle that transforms fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included" (Verloo, 2007, 33). In line with this understanding of policy frames, the actors of social movements are seen as the "signifying agents actively engaged in the production and maintenance of meaning" of the policy frames (Benford, Snow 2000, 613). Policy frames are constructed in a way in which movement actors define a problem facing the movement that is in need of change or contribute blame regarding the problem (Benford, Snow 2000, 615). Therefore, policy frames can be categorized in one of the following two ways:

1. Diagnosis Framing – What is the problem?

2. Prognosis Framing – What is the solution? (Verloo, 2007, 33).

Part 5.2: Strategy of Analysis

Since framing has been established to be a fundamental tool to examine movement influence on policy outcomes (Cress, Snow 2001), this analysis will first develop an index of policy frames used by the Religious Right from the time civil partnership debate first arose in Ireland (2004) until the passage of the Civil Partnership Act (2010). Secondly, this analysis will determine the influence of the policy frames throughout the policy adoption sub-stage of the decision-making stage of the Irish Parliament. Throughout each debate cycle of the Irish parliament, the analysis will attempt to answer "did any political elite directly or

interpretively reference a policy frame developed by the Religious Right during the debate to affect the policy outcome?"

Chapter 2: Background

Part 2.1: LGBT Rights in the Republic of Ireland & the Irish Religious Right

The Republic of Ireland has proven itself to be a rapidly developing nation with regard to legal rights and protections polices for LGBT people. In just under two decades this state has gone from decriminalizing homosexuality to granting civil partnerships to same sex couples. However, Index 1 of LGBT polices, gives the Republic of Ireland a country ranking of 36 per cent the lowest score of any non-eastern European Union member state (ILGA-Europe). Interpretation of the index shows the legal and policy situation of the Republic of Ireland being ranked 13th amongst the twenty eight member states of the European Union. Notably, the Republic of Ireland falls behind conservative member states such as Hungary and Croatia.
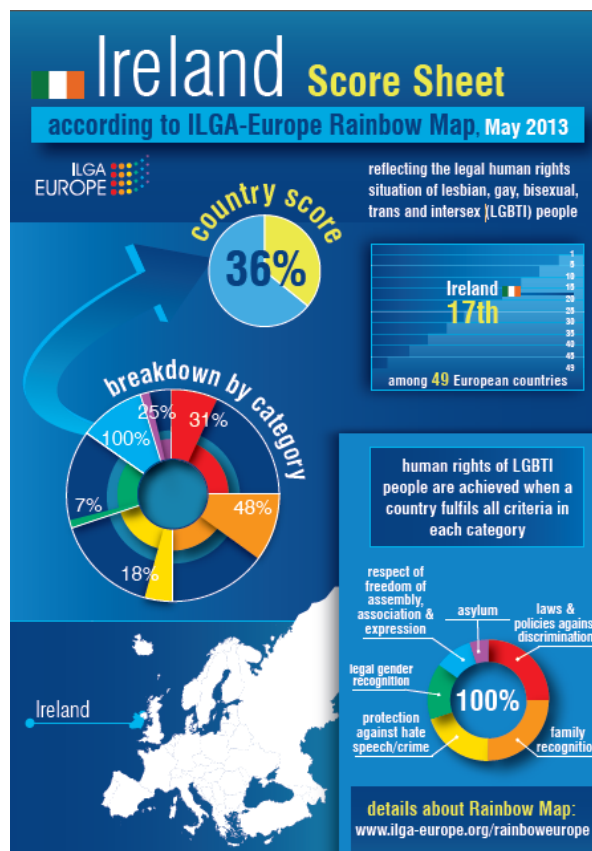
Index 1. Source IGLA Europe

However, my interpretation of this index does not consider the fact that LGBT activist and legislatures have made astonishing strides in such a short amount of time. Furthermore, the index does not consider the cultural implications of LGBT developments in a nation which is heavily influenced by Catholic ideology. The swift policy advancements have succeeded with vocal opposition of a Religious Right in a nation wherein more than 84 percent of the population self identifies as Catholic (Central Statistics Office 2012; 42). The Religious Right has been active and opposed to LGBT policy advancements since the very beginning of the movement. When asked if a Religious Right movement exits and how the movement has played a role in the development of LGBT policies in Ireland, Senator Ivana Bacik[2], stated:

> "Yes -in maintaining an influence over policy-makers which is strong although greatly diminished in recent years."

Senator Norris[3] further elaborated on the influence over policy-makers when he spoke of how the Religious Right movement frames their anti-LGBT arguments:

> "The argument is framed on the basis of traditional marriage, the need for parents of different sexes, the "unnatural" activity of sex between persons of the same sex, a very simplistic view of biblical quotations, the total absence of any notion of historicity and a very strong fear of any change that appears to them to threaten their values. In fact I would say that far from coming from a strong religious belief which I myself certainly possess the motive of these so called religious people is because they are so riddled with self-doubt."

Though there is no doubt that the Republic of Ireland has an active and influential Religious Right movement, Irish LGBT activists have continually been able to win legal advancements. However, as demonstrated by the Civil Partnership Act these policy advancements are not always ideal and are perhaps a result of the Religious Right's influence over policy makers.
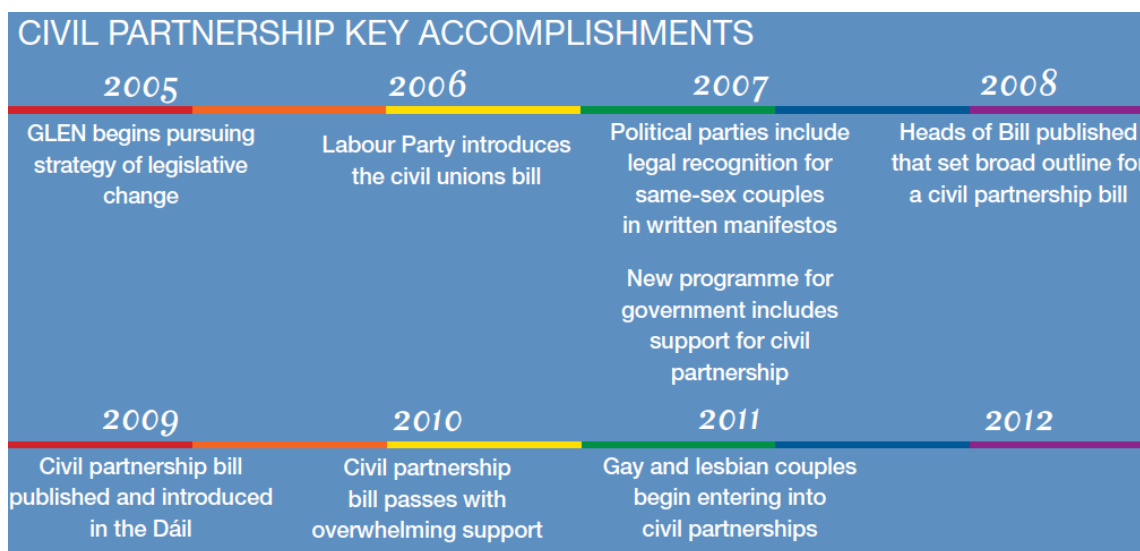
Part 2.2: Certain Rights and Obligations of Cohabitants Act 2010

Civil partnerships were officially granted to same-sex couples in the Republic of Ireland by the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (referred to

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[2] Personal interview conducted in the winter of 2013.
[3] Personal interview conducted in the winter of 2013

as Civil Partnership Act throughout this thesis) which came into effect on January 1ˢᵗ 2011 (GLEN, 2012). The following timeline produced by GLEN highlights the key achievements during the push for civil partnerships.

CIVIL PARTNERSHIP KEY ACCOMPLISHMENTS			
2005	**2006**	**2007**	**2008**
GLEN begins pursuing strategy of legislative change	Labour Party introduces the civil unions bill	Political parties include legal recognition for same-sex couples in written manifestos New programme for government includes support for civil partnership	Heads of Bill published that set broad outline for a civil partnership bill
2009	**2010**	**2011**	**2012**
Civil partnership bill published and introduced in the Dáil	Civil partnership bill passes with overwhelming support	Gay and lesbian couples begin entering into civil partnerships	

Source: GLEN 2012

The original bill introduced in 2006 by the Labour party was eventually killed in parliament due to lack of political nerve of the members in parliament, resulting in the first huge defeat for civil partnerships (GLEN 2012). In 2008 the Catholic Church declared opposition to any future bill regarding civil partnership. Nonetheless, Irish Minister Dermot Ahern published the draft bill of the Civil Partnership Act in 2009. Upon passing the parliament in January 2010, the act was declared a huge step forward in the recognition of same-sex couples.

However, an audit on the bill found 160 statutory differences between Irish civil partnerships and civil marriage (Marriage Equality, 2011). Throughout the duration of time the act was debated in parliament, a number of leading LGBT advocacy organizations, such LGBT Noise, The National Lesbian and Gay Federation, and Marriage Equally all publically argued that the Civil Partnership Act enshrines in legislation a status to same-sex couples that is not equal to the status granted to different sex couples through civil marriage and that the bill must go further to ensure equality (Enright 2009). Taken together these facts further highlight the

interesting puzzle established earlier in this thesis. If the LGBT organizations vocally called for the addition of the missing statutory elements during the parliamentary debate, why was the act not improved before passing parliament? Perhaps, as stated early by Senator Bacik, the Religious Right was able to influence decision makers to pass a piece of legislation that is less than ideal.

Chapter 3: Analysis

Building on the critical frame approach, Verloo (2007) argues that framing different and competing interpretations of concepts or ideas which are manifesting in debates often affect or influence policies. In line with this view the entry of different actors into the polity such as movements will influence policy outcomes by bringing different views or perspectives on public issues (Verloo 2007, 82). Therefore, this analysis will focus on entry of the framing of the Religious Right movement's opposition to the Civil Partnership Act by way of political elites, in order to assess the frame's influence over the final policy outcome. For the purpose of this analysis the Religious Right movement shall be defined to encompass any anti-gay social movement, political elite or church elite whom insist their opposition to the Civil Partnership Act is based in religious ideology.

Part 3.1 what's the Problem? – Building a Frame Index

For the first step of this analysis 8 statements and 5 reports produced by the Religious Right were chosen in order to develop a frame index. A total of 10 diagnosis frames were found. This chapter presents these diagnosis frames produced by the Religious Right in order to illustrate what the problem is with the Civil Partnership Act according to the Religious Right.

Family + Marriage + Society

One dominant frame established through the examination of the Religious Right scholarship focused on a link between family, marriage and society. The main concept stemming from this frame is that by passing Civil Partnership legislation, the role of the family will be

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reduced to a subordinate or secondary role in society and in doing so will inflict great harm on the authentic growth of society. According to religious conviction marriage, the family, and the general good are so interdependent that one cannot flourish without the other. Therefore, the common good of society is directly linked to a healthy family structure which is strengthened by the bond of marriage between one man and one woman. Furthermore, this frame places procreation as the fundamental connection between marriage and the common good of society. In simple terms, marriage makes a strong and secure family unit which in turn contributes to a strong and stable society. According to this frame the state exists for protection of the link between marriage, family and society. It is for this purpose that the modern state offers benefits to married couples. By providing assistance to married couples through tax benefits, social protections etc., and the state is safeguarding the bedrock of society and ensuring continued growth of society.

Rights of the Child

The "rights of the child" frame although basic was a very dominate frame across all texts. The frame implies that children have a right to be raised by biological mothers and fathers. According to this frame research has proven that children that come from a family with married biological parents will be better educated, better prepared to be exemplary member of society, have better health, and are less likely to face problems of crime and unemployment. The frame contends that biological parents that are marred are more likely to stay together and ensure these better outcomes for the children. Therefore, children have a right to be raised by a married biological mother and father and be ensured these basic advantages. It then becomes the duty of the state to incentivize, promote and protect marriage in order to ensure the rights of the child. The civil partnerships act would adversely affect the rights of the child.

Marriage Is Unique and Must Be Protected

The frame "marriage" argues that marriage is a unique institution that must be produced is dominated in all the reviewed texts. This frame is very similar to the

family+marriage+society; however the frame puts more in-depth focus on procreation as the outcome of a marriage. This frame argues that overwhelming research has established that married families produced better educated children that are less likely to fall below the poverty line. Betterment of children is directly related to a prosperous society. This frame contends that the primary purpose of marriage is providing a stable environment for raising children and because same sex couples cannot biologically produce children the institution of marriages becomes uniquely tied to opposite sex couples. Marriage is framed as unique institution which brings men and women together to generate new life. Therefore this frame argues that any social policy established by the any state shall always be aimed at producing best outcomes and a Civil Partnership is not aimed at producing best outcomes. A religious undertone within this frame is very apparent. In addition to focusing on outcomes this frame promotes the uniqueness of marriage is also a result of God's plan and therefore not only unique but sacred as well. The religious ideology within the frame further strengthens the argument of uniqueness because it is and has always been the only union that has biblical roots. Finally, this frame positions marriage not as a right granted to opposite sex couples but a unique and sacred institution established to produce and raise children and therefore cannot be altered or offered to same sex couples. Any attempt to alter or make available the institution of marriage to same sex couples will diminish the purpose of the marriage.

Attack on Marriage

The "attack on marriage" frame is more adversarial in nature and blatantly concerned. This frame contends that act is an example of legislatures attempting to promote nontraditional forms of cohabitation and remove incentives for opposite sex couples to marriage. Furthermore, the legislation would completely dissolve any importance of marriage with the Irish society by giving the same rights to just any union that applied. A major concern found with the "attack on marriage" frame stems from the fact that the legislation removes the

verbiage 'marital status' in legal documents. Instead the bill replaces the 'marital status' with 'civil status', this change in wording is lauded as a direct attack on marriage. According to this frame, civil partnerships in other nations have already been linked to the diminishment of marriages, a rise in divorce rate, and higher percentage of children living in single parent households. Civil partnership is considered a threat to the very nature of marriage and will result in the total collapse of the family unit.

Attack on Freedom of Religion and Conscience

This frame contends that the Civil Partnership Act goes too far and tramples on the civil liberties of Irish citizens. A specific section of the bill makes it an offense for any registrar to refuse to register a civil partnership due to conscientious objection. If the registrar refuses they will be charged with strict fees or face imprisonment. Furthermore, this frame implies that any service provided such as a florist or backer shall be required to provide their goods to a civil partnership celebration regardless of a conscientious objection to the union. Additionally, the Religious Right scholarship states that any religious afflicted venue such as a church or parish building can potentially be used during a civil partnership ceremony regardless of the religions objection to the union. The frame contends that by not including a conscientious objector clause this bill, it undermines the principal of a free society and infringes on the Irish fundamental freedoms of consciences and religious practice.

Family is Irish

The "Family is Irish" frame considers the notion of family intrinsic to the history and culture of the Irish people. The frame is very similar to that of the attack on marriage frame but instead puts the focus on the Irish family. This frame establishes a fear of the breakdown of the tradition Irish family. According to this frame the Irish family is already in a state of moral and social disintegration as a result of such things as violence, drinking, drugs, and the sexualization of children. The Civil Partnership Act is seen as adding to the already overwhelming moral and social degradation of the Irish family. One text even used a

comparison of the future of Irish society to that of notoriously dysfunctional cartoon family, The Simpsons. However, the frame is not completely negative; it attempts to be inspiring as well. Ireland is referred to as a unique state with regard to their constitutionally enshrined commitment to guard the institution of marriage. Through this commitment to marriage the Irish family will prosper and continue to establish loving, happy and stable homes. The frame challenges the state to help women and men in Ireland rediscover their joy of marriage in order to circumvent the breakdown of the Irish family.

PRO LGBT

The pro LGBT frame contends that the Religious Right has been misrepresented by the LGBT movement when in fact it is supportive of homosexuals. Furthermore, this frame clarifies that the defense of marriage is not a homophobic stance. In fact this frame proclaims to be completely supportive of homosexuals and condemns any act of discrimination on individuals based on sexual orientation. Basic human rights should be afforded to all individuals regardless of sexual orientation; however this should not be done at the expense of marriage which is the bedrock of the Irish society. According to this frame the state is not prevented from providing or introducing polices which provide protection or rights to same sex couples in long term relationships, however these protections should not elevate the relationship to the level of a marriage. The frame contends that same sex couples possess many of these rights already. Same sex partnership have the ability to produce living wills leaving their positions to their parents, they can already sign documents to allow visit during emergency medical situations, etc. Because same sex couples are already protected through rights there is no reason to grant civil partnerships to same sex couples. As a result, the state should then leave it up to same sex unions to take advantage of the protections they are already granted and not get involved. By involving the state, the frame contends that the civil partnerships act is simply an act to elevate the notion of same sex unions to that of marriage which ultimately is

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unjust and unnecessary. The Religious Right supports polices that are pro LGBT so long as they do not diminish the important role of marriage.

Private vs. Public

This frame contends that there is an overwhelming problem in Irish society to view marriage as private union between those involved. However, as established family+marriage+society frame this is not the case. Since marriage is the foundation for a thriving society the protection of marriage becomes a public matter. This is not the case for same sex civil partnerships. Since same sex unions are not tied intrinsically to the common good of the state, same sex unions are a private matter. Therefore same sex unions are private matters not entitled to the same level of protections as marriage. Private matters should be left to individuals to decide and not the state as suggested in the Pro LGBT frame.

Legal

The legal frame is very simple. Civil Partnerships are unconstitutional because they infringe on article 41 of the constitution which states "the state pledges itself to guard with special care the institution of Marriage, on which the Family is founded and to protect it against attack" (Republic of Ireland). By elevating other forms of unions such as civil partnerships to the same level as marriage through the extension of inalienable and imprescriptible rights the state is no longer fulfilling its constitutional commitment to protect marriage. Therefore, the state cannot make any legislation which will undermine marriage in any way. The religious scholarship contends it will challenge any attempt to do so.

Equality

The "equality" frame states that because marriage between a man and women is unique it would be unjust to treat any other union in a comparable fashion. The equality frame of the LGBT movement misrepresents the notion of equality by attempting to equate the union of one man and one woman with a union of a same sex couple. The duty, function, and service to society for a married couple are fundamentally different than that of a same sex couple.

Therefore, it would be irrational for the state to treat these different unions in the same manner and contrary to good policy making. Furthermore, the frame finds that the Civil Partnerships legislation is directly in contrast to the principal of equal treatment. The principal implies that discrimination can only be invoked when unequal treatment is given to people or things that are equal. However, since the unions between opposite sex couples and same sex couples are fundamental different in regard to child bearing, raising the case for discrimination advanced by LGBT activists is simply unjust. The equality frame is one of the only frames which directly mention the LGBT movement in attempt to rebut any case of discrimination.

Part 3.2 The Irish Debate Process – Influence of Religious Right Frames

With a frame index constructed, the second step of this analysis is to examine the debate of Irish parliament members on the Civil Partnership Act during the legislative process and interpret the usage of the Religious Right framing by the parliament members. The Irish parliament consists of two houses the Dali and the Seanad and both debate legislation independently of the other. The legislative debate process is broken down into five identical stages in both houses. First a bill must pass through the stages of debate within the Dali before it can continue through the stages of debate in the Seanad. Upon passing the debate process in the Seanad a bill is considered approved and is sent to the Irish President to sign into law.

Second Stage – Dali

The first time members of the Irish parliament are officially granted the chance to debate proposed legislation is during the second stage of the Irish policy process. The purpose of the stage is offering members of parliament the opportunities to debate the broad and narrow scope of the bill and define areas to be amended. Whereas there is no actual mechanism to change the specific policy during the second stage, the second stage sets direction of the future stages of the policy process where the proposed bill can be altered. As the introducer

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of the Civil Partnership Act, Minster Dermot Ahern kicked off the second stage debate with a direct rebuttal of the most prominent frame 'attack on marriage' stating:

"This bill takes nothing from anyone but what is gives if profound and is positive".

What is clear from this statement is that the bill will not in fact affect the status of married couples and therefore is not an attack on the marriage of Irish citizens. The minister set the tone for the rest of the second stage debate in which nearly every Member of Parliament who spoke addressed the issue of attacking/undermining/diminishing/destroying the institution of marriage. Twenty seven members of parliament spoke during the second stage debate from both the supportive and oppositional sides of bill. During the course the members of parliament used their allotted debate time to either directly or interpretively address the 'attack on marriage' frame. During the course of the analysis a reference to this frame was found twenty three times during this debate. The majority of the references to the frame were in attempt to dispute the accuracy of such the frame. The following quote from Deputy Brenden Howlin illustrates how the frame was commonly referenced throughout the debate:

> "The argument against equality is a strange one. How can the extension of the right to marry, to more of our citizens who want to bond themselves with another human being in a loving relation that is recognized by law, be said to undermine marriage?...That would be absurd."

Although in less frequency the opposition used the frame in the same manner as found within the scholarship produced by the Religious Right, citing that civil partnerships goes too far and as a result undermines the place of marriage in society. An interesting relationship between the 'pro-LGBT' and 'attack on marriage' frame was interpreted from the speeches of oppositional members of parliament. One the one hand nearly every oppositional member of parliament strictly stated that they are favor of both the act and the need to establish greater protections for LGBT citizens, however, the bill simply goes too and greater distinction needed to be made between the civil partnerships offered by the bill and marriage. An

example this combination of the 'pro-LGBT' and 'attack on marriage' frame is illustrated by the remarks of Deputy Leo Vardkar. Deputy Vardkar was supportive of the overall bill and referred to the bill as both just and necessary in many regards, however; citing the switch of the verbiage 'marital status' for 'civil status' as confusing and potentially undermining the institution of marriage.

> "Under section 101 the term "civil status" will be substituted for the term "martial Statue" I do not understand the reason for this. If we want to reassure people that marriage is not being downgraded."

Deputy Vardkar found that by amending the bill to not remove marital status but instead just add civil status as an option would create a clear distinction and protect the institution of marriage. What is clear is that the 'attack on marriage' frame was apparent throughout the entire second stage debate and through the work of oppositions deputies like Vardkar; it could be used to influence a change in the bill.

The "attack on freedom religion and conscience" frame was the next more dominant frame detected within the second state debate. The frame was referenced a total of twenty one times. The frame was again referenced by both supportive and oppositional members of parliament. The frame was enlisted by the oppositional members of parliament to illustrate three main situations in which they fear that the act would force acceptance of LGBT unions against firm religious objections. The most dominate concerned was expressed for the role of civil registrars. These members of parliament find concern for the section of the bill in which civil registrars who object to same sex unions on the basis of religious ethos will be forced to register the unions against their stark objections or risk punishment by the state in the form of fines or imprisonment. Deputy Lucinda Creighton focused her speech on this situation stating

> "If someone, on personal conscience grounds, does not wish to carry out a civil registration, then it should be dealt with through the appropriate channels, as would happen in the case of any civil servant not caring out his or her duty as he or should. In some ways it would fly in the face of the concept of freedom of religion."

Furthermore, a situation wherein Irish citizens who provide public services that could connect to civil union celebrations such as bakers, florist or photographers will be required to offer their services to the celebration of same sex unions regardless of their religious objection. Again, these members of parliament argue that these individuals should not be required to offer services against their religious based objection. Finally, along the line of this frame there is a concern for the private property of churches such as parish halls being forced to rent out their facilities to civil union celebration regardless of the church's objection. A connection between the "pro-LGBT" and "attack on freedom religion and conscience" is again detected. While these members of parliament are concerned with an intrusion to religious freedom and conscious they contend that overall they are supportive of the necessity of the act in providing added rights and protection but demand religious and conscious opt-out option be added to the bill. The remarks of Deputy Creighton illustrated the connection between the two frames found within the Religious Right scholarship:

> "On the case for the idea of an amendment to the legislation on an opt-out for
> conscientious objectors or people with particular religious views who do not want to
> participate or play a part in a civil partnership ceremony, the attendant celebrations or
> whatever afterwards, I tend to agree."

A number of times the members of parliament referenced a substantial amount of public concern about religious and conscientious freedom, stating that it was their duty to represent the views of the public in this regard.

Mentioned significantly less, the "legal" frame was also dominant throughout the entire second debate process. However, much simpler references to this frame were made. The members of parliament who referenced the "legal" frame were concerned with the protections offered to same sex unions as making civil partnerships too similar to marriage which is strictly forbidden by the Irish constitution. Minster Dermot Ahern adjourned the second stage with a warning to the members of parliament which sought to strengthen the bill that any

amendments proposed by the members of parliament must not elevate civil partnerships to the level of marriage or the bill will risk a constitutional challenged being brought forth by those opposed to the movement.

Although these frames dominated the debate they were not the only references to the frames established by the Religious Right. Throughout the analysis references were found to the "family+marriage+society", "marriage is unique" and "family is irish" frames however very limited.

Third Stage – Dali

The third stage of the Irish policy process is known as the committee stage. The purpose of this stage is to consider the fine details of the bill section by section in order to improve overall bill. Minster Dermot Ahern started off the third stage debate by enlisting the "legal" frame to emphasize his second stage warning stating:

> "I wish to emphasize that one is obliged to adhere to the constitutional imperative that marriage continues to attract special protection. Moreover, it is clearly understood as a matter of constitutional jurisprudence that marriage is between a man and a woman… it raises the need to strike a balance between the special protection for marriage."

The bulk of this stage was dealing with the minutia of the bill for example adding and deleting sentences which are unclear. However, a number of amendments were proposed by various members or parliament to strengthen the bill in regard to civil partnership inheritance rights, the rights of the children of same sex couples, and the definition of a same sex home. An interesting scenario presented itself during each of these amendments – Minister Dermot Ahern rejected all of these amendments on the basis of the "legal: frame. In some instances the Minister commended the members of parliaments for attempting to elevate protections to same sex couples specifically the children of same sex couples; however he stated that it was imperative to strike a balance between the special protection of marriage within the constitution and the constitutional right equality. Eight amendments to strengthen and clarify

the rights and protections to same sex couples and their children were found during this stage

of debate, each of which were the Minister referenced the "legal" frame to reject them.

As with the second stage debate the "attack on freedom religion and conscience" frame was

referenced significantly. A potential amendment discussing the consciences opt-out for

registrars, service providers and religious institutions was discussed but not put forth by any

member of parliament. Instead the members of parliament insisted Minster Ahern spoke to the

concerns mentioned in the second stage debate. The minsters provided clarity that there was

no basis for the claims in regard to service providers and religious institutions. The bill does

not require religious institutions to provide their facilities to civil union's ceremonies nor does

it require service providers to offer their goods to same sex couples. However, in regard to

registrars the Minister stated that they are civil servants and registering civil unions is part of

their job, allowing an opt-out would allow for these individuals to pick and choose what

aspects of their job they want to do. The minister stated that allowing the opt-out for register

would be against sound public policy. The members of parliament agreed and did not press

the issue. The third stage concluded with no other references or debates around the frames

found within the scholarship of the Religious Right.

Fourth and Fifth Stage – Dali
The fourth and the fifth stages although technically separate were combined into one debate

during the debate regarding the Civil Partnership Act. The fourth stage consists of a review of

the changes that were made to the bill in the third stage, while the fifth stage is the platform to

propose last minute amendments before the passing of the bill in the Dali. The "attack on

freedom religion and conscience" overtook the bulk of conversation during the fourth stage

review. At the opening of the debate Deputy Seymour Crawford insisted on a conscience

clause to be added to the bill stating:

"Before the bill proceeds any further, will the Minister agree to include a conscience clause to allow people freedom without having to go to court?... with regard to civil partnership, however there is no room for conscience. No one has the right to refuse to take part in a civil partnership ceremony. That is totally wrong."

The opening by Deputy Seymour led to a heated debate over the conscious opt-out clause for registrars. Various members of parliament accused Deputy Seymour of adding a 'red herring' to stale the debate. Deputy Brendan Howlin argued that

"People are fundamentally opposed to principals of civil partnerships of same sex couples have thrown red herrings into this argument, and we have deal with those issues"

After a lengthy back and forth between the Member of Parliament, Minister Ahern reaffirmed his opinion that any such a clause would be against good public policy and will not be include within the bill. No further references to the frames established by the scholarship of the Religious Right were found within the fourth stage.

The firth stage debate transpired just as with the third stage debate, this is because it gives the parliament members one last opportunity to propose amendments to fix problems they find within the bill. As with the third stage the proposed amendments which sparked reference to the frames established by the Religious Right were focused on inheritance rights and the rights of the children of same sex partners. The amendments were again reject by Minster Ahern because he viewed the improvement of the rights and protections proposed in the amendment would bring civil partnerships too close to marriage and the bill would risk a constitutional challenge by the opposition. The continued reference of the "legal" frame became a frustration within the debate. Regarding his amendment on succession rights, Deputy Brendan Howling stated:

"In the provisions before us, the succession rights of a civil partner to another civil partner are less protected and vaguer than are those of a married couple…Obviously, this is by design. I believe that is unfortunate and will lead to difficulty in terms of forging, with absolute certainty or clarity, legal advice to people entering into civil partnerships, which is to be regretted."

At the conclusion of the firth stage no major amendments were accepted for fear over

infringing on the special status of marriage, however, the members of parliament passed the

bill without the need for a vote due to universal approval.

Once passed within the Dali the Civil Partnership was sent to the Seanad for debate. The

debates process follows the exact same stages as the in the Dali and the stages are

characterized by the same requirements and purposes.

Second Stage – Seanad

Just as in the second stage of the Dali, the second stage of the Seanad debate was kicked off

by Minster Dermot Ahern. Keeping to the precedent that was set throughout the Dali debate,

the Minister focused his opening statement with multiple references to the "legal" frame,

insisting that the bill stay within constitutional bounds by preserving and protecting the

special place of marriage within the constitution. Furthermore, the Minister amplified his

focus on the "legal" frame by defending the rejection of amendments which would widen the

scope of the bill and risk constitutional challenge.

The frame that clearly dominated the course of the Seanad debate was "attack on freedom

religion and conscience." The frame was referenced seventeen times which is more than

double any of the other frame. The frame was invoked by both oppositional and supportive

members of the parliament.   In demand for a conscious opt-out, Senator Rónán Mullen

stated:

> "The bill will infringe on people's freedom on conscious. There is no equality under
> this bill for the conscientious objector."

In a rebuttal of the push for the conscious opt-out, Senator Geraldine Feeney stated:

> It frightens me to think there are people who would introduce red herrings such as
> these to keep good legislation, as we have today, out of the state."

Taken together the comments illustrate the back and forth between senators on the issues of a conscious op-out amended which dominated the majority of the debate during the second stage. What was made clear regarding this topic during the first round of debate is that oppositional senators will introduce and support a consciousness opt-out regardless of the views of the Minster. Conversely, supportive senators will admittedly vote against the amendment.

The next most dominate frame referenced was the "legal" frame". The frame was referenced seven times throughout the second stage debate process. The senators in opposition of the bill focused ensuring that the rest of the senate takes the Minsters advice and makes sure there is no attempt to broaden the scope of civil partnerships. Leader of the oppositional senators, Senator Jim Walsh stated:

> "My primary concern is in respect to protecting the constitutional status of marriage, and in particular, the reasons behind that being in the constitution."

My interpretation is that throughout the Dali debate and the introduction to the Seanad second stage debate, the Minster provided fodder for this argument and the oppositional senators we ready to take advantage. However, throughout the second stage debate, a number of senators questioned the opinion regarding the constitutionality of the bill. Senator David Norris stated:

> "Let us not have any sanctimonious hand-wringing about supposed

unconstitutionality."

Similar to the "attack on freedom religion and conscience" the "legal" frame was fervently debated back and forth between sides. Both of these frames took precedent over the mention of any other frame by either side of the debate. However the "pro-LGBT", "marriage is unique", and "rights of child" were all referenced numerous times by various senators.

Third Stage – Seanad

Just as with the third stage of the Dali debate, the third stage of the Seanad debate is the

committee stage. The focus of the committee stage is once again proposing amendments to

strengthen the end outcome of the policy. Amendments put forward by senators during the

second stage focused on what was referred to as the missing rights of the children of same sex

couples. Once again the debate was focused around the 'legal frame'. Supportive senators

sought to provide more benefits in regard to the surviving children of a same sex partner

whom passes away, guardianship rights, and inheritance rights. The amendments were

strongly opposed because they were argued to give benefits which elevated civil partnership

rights above the provided for the children of traditional marriage. After losing a vote for an

amendment which sought to provide greater clarity to the rights of children, Senator Norris

stated:

> "It is clear the government has won a victory…It is important that we get that out of
> the way in order that we can discuss the principles and the Minster's view and urge
> people of goodwill who are in any degree moved to act within parties"

In my interpretation the statement by Senator Norris was aimed to provoke Senators away

from the fear of creating an unconstitutional bill by providing greater rights to the child of

same sex couples. This scenario continued for a couple more amendments which were put to

a vote by supportive senators and resulted in more amendments not being passed in the

Seanad debate. However, the debate took a controversial turn when Senator Mullen

introduced an amendment for a consciousness opt-out clause for civil registrars. Senator

Mullen opened his remarks on this amendment by stating:

> "We come to an issue that is of major concern to many people of goodwill. This is one
> of three amendments which I have proposed, the purpose of which is to protect
> freedom of conscience in various issues."

After speaking for nearly twenty minutes about the purpose of this amendment, Senator

Mullen was asked by the acting chairman of the debate to wrap up his remarks and open the

amendment to debate amongst the senators. Senator Mullen reminded the acting chair that there is no time limit and continued his remarks. As more time passed it became apparent that the senator was filibustering the debate process. Senator Mullen read a Shakespeare soliloquy which he stated was germane to his amendment; however he was interpreted numerous times by the acting chair for a lack of relevance. After the soliloquy, Senator Mullen began to read letters from constituencies which demanded a religious opt-out clause within the bill. Senator Ivana Bacik interrupted the Senators remarks and stated:

> "If we are to be fair, we should give others a chance to speak to it, Senator Mullen is filibustering now."

To this Senator Mullen replied:

> "I have a higher duty to show consideration to people who might be put in prison as a result of this iniquitous provision."

Senator Mullen continued and was supported by other oppositional senators. Senator Labhrás O Murcú stated:

> "Everything I have heard from him so far is related; in fairness, he is doing the House a service by providing us with information."

Eventually, Senator Mullen's remarks resulted in the acting chair evoking a legislative process in order to discontinue the remarks and open the amendment to debate. The debate regarding this amendment took such a length of time that the acting chair of the debate was forced in enact what is known as the "parliamentary guillotine". The act imposes a strict time deadline for a debate and after the deadline all possible amendments tabled by senators that have not been reached will be deemed rejected (Hunt 2010). Throughout the debate regarding this amendment nearly every aspect of the "attack on freedom religion and conscience" frame was referenced e.g. opt-out for registrars, service providers, religious institutions and the fear of imprisonment. In my interpretation the frame provided the opposing senators with a

situation in which they could take advantage and hijack the debate by citing a public demand for the opt-out clause. The debate continued until the opt-out clause was eventually killed.

Fourth and Fifth Stage – Senade

The fourth and fifth stages were again combined into one debate for the purpose of this act. Due to the enactment of the guillotine process there was a limited review of the changes in the third stage and the senators moved straight into proposing last minute amendments according to the firth stage process. The debate started off as usual with the first amendment discussed pertaining to inheritance rights, however rest of the time allotted to the fifth stage was once again taken over by oppositional Senators whom proposed another amendment to include a conscience opt-out clause into the bill. The debate transpired almost exactly as it did within the third stage debate and the clause was eventually defeated by a majority vote of the senators. The debate resulted in frustration of senators as they began to realize there will be no time to propose their amendment and result in the amendments automatically being defeated. In reference to lost amendments regarding serving children of a deceased same sex parent, Senator Ivan Bacik stated:

> "This would have put them on par with the surviving spouse of a marriage. We fest that would have been an important to the legislation. Unfortunately, due to the filibustering and obstruction earlier, we did not have an opportunity."

After the second defeat of an opt-out clause the Seanad moved to vote on the bill and passed the Civil Partnership Act with only four oppositional votes. The bill was declared a major victory for the Irish parliament, however numerous amendments to improve bill never saw the light of day.

Conclusion

The case of the Religious Right movement and the Irish civil partnership illustrated an interesting puzzle highlighting a difficulty amongst social movement scholars to expose and pinpoint influence of movements across the policy process. At first glance, the Civil

Partnership Act is a clear victory of LGBT advocates. If examined in relation to the goal of the policy (civil partnerships) and the policy outcome (civil partnerships) it can be considered a success. However, as outlined throughout this thesis the act was vocally opposed by a strong countermovement and the act fell short with regard to offering LGBT citizens equal protections as those enjoyed by their heterosexual counterparts. With an aim of exposing the influence of the Religious Right on the Civil Partnership Act, this thesis illustrated how the diagnosis frames created by the Religious Right penetrated the decision making process of the Irish parliament. Furthermore, this thesis brings to light a number of scenarios in which this influence can be interpreted as affecting the overall policy outcome in both houses of the Irish parliament.

Exposure of the Influence during Dali Debates
The problems with the legislation according to the Religious Right were exposed numerous times in the Dali debates. The "attack on marriage", "attack on freedom religion and conscience" and "legal" frames all dominated every stage of this debate. However, none of the frames were enlisted by the various members of parliament to change the policy outcome. Instead the "legal frame" was used by Minster Deputy Dermot Ahern to prevent and reject any strengthening of the policy outcome. I believe the Minster's use of the frame to reject amendments shows an explicit influence of the Religious Right to prevent improvements of the policy outcome, and further contributed to the weak policy. Although, the frame was enlisted by the minister in good conscience to protect the constitutionality of the act, it is a significant influence nonetheless.

Exposure of Influence during Seanad Debates
The same frames were again prominent in the discourse of the Seanad debates. However, there is a difference with which the "attack on freedom religion and conscience" frame was employed through this debate. The "attack on freedom religion and conscience" frame was used to hijack and filibuster the debate process within the Seanad. The frame allowed the

Senators to maintain focus on and peruse the issue on a religious opt-out clause. Although, the clause was not included within the final policy, the debate surrounding this clause did not allow for many amendments to enter the debate which could have potentially strengthened the policy. I believe the events surrounding the religious opt-out clause expose a significant influence of the Religious Right in contributing to the passing of a weaker policy. Furthermore, the "attack on marriage" frame was enlisted by Senators to propose legislation that would further weaken the policy outcome; however these amendments were defeated by the majority vote of the Senators. Although these amendments were defeated, the debates surrounding the amendments expose the influence of the Religious Right in penetrating the decision-making of the Irish parliament.

Countermovements are Influential during the Decision-Making
To sum up, two scenarios transpired through Irish parliament debates on the Civil Partnership Act which expose the influence of countermovements during the decision-making phase. First, the "legal" frame was enlisted by a supportive Minster to protect the piece of legislation from constitutional challenges. This scenario ensured the policy would be legally sound and it contributed to a weaker version of the Civil Partnership Act being passed through the Dali. Second, the "attack on freedom religion and conscience" frame was enlisted by oppositional Senators to filibuster the debate within the Seanad and ensure no amendments to improve the legislation made it to the floor. Again, this scenario contributed to a weaker version of the act being passed through the Seanad. Together these two scenarios can be interpreted as exposing the influence of the Religious Right on the Civil Partnership Act. The findings of this thesis redresses both the deficiencies facing social movement literature highlighted in the introduction of this thesis by:

1. Providing an analysis of a countermovement's influence during a specific stage of the policy process

2. Providing an analysis of the understudied mid-level stage of the policy process, decision making.

This thesis exposes that countermovements do in fact have the potential to be influential during the decision making process.

Annex 1 – List of Religious Right Texts Analyzed

Statements

1. Pope's Message for World Communications Day 2004. 26 January 2004.
2. Marriage And Family Are The Basis Of The Common Good – Catholic Bishops. 3 May 2004.
3. Supporting Marriage and the Family. 3 May 2004.
4. Homily of Rev John Magee, Bishop of Cloyne During Mass for Celebration of Christian Marriage. 10 May 2004.
5. Bishop Willie Walsh on Irish Times Opinion Article on Marriage and Family. 24 April 2007.
6. Homily by Cardinal Seán Brady at John's Cathedral. 23 August 2009.
7. Homily of Bishop John Fleming at Mass to Mark the Conclusion of the Cura Annual Conference. 27 March 2010.
8. June 2010 General Meeting of the Irish Bishop's Conference. 16 June 2010.

Reports

1. Why Marriage Matters – Irish Bishops Conference.
2. The Family as the Foundation of Society – Accord.
3. Domestic Partnerships: A Response to Recent Proposals on Civil Unions – Iona Institute.
4. Made for Children: Why the Institution of Marriage Has Special State - Iona Institute
5. Consequences Of The Civil Partnership Bill For Marriage and The Family – Cóir.

Annex 2 – List of texts on Irish Parliament Debates Analyzed

1. Civil Partnership Bill 2009: Second Stage. Dali. Thursday, 3 December 2009.
2. Civil Partnership Bill 2009: Second Stage (Resumed). Dali. Thursday, 21 January 2010.
3. Civil Partnership Bill 2009: Second Stage (Resumed). Dali. Wednesday, 27 January 2010.
4. Civil Partnership Bill 2009: Committee Stage. Dali. Wednesday, 24 March 2010.
5. Civil Partnership Bill 2009: Committee Stage (Resumed). Dali. Thursday, 27 May 2010.
6. Civil Partnership Bill 2009: Report and Final Stages. Dali. Thursday, 1 July 2010.
7. Civil Partnership and Certain Rights and Obligations Bill 2009: Second Stage. Seanad. Wednesda, July 2010.
8. Civil Partnership and Certain Rights and Obligations Bill 2009: Committee Stage. Seanad. Wednesday, 7 July 2010.
9. Civil Partnership and Certain Rights and Obligations Bill 2009: Committee Stage (Resumed). Seanad. Wednesday, 7 July 2010.
10. Civil Partnership and Certain Rights and Obligations Bill 2009: Committee Stage (Resumed). Seanad. Thursday, 8 July 2010.
11. Civil Partnership and Certain Rights and Obligations Bill 2009: Report and Final Stages. Seanad. Thursday, 8 July 2010.

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