The Changing Role of Women in Ireland: A Political and Legal Perspective

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https://dx.doi.org/doi:10.21220/s2-xbf6-4k53

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THE CHANGING ROLE OF WOMEN IN IRELAND:
A POLITICAL AND LEGAL PERSPECTIVE

A Thesis
Presented to
The Faculty of the Department of Government
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

by
M. Kathryn Ayers
1992
APPROVAL SHEET

This thesis is submitted in partial fulfillment of the requirements for the degree of

Master of Arts

M. Kathryn Ayers

Approved, August 1992

Alan J. Ward

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Katherine I. Rahman
DEDICATION

For Jon Cantonwine, Steve Gerrard, and the countless others who have fallen victim to AIDS and have left us to carry on.
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ACKNOWLEDGMENTS

The writer wishes to express her appreciation to Professor Alan Ward, under whose guidance this thesis was written, for his patient guidance and criticism. The author is also indebted to Professors Paul Whitely and Katherine Rahman for their careful reading and criticism of the manuscript. And finally, the author thanks Richard Heyman, for his editing, criticism, and constant support and encouragement.
ABSTRACT

This thesis examines the changing role of women in Ireland, as an example of the process of secularization that has occurred throughout the world. As society has moved from a traditional rural base to a more industrialized one, women have gained greater rights and have pursued more varied roles. In an attempt to understand what forces have motivated and limited this change, this thesis will draw upon Ronald Inglehart's theory of Culture Shift. An examination of women's role in the early years of the Irish state and her legal position illustrates the staunchly traditional role women were placed in. The industrialization of Ireland, however, has brought about a change in roles and attitudes and this has lead women to demand greater equality and participation in all spheres of modern life.
THE CHANGING ROLE OF WOMEN IN IRELAND:
A POLITICAL AND LEGAL PERSPECTIVE
Chapter 1.
Women and the Early Years of Ireland

Introduction

Throughout much of the Western world, the status of women in society has been changing during the course of this century. Women have gained economic and political rights and have become more assertive in the various spheres of modern life. The Republic of Ireland, like many other countries, has undergone this change. Particularly in the last twenty or so years, women have been granted greater legal rights and freedoms while becoming more active in both public and personal spheres of society. However, in a comparative sense, Ireland seems to lag behind the other Western states in the status it accords half of its population. For many, Ireland is seen as parochial society where women are still second-class citizens. This work will attempt to examine why the status of women has changed in Ireland, what have been the forces limiting these changes, and where the status currently stands.

At the beginning of this century, Ireland embarked on the route to independence and national self-determination. The founding of the Free State and the emergence of the Irish national identity were factors in determining the
status and role of women in Irish society. Though guaranteed political rights, society and law combined to keep women at home in the role of wife and mother. Many of the legal restrictions placed on women at this time continued into the late 1960's and 1970's.

Irish society, however, like much of Europe and America, underwent many changes in the course of this century. Sean Lemass, de Valera's political successor, sought to fundamentally change the fabric of Irish society by creating jobs through industrialization. This change in the economy increased urbanization and changed farming methods, thereby transforming the roles of men and women in society. This transformation, in turn, affected Irish values and attitudes; it was these new Irish attitudes that provided the impetus for a change in the position of women.

Ronald Inglehart's theory of post-materialism and culture shift provides a useful model of how and why the change in values occurs. In the Irish case, it explains who is most effected, who is most likely to have liberal values, and what the limits of transformation are. Because of Ireland's national identity and late industrialization, it has a strongly traditional population that has limited the gains made by women.

Still, change has occurred. Women have won greater rights and freedoms in many areas from employment and social security benefits to reproductive rights. Their changing
role is reflected in employment patterns and greater participation in the political sphere. Irish women have become increasingly similar to their European neighbors in both their values and roles. Ireland has undergone the same transformation, from a traditional rural society to one that is urban, industrialized, and more secular, that has affected much of this world. This transformation has meant a radical change in women's status and roles in society, but Ireland has retained its own identity. The process has not occurred for as long nor has it completely penetrated Irish society, and the position of women in Ireland reflects this.

Women and the Free State

Fundamental to understanding the current status of women in the Republic of Ireland is knowledge of what place women had at the founding of the Irish Free State in 1922, and how the founders' early decisions regulated the position of women. The creation of the Free State seemed to bode well for women because the struggle for independence included a number of prominent women and the 1922 Constitution of the new state outlawed discrimination against women.

Women had been active in the Nationalist struggle for many years. Early actions included Anna Parnell's establishment of the Ladies Land League in the late
nineteenth century, and it was this organization that proved extremely useful when some of the male leaders of the Land League was imprisoned in 1881. The Ladies stepped in to maintain the League through the crisis. This activity also, writes R.F. Foster, provided

the political baptism for a generation of radical Irishwoman who spoke on platforms, organized tactics, were denounced by the clergy, and got arrested. Many of them would later be involved in the suffragette movement and Sinn Féin.¹

Women soon joined the forefront of both movements for independence and women's political rights, though the relationship between the suffragettes and the Nationalists was often a strained and tempestuous one. Both sides accused the other of having misplaced priorities.² However, women from both movements were prominent during the time of the Easter Uprising and the ensuing war for independence, often acting as messengers and volunteers, and some actually engaging in fighting.

Perhaps the most famous and highly placed woman was the Countess Constance Markievicz, the Irish wife of a Polish Count, who joined Sinn Féin in 1909 and was an officer in the Irish Citizen Army. She was active in the Easter Rising and received a death sentence from Britain which was later


commuted. In 1918, as Sinn Féin candidate for St. Patrick's, Dublin, she became the first woman elected to the British House of Commons. She refused her seat but was active in the first two Dáil Éireann, the underground Irish parliament during the Irish War of Independence from 1919-1921, serving as Labour minister in both. Many other women played parts in the struggle for independence, including Helena Moloney, labor activist, Hanna Shehy-Skeffington, suffragette, Isabella Augusta Gregory, playwright, Alice Milligan, Anna Johnson, Maud Gonne MacBride, actress, and Mary MacSwiney. All these women were very vocal in the political and literary spheres of the time.

The presence of so many women in the political debates of the time, the extension of the franchise to women in 1923 and Article 3 of the 1922 Free State Constitution (which sought to safeguard equality of opportunity regardless of sex) seemed to indicate a commitment to women's equality in the Free State. Ireland appeared to be pursuing a progressive future; but, by the time of the passing of the 1937 Constitution, women had been relegated to the home and domestic sphere in the Irish State. The

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3Foster, p.445.
cause of this apparent turnaround was the Free State's remarkable conservatism. With partition, the only large industrial center on the island, and most of the Protestant population, split from the 26 counties of the new independent Ireland. This left the Free State overwhelming Catholic and marked by a largely rural economy and society. The 1926 Census recorded that 61% of the population lived outside towns or villages and that 53% of the state's gainfully employed population were engaged in agriculture. The employment figure is even more remarkable when one considers that the wives of farmers, who were often actively engaged in agricultural pursuits of milk and egg production, were not counted. This largely rural, peasant, Catholic society had conservative social values which were translated into discriminatory measures against women.

The prominent women in the independence and suffrage movements were surprisingly quiet in the activities of the Free State. This was partly because many of these women were staunch opponents of the Treaty and supported the Republican side in the Civil War. They refused to recognize the government of the Free State. Mary MacSwiney, for example, whose brother died in jail of a hunger strike,

7 Foster, p. 499.
ardently opposed the treaty in the Dáil debates\textsuperscript{8}, and even though Countess Markievicz was re-elected to the Free State Dáil, she followed the abstentionist policy of Sinn Féin, her party.\textsuperscript{9}

The eleven women elected to the Houses of Oireachtas who served were remarkable for their lack of involvement in Dáil Debates and political issues.\textsuperscript{10} Most of them owed their political status to male relatives, a common Irish pattern for Dáil members. Deputies Bridgett Redmond, Mary Reynolds, Margaret Collins-O'Driscoll, and Margaret Pearse all had famous male relatives, and despite being from different parties, they all displayed the conservatism found throughout Irish society.\textsuperscript{11} The women senators were more active than their Dáil counterparts but not necessarily in a progressive way. Senator Ellen Odette opposed suffrage for women while Senator Kathleen Brown recruited members for the blueshirt movement, the neo-Fascist organization in 1930's Ireland. So, the Free State was marked by the refusal of many prominent women to participate, the poor quality of those who did serve the government, and conservatism of both

\textsuperscript{8}Liam O'Dowd, "Church, State and Women: The Aftermath of Partition" in Gender in Irish Society, ed by Chrisd Curtain, Pauline Jackson, and Barbara O'Connor. (Galway: Galway University Press, 1987). p. 10.

\textsuperscript{9}Foster, p. 445.

\textsuperscript{10}Murphy, p. 207.

\textsuperscript{11}ibid., p. 209.
its male and female members.

The move to restrict the rights of women can be seen in the larger context of conservatism in all aspects of Irish life. In 1925, the Free State enacted legislation effectively outlawing divorce. Contraception was outlawed by means of the 1928 Censorship of Publications Bill and the 1934 Criminal Law Amendment Bill. The Bill was used to prohibit the discussion and selling of contraceptives (though it also stifled artistic expression in the Free State). The Criminal Law Amendment Bill covered many issues relating to women; it raised the age of consent from 16 to 17 in respect of carnal knowledge and from 13 to 15 in respect of indecent assault. The act banned contraception because it was seen as contributing to prostitution. However, the monetary penalties for using contraception were twenty-five times greater than the penalties for prostitution, indicating which offense was considered more grievous by the Free State.

The 1930's saw the enactment of further legislation that eroded women's rights and their protection under the 1919 Sex Disqualification Act and the 1922 Constitution. In

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12 Foster, p. 615.

13 Murphy, p. 211.

14 ibid., p. 212.

1927, the Dáil passed the Juries Act, which virtually excluded women from jury service by making it necessary for them to formally apply to serve. The 1935 Conditions of Employment Act, introduced by Sean Lemass and supported by nearly all the Dáil Deputies including Labour, prohibited women from undertaking certain forms of work. The legislation was partly motivated by a desire to keep women in the home, but it also kept men from being replaced with the cheaper labor of women. The same year was marked by an all-party committee presenting a Bill banning the sale, importation, and advertisement of means of contraception, even though these things had been effectively illegal for 15 years. Because of these acts, by 1937 the Irish Free State had been placed on a blacklist by the Equal Rights International in Geneva for its conduct towards women.

These laws were very representative of the Catholic mores of the time. The writing of E.J. Cahill, who was approached by De Valera to draft a preamble and articles to the new constitution, are evidence of this. He advocated applying Continental social teachings to Irish conditions.

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16 O'Dowd, p. 17.
17 ibid., p. 26
18 Murphy, p. 219.
20 Murphy, p. 221.
21 O'Dowd, p. 15.
The basis for his views was a belief in natural law where "the sexes are complimentary on each other and form when united an organic whole".\textsuperscript{22} He espoused several measures to maintain the natural balance between men and women. These included: (1) strict legislation on women working, to prevent competition with men; (2) mandating that men should earn a family wage, enough to singly support a family; (3) separate education for men and women, with women pursuing education in domestic science, hygiene, art, music, etc.; and (4) women allowed to serve only on juries in cases affecting women, family, and children.\textsuperscript{23} Cahill even went so far to advocate a "family vote" exercised in the name of the family by the husband.\textsuperscript{24} Though this last suggestion was not enacted, the others reflect the Free State's policy in a number of spheres. His writings show the influence that Catholic teachings, through publications such as the Papal Encyclicals, had on Irish political and social life. The idea of men earning a family wage and the restriction on women's work combined to ensure that women were kept in low paying jobs. This often spelled disaster in single parent homes.

The Free State restricted women to the roles of wife and mother. Despite the right to vote, women were

\textsuperscript{22}ibid.

\textsuperscript{23}ibid., p. 16-17.

\textsuperscript{24}ibid.
effectively kept off juries, discriminated against in employment, and contraception was banned. The vocal women of the early twentieth century faded from public view and women were relegated to a more passive role in the new state.

Women and the 1937 Constitution

De Valera, whose party Fianna Fáil gained power in 1932, was unhappy with the constitution of the Free State; he wished to end the Free State, the oath which office holders swore to the British Crown, and Ireland's relationship with Britain. In its place, he wanted a constitution that shared his vision of Irish republicanism, separate from anglo-saxon values. His new constitution, historian Joseph Lee writes, "blended prevailing Catholic concepts with popular attitudes rooted in the social structures". Many argue that this constitution, with its inclusion of prevailing Catholic mores, codified the second-class role of Irishwomen into the highest law in Ireland; but, in the 1937 Dáil debates over the new constitution, de Valera defended his stance on women's rights. He argued

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26 Lee, p. 206.
that he and his constitution were working to protect the equal rights of women. Defending the removal of the phrase "without distinction of sex" from the draft of Article 40.1, De Valera declared,

So far as I know, whenever there was a question of working to ensure that women would have equal rights, I have worked for it, and there is nothing in this constitution which in any way detracts from the rights which women have possessed here.27

In one sense, his constitution was committed to equality for women, in the sense of political rights. Time and again, De Valera referred to women's "political equality". They could vote for and become members of the Dáil, or Senate, or Presidency. "There is no distinction made", he said, "between men and women as far as the vote, the franchise, office or anything else is concerned".28 There was no need for the phrase "without distinction of sex" suggested by Fine Gael Deputy Costello, it would only be redundant and unnecessary. De Valera went on to recount how it was always the Irish delegation in Geneva that women's organizations approached to help them in achieving equality. His constitution, he insisted, enshrined their requests.

Yet this constitution was used to justify social welfare discrimination, tax discrimination, and employment

27Dail Eireann, 11 May, 1937, p. 66.

28ibid.
discrimination against women.29 De Valera honestly believed the 1937 Constitution would protect women, that it in no way disbarred women from holding any position in the state;30 however, it did allow the Civil Service Act of 1956, which required any woman employed by the civil service, except in certain non-pensionable positions, to resign upon marriage(something that had been in practice for many years).31 On the one hand, the constitution seemed to guarantee equality; but on the other, it was used to uphold discrimination. The reason for this lies in both De Valera's conception of rights and his conception of women's place in society.

Before De Valera specifically addressed the rights of women, he spoke at some length about what are called "fundamental rights" in the new constitution. He actually argued that there are no such things as fundamental rights. He pointed out that there is a "natural conflict between the rights of the individual and the rights of the community as a whole".32 Because of this, no right of the individual can be expressed in an absolute way, but must be qualified. Giving the example of private property, he explained:

30Dail Eireann, p. 66.
31Scannell, p. 128.
32Dail Eireann, p. 62.
... when we are stating that the right, as a right, must be respected and must exist, we also have to note at the same time the fact that the common good, the interest of the community as a whole, may necessitate the delimitation of the use of that right to serve the common good.\textsuperscript{33}

Whenever conflict arises between the community and individual's rights, it is the community that should win, and its wishes should prevail. Therefore, De Valera opposed including in the constitution the phrase, "The Liberty of the individual is inviolable," because liberty is not inviolable. Rather, he continued, "Liberty may mean license and license has to be checked and curbed in the common interest".\textsuperscript{34} Even the most basic rights of the individual may be abrogated by the state, if not done in an arbitrary way.

The Constitution did guarantee the fundamental rights to free speech, assembly, and private property (Articles 40, 43) and it also recognized:

the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.\textsuperscript{35}

Particularly, the family rights were not to be infringed on by the state. But limits to some of these rights are implied under Article 45 of the Constitution which states the directive principles of social policy. Under this

\textsuperscript{33}ibid.

\textsuperscript{34}ibid.

\textsuperscript{35}Article 41.1, \textit{The Irish Constitution}. 
article, the Constitution grants the right of equality in the economic sphere, and sets limits on the exercise of private property for the common good. The Constitution was prepared to limit individual rights, as were the Oireachtas and the Courts.

In the recent "X" case, the Supreme Court found that the individual right to travel could be abrogated when the individual exercised that right to circumvent another constitutional principle.36 Earlier in the case, Justice Costello had ruled that an individual's fundamental rights under Article 40 are superseded by the rights of the community.37 Therefore, the Courts have interpreted the Constitution as limiting an individuals rights. This has lead legal scholar Dr. Yvonne Scannell to conclude about Article 45, that:

This article contains directive principles of social policy for the guidance of the Oireachtas, 'ideals, aims and objectives' to be achieved when, and if, the Oireachtas thinks fit. Women's rights implied in this article are not fundamental rights: they are rights that may be granted to them by their political representatives.38

The concept that the state has the responsibility to protect the individual for the common good has further


38 Scannell, p. 126.
influence on the treatment of women in this constitution.

Article 41.2 States:

1. In Particular the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.
2. The State shall, therefore, endeavor to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

Women are seen as important for their work in the home; indeed, without it, neither the state nor the community can achieve the common good. Therefore, it is the state's duty to ensure that women may remain at home. This reasoning justifies the marriage ban in the civil service, because women, especially when they become wives, are needed by society to work in the home. The state can use the means necessary to keep women there because the state is working for the good of the family and subsequently, the community, and not the good of women alone.

Equally important in Article 41 is the word "mothers". Here, the state is being quite specific in what service women provides for the good of the community: it is the service of mothering and home-making. As such, the state can take an active role in encouraging mothers to remain at home with children, their natural vocation. The social welfare policy of the Irish State relied on the assumption that women were dependent on men and that society is only obligated to support them when this dependency stops. Married women were, therefore, not entitled to unemployment
allowances and any income of a married woman was deemed her husband's for tax purposes. Married women were not regarded as individuals but rather, an integral and necessary part of the family.

Furthermore, De Valera argued that:

women should not be forced by economic necessity to enter into avocations unsuited to their strength or sex or age.

He admitted that economic conditions caused women to enter unsuitable employment and he implored the government to work to change this. The state must protect women from such a fate. He then added another reason to allow this discrimination against women, unequal ability. "One cannot absolutely state that all citizens, as human beings, are equal before the law". This idea also finds expression in the Constitution in Article 40 which guarantees the equality of the sexes before law but goes on to add:

This shall not be held to mean that the State shall not in its enactment have due regard to differences of capacity, physical and moral, and of social function.

If this is so, it offers another argument for erecting laws to prevent women from engaging in certain activities. The

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Scannell, pp. 128-129.
Dail Eireann, p. 72.
Ibid.
Article 40.1, The Irish Constitution.
state is protecting both the common good and the good of the individual. A woman at home serves the state well and is protected from unsuitable activities.

By interpreting the concept of individual rights and women's position in society this way, De Valera, naturally, saw himself as a champion of women. He continued the tradition that women should have equal political rights, and he took his concern for women one step further. His Constitution sought to recognize the special status of women in society and protect her from activities unsuitable to her sex. Terence Brown describes Ireland as "a largely homogenous, conservative, rural society" where "conservative ideology and the social fabric were bound up with one another, both expressive of the atavistic and widespread conviction that the essential Irish Reality was uniquely desirable, unchanging life of small farms and county towns in the Irish-speaking west". In this world, Irish woman, when married, remained at home caring for their families. As such, this sentiment of De Valera's was a natural reflection of a general Irish belief in the position of women in society; therefore, the Constitution's provisions, though debated in the Dáil, were acceptable to the Irish population. The Constitution and legislation of the Irish state reflected the Irish society's attitudes toward's a woman's position in society; they were just legal

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43 Brown, p. 182.
manifestations of already existing constraints on women.

The society that the 1937 Constitution represented did not change much for three decades, and the Oireachtas faced little opposition to its discriminatory legislation. It was easy to use Articles 40, 41, and 45 to legally keep women in the role of wife and mother. Because of this, even in the 1980's, most of the action concerning women's rights to equal pay, equal opportunities, equal taxation, and equal social welfare benefits was achieved under the laws of the European Community, not the Constitution. De Valera hoped to keep women protected at home, and out of the workforce. His constitution worked to this end admirably well. But while the constitution has not changed, Irish attitudes and values have, and it is this transformation that has brought greater freedom and legal rights to women.
Chapter 2.
Changes in Values and Attitudes

Irish society in the late twentieth century differs greatly from the Ireland of the 1921 Treaty and 1937 Constitution. Through the course of this century, Ireland's lifestyles have become less unique and more like those of its European neighbors. The demographic patterns of late marriage and high fertility have disappeared as the Irish now marry at similar rates to Western Europe and have fertility rates in accord with other Catholic European states. This change in demographics was brought about by changes in the Irish economy. Greater state intervention has led to an increase in industrialization and urbanization while agriculture has become more commercial. All these factors have lead to new roles for Irish men and women in their society and with these new roles have come attitudes and values.

Ireland, like most of Europe and North America, has grown wealthier in the last century; its population has become more urban, and its economy less dependent on agriculture. These economic and sociological changes have in turn, impacted and transformed the value system, and
consequently the political landscape. One of the most influential theories that explains this transformation is Ronald Inglehart's theory of post-materialism. His theory rests on two hypotheses:

1. **A scarcity hypothesis.** An individual's priorities reflect the socioeconomic environment: One places the greatest subjective value on those things in relatively short supply.

2. **A socialization hypothesis.** The relationship between socio-economic environment and value priorities is not one of immediate adjustment: A substantial time lag is involved because, to a large extent, one's basic values reflect the conditions that prevailed during one's pre-adult years.[emphasis his.]

Individuals who come of age in times of economic scarcity will be more concerned with economic issues. They are materialists, whereas individuals whose pre-adult years fall in times of economic well-being will be more concerned with issues of freedom, personal happiness, and civil liberty. They are post-materialists. In many advanced societies Inglehart sees a division between those who grew up in the Great Depression and the children of the post-war years. A similar dichotomy occurred in Ireland. Under Sean Lemass, the political successor to Eamon de Valera, and Ken Whittaker, Secretary of Finance, the Irish government in the 1950's pursued a vigorous course of economic development

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"Ibid."
that led to much greater prosperity in the 1960's and early 1970's.

According to Inglehart's theory, post-materialists, who are the product of the more affluent Western states, are changing the current political landscape. In studies, Inglehart found that the younger generations were more likely to be post-materialists.\(^4\) Education and affluence also plays a role, as these post-materialists are more likely to be better educated and have a higher status job than their materialist counterparts in the same age groups.\(^7\) Ireland, though to a lesser extent, follows these patterns which are found in the majority of Western societies.

In *Culture Shift in Advanced Industrial Society*, Inglehart specifically addresses how these new post-material values affect religion, gender roles, and sexual norms. He asserts several propositions: first, that post-materialists should be more likely to accept cultural change than others in society\(^8\), and second:

> the norms linked to the maintenance of the two-parent heterosexual family clearly are weakening, for a variety of reasons, ranging from the rise of the welfare state to the drastic decline of infant

\(^4\)ibid., p. 93.

\(^7\)ibid., p. 171.

\(^8\)ibid., p. 178.
Because of this, one should expect the young, more than old, and the relatively secure, more than the insecure, to accept changes involving religion and gender roles. The pattern of those in society who are more likely to accept change is a similar pattern to those who are likely to hold post-material values. A society that is producing a younger, more affluent, and better educated people should expect a change in its moral values. These people will be less religious and more willing to accept changes. In the Irish case this has meant support for legislation to provide for divorce, contraception, and an increased role for women. However, this shift is gradual, Inglehart warns, because population replacement is slow, due to both declining birth and death rates.

Inglehart's theory, then, provides a useful framework for not only explaining why change has occurred in the Republic of Ireland but also what has limited this change. Ireland's transition from materialism to post-materialism is not a mirror of the transitions in other Western societies. Ireland remained an insular society dependent on agriculture far longer than many other Western states. Even today, it is more heavily dependent on this sector of the economy than many European states. When discussing economic change early

\textsuperscript{49}Ibid., p. 179.
in Cultural Shift, Inglehart restates Weber's insight:

That culture is not simply an epiphenomenon determined by economics, but an autonomous set of factors that sometimes shape economic events as well as being shaped by them.\(^5^0\)

In this, Inglehart seeks to remind social scientists that culture and religion are important factors in determining economics, which in turn, helps determine culture and moral values. Ireland, amongst Western states, is unique in the depth and breadth of religious feeling of its populace. Since independence, Ireland has been an overwhelmingly Catholic nation and has chosen to identify Irish nationality closely with this religion. Since the national identity has further been defined as rural and traditional, agriculture has always been emphasized in governmental programs. These factors have inhibited the changes that industrialization has brought. Emphasis has always been given to maintaining the agricultural character of the Irish economy. Emigration deprived Ireland of a cheap labor force that could have helped industrialization and money sent home by emigrants helped maintain Ireland's small farms.\(^5^1\) There has also been a strong resistance to the modernizing changes.

\(^5^0\) ibid., p. 49.

industrialization brings. Nevertheless, the pattern found in other advanced industrial societies is exhibited in the Republic of Ireland, if to a lesser degree.

Culture Shift in Ireland

The course of industrialization and affluence can be measured through Ireland's patterns of employment and emigration. The early years of independent Ireland saw the continuing exodus of much of its young, particularly female, to other countries. These emigration patterns had been established in the post-famine times when the family held priority over the individual. Family farms were very small and could only support (if then) a farmer, wife, children and parents. Farms could not be subdivided, particularly given the large number of children. Keeping these farms intact meant emigration for many and delayed marriages for others. In 1951, 31 percent of all women in the 30 to 44 age group were single. In 1977, only 13 percent were. Ireland's rate of bachelorhood was about 25 percent for men and 30 percent for women, well above the European average of

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52 ibid., p. 2.
10 percent for both sexes. After coming to power, De Valera pursued a policy of autarky, wishing to make Ireland self-sufficient and free of foreign markets. This inward looking policy produced little growth and few opportunities for the young, thus encouraging the patterns of emigration.

The Irish economy and population reached its low point in the 1950's when few jobs were available domestically. During that decade, because of the stagnant economic situation, Ireland had a net population loss of 400,000. Almost one person in eight emigrated. By the end of the decade, the government realized it needed to improve the standard of living to keep its citizens. In 1958, a revolutionary report was issued. Written by Ken Whittaker, it called for large-scale state involvement in the planning and financing of economic development. This report met sympathetic government thinking, due in part to the change in leadership that brought Sean Lemass to the position of Taoiseach. The time was right for a change in government thinking and action with regard to the economy.

The government began an ambitious plan to attract business and industries through various tax incentives and

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57Brown, pp. 213-214.
other measures. Agriculture became more export orientated, and the focus of the Irish economy shifted. The government program was a success and led to an increase in employment, as newly created industrial jobs offset the loss of employment in the modernizing agricultural sectors. There was a sustained increase in overall employment rates, and emigration began to fall. Indeed, by 1971, Ireland was experiencing a net immigration as more Irish people returned home than left, and the population began to increase from its all time low of 2.8 million in the 1960's.  

This decade also saw an almost universal increase in incomes, improvements in social welfare payments in real terms, the introduction of free secondary education, and increases in expenditures on housing and health services. Life changed in Ireland, as more people moved to the towns and cities, and electricity and water were connected to the farms.

The improved economic conditions lead to rising marriage rates in the 1960's and this, in turn, led to an increase in the number of births, but not family size. The traditional patterns of marriage and birth broke down as the number of children per family fell, a characteristic of all

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\(^{58}\) Sexton, p. 32.

\(^{59}\) Peter Cassells, "Living Standards." in Ireland in Transition. p. 71.

industrialized families. In 1981, the average number of children in a completed family was 3; this compares with the figure only a decade earlier of 4 per family. The total number of large families (having more than 6 children) was also decreasing substantially.\(^{61}\) Gone were the days of late marriages and ten or more children.

These changes in economic status, according to Inglehart's theory, should influence the attitudes and values of the younger generation. The 1983 European Value Systems Study (EVSG) indicates that Inglehart's theory is correct. The study produced two important results: (1) there has been a shift in values from one generation to another; but (2) this shift has been much smaller in Ireland than in Europe.\(^{62}\)

In regard to religion, the study raised the question of whether Ireland's phenomenally religious citizenry was acting out of faith or tradition. Even amongst those aged 18-24, 74 percent attend church weekly but only 34 percent believe that there is one true religion. 27 percent have a great deal of confidence in the church, but a larger percentage has little or no confidence, and only 33 percent believe that the church has adequate answers for individuals' moral problems and the problems of the family.

\(^{61}\)Finola Kennedy, p. 92.

Similarly, a larger percentage is sceptical.\textsuperscript{63} This shows that though Ireland still has an overwhelming number of weekly faithful, in their hearts, these followers are questioning their faith and the tenets of their religion. The study did find that the younger and better educated people were more likely to be critical of the Church and its teachings than the older generations. This supports Inglehart's argument that this segment of society, the post-materialists, is becoming more tolerant of change. The unemployed are particularly alienated from the Church. The trends amongst women are mixed: women at home who are not employed seem less affected by the movement away from orthodoxy, while housewives, who are also employed outside the home, run ahead of the trends and appear rather 'radical'.\textsuperscript{64} They are more likely to hold liberal views in all areas of the study.

There has also been a shift in permissiveness across the generational lines, although there are differences between what a person considers might ever be justifiable and the respondents own personal behavior.\textsuperscript{65} The Irish remain generally committed to the institution of marriage, and having both parents present to raise a child, but among younger respondents there is a growing acceptance of a woman

\textsuperscript{63}ibid., p. 121.

\textsuperscript{64}ibid., p. 21.

\textsuperscript{65}ibid.
raising a child alone. The idea that divorce is never justified is a minority view among younger and more educated people. They are also increasingly willing to allow possible human relation grounds, like the dying of love, in obtaining a divorce.\textsuperscript{66} The majority still strongly reject abortion for social grounds, but growing numbers view it as permissible to save the life of the mother or if the child will be born handicapped.\textsuperscript{67} This is in opposition to the Constitution which outlaws abortion in almost all cases. Again, these issues showed employed housewives as taking the radical view. In general, the study showed Ireland as more conservative than its European neighbors. Even so, a generational change is occurring, and recent political events are indicative of the conflict this transformation is producing.

Liam Ryan, in analyzing the results of the EVSG, argues that the survey illustrates that there are three Irelands. The first was created by the war of independence and is a "traditional conservative, well-integrated, religious society dominated by the twin influences of nationalism and catholicism".\textsuperscript{68} This is the Ireland of the older generations, a society bound together by an image of what Irish society once meant, Catholic and anti-English. The

\textsuperscript{66}ibid., pp. 52-53.
\textsuperscript{67}ibid., p. 54.
\textsuperscript{68}ibid., p. 101.
economic program of Lemass and Whittaker brought economic and psychological transformations to the country and this vision created a second Ireland where the new generations were integrated by the prospect of material well-being and affluence. This industrialization brought conflict between the old and new as Irish society became more secular. Finally, there is the third Ireland, the generation that is coming of age now. The worsening prospects for the Irish economy mean that this generation are not being integrated into society by Lemass' promise of economic security nor do they respond to De Valera's vision of Catholic nationalism. Alienated and frustrated, they represent yet another break with traditional Irish society and pose a problem for the Irish state.69

Yet it is not industrialization alone that has transformed Ireland; other forces have also been at work. The Second Vatican Council, held from 1962 to 1965, strongly effected the staunchly Catholic Ireland as the Church itself challenged its own orthodoxy.70 Traditional Irish life was rooted in the Church and its change helped bring about questioning of all things traditional. Many Churchmen, perhaps rightly so, viewed the reforms of the Vatican II with suspicion and hostility.

69 Ibid., p. 103.

Ireland had been, until the 1950's, a very isolated and insular society, but technological advances helped to change that. Not only was the economy becoming more integrated with the outside world, so was public life. Radios had become commonplace, even among the rural population, and they were followed by television in the 1960's. The media images, including those broadcast from Britain, offered alternatives to traditional lifestyles.\(^1\) Ireland could no longer protect its population from harmful ideas. Greater affluence meant more Irish travelling abroad. Ireland, the island, was becoming connected to the rest of the world and, consequently, being exposed to new ideas and values.\(^2\)

All these changes, from industrialization to reform of Church liturgy, had a two-fold impact on Irish life. First, the life of the family and the farm was changing. No longer did the traditional image of Ireland as a nation of small, subsistence farmers hold true. Industrialization and the modernization of farms had ended this. More people moved to the towns and cities as they stopped working in the agricultural sector. By 1951, 41 percent of the population lived in cities and towns. Dublin, and its neighbor Dun Laoghaire, contained over one-fifth of the population of the Republic of Ireland, and one-third of the population of

\(^1\)Beale, p. 42.
\(^2\)Finola Kennedy, pp. 95-96.
Dublin had been born outside the county. The changes in marriage and emigration patterns gives testament to the fact that post-famine Ireland no longer existed.

These changes in the economy affected women as their role in society began to change. Many more women began to seek employment in new industries, and they began marrying younger and having fewer children. For those who remained in rural life, the technological advances that lead to a more market-oriented production changed their position on the farm. The keeping of cows and chickens became either more important to the running of the farm and subsequently more commercialized and professional or these animals disappeared, leaving farmers' wives without this traditional sphere of action. The transition from subsistence farming to commercial farming meant that women were less likely to perform the traditional tasks of baking, knitting, and making clothes. Instead, they would purchase these goods in stores. The lifestyles of urban and rural women became increasingly similar.

The lifestyle of urban women was changing as well. Studies on the new urban classes found that the Irish social structure was changing; urban families were less likely to be extended and more likely to be that of the nuclear family type. This change was accompanied by a marked decline in

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73 Brown, p. 211.
74 Beale, p. 43.
parental power, and in the power of the aged in general,\textsuperscript{75} as families had less contact with their elder relatives. In this way, Irish society and the role of women in it became increasingly similar to that found in Europe and America.\textsuperscript{76} This was the second result of industrialization: Ireland became more like (albeit poorer) the other states in Northern Europe. Thus, Ireland found itself on the same path of secularization and transformation, though in a belated fashion. It was manifesting the same patterns of Inglehart's culture shift and this process of becoming more European was only accelerated by the entry into the European Common Market in 1973.

\textsuperscript{75}Brown, p. 219.

\textsuperscript{76}ibid., p. 42.
The 1970's were a time of enormous change for women and their legal status in the Republic of Ireland. The change in Ireland from a rural, traditional, society to an industrializing and urban society resulted in an evolution of Irishwomen's status at home and in the job market. The transformation in values and attitudes prompted new concern for women's issues, in both the public and governmental spheres. By the beginning of this decade, Ireland had its own women's movement that wanted change. In 1970, the government formed the Commission on the Status of Women to examine the problems facing women in Irish society. This awareness was translated into change through two methods. First, the courts began to exercise their right to judicial review. And second (which was to provide the main impetus for women's achievement of equal economic rights) Ireland joined the European Economic Community in 1973. These two factors provided the tools with which Irishwomen could begin to pursue equality.

Throughout the 1950s and the 1960s, Irish law continued in the manner set forth in 1937 Constitution: a married
woman's place was in the home. The 1956 Civil Service Regulation Act required all female civil servants to retire upon marriage unless the position had been exempted by the Minister for Finance. These exempted positions were usually non-pensionable posts. A married woman could only seek public service employment under unusual circumstances, and this generally meant, if she was widowed or her husband disabled. These practices were routinely followed in many other job fields. Further discriminatory measures included no entitlement to unemployment allowances if married, and declaring a married woman's income her husband's for tax purpose.

Despite these restrictions on employment, the economic transformation of Ireland was changing the working patterns of women. In 1951, 30 percent of all women were employed, with this percentage holding steady throughout the increases in the population over the next sixteen years. However, the profile of employed women began to change. In 1951, 59 percent of those employed were single, 30 percent were widows, and only 5 percent were married. By 1977 these

78 Scannell, p. 128.
79 Finlay, p. 46.
80 Scannell, p. 128.
81 ibid., pp. 128-129.
figures had changed; 55% were single, widows had dropped by half to 14%, and married women working had almost tripled to 14 percent. In 1961, one in twenty married women were employed outside the home, today the figure is one in five. This increase is almost entirely due to young women remaining at their jobs after marriage. There is little evidence to suggest that women are returning to work after their families have grown. The decrease in widows working is due, in part, to the increases in social welfare programs, and in part, to a decrease in male mortality rates. The industrialization of Ireland resulted in more women abandoning their traditional, rural roles and pursuing new roles in the newly created job market.

The change in women's positions was reflected by a greater awareness of the discrimination women faced. The government responded to these changes by forming a commission to:

...Examine and report on the status of women in Irish society, to make recommendations on the steps necessary to ensure the participation of women on equal terms and conditions with men in the political, social, cultural and economic life of the country and to indicate the implications generally --including the estimated cost--

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82 Rudd, p. 159.
83 Breen, et.al. p. 107.
84 ibid., p. 160.
85 See chapter 2 for a discussion on how rural modernization affected the farmers' wives.
The Irish government was coming to the realization that women must be more fully integrated into society. This may have been prompted by the Irish government's desire to enter the European Community. Their earlier bid for entry had been rejected in 1961,\(^8\) because of French objections. The French wished to keep the EEC as a more continental organization and were opposed to both Ireland and Britain joining. EEC treaty language was strongly committed to women's rights and the resolution of the Council of the EEC in 1960 had directed all member-states to pursue economic equality between the sexes\(^8\). The Republic of Ireland did not change its laws prior to entry into the EEC, but with its membership, women were able to use parts of the EEC treaty to pursue equality in the courts and demand changes from the legislature.

The Commission made 49 recommendation on how to help end discrimination; they included, but were not limited to: legislating equal pay, setting up machinery to combat sex-discrimination in employment, ending the marriage bar, awarding maternity leave, creating day care facilities, changing the social security and tax schemes, and changing

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\(^8\)Brown, p. 214.

\(^8\)Commission on the Status of Women, p. 40.
marital law. But the Commission concluded that these legal measures were not enough to end discrimination against women because they would leave untouched:

a larger and more subtle area of discrimination consisting of those factors which limit women's participation even in the absence of formal discrimination, that is, the stereotyped role that is assigned to women, the inculcation of attitudes in both boys and girls in their formative years that there are definite and separate roles for the sexes and that a women's life pattern will be predominantly home-centered while a man's life pattern will be predominantly centered on employment.

Industrialization had made sex-segregated roles less and less important as men and women were equally qualified to pursue many of the same activities. Becoming a modern economy has lead to the breakdown of traditional roles and attitudes. This was beginning to happen in the Republic of Ireland even though the legal framework did not reflect it. But the struggle for equality was hampered by the attitudes of both government and society that men and women should continue with their traditional roles despite the changes occurring.

Even with the industrialization of the economy and the opening up of Irish society, the Republic of Ireland was still a very conservative society, and it was difficult to pursue matters relating to the rights and freedoms of women

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80 ibid., pp. 227-240.

90 ibid., p. 12.
through the legislature. Instead, progress was made in the courts. Irish courts had been endowed with the power of judicial review under the 1937 Constitution. In it, Article 34.2 reads:

Save as otherwise provided by this article, the jurisdiction of the High Court shall extend to the question of the validity of any law having regard to the provisions of this Constitution.\footnote{James O'Reilly and Mary Redmond, Cases and Materials of the Irish Constitution. (Naas, Co. Kildare: Incorporated Law Society of Ireland, 1980). p. 68.}

However, the power of judicial review was seldom used in the early days of independent Ireland because the justices had been trained under the British system which allowed no review. In Britain, the law of Parliament was the supreme law of the land; there was no constitution that existed above it. A new generation of justices appeared who were more willing to exercise their constitutional power in assessing the validity of the Republic's laws and action. An important early case was that of Ryan v. the Attorney General, decided in 1965, which established as constitutionally protected "unspecified personal rights", including the right to bodily integrity and the right to marry.\footnote{Alan Joseph Shatter, Family Law in the Republic of Ireland. (Dublin: Wolfhound, 1977). p. 6.} These implied rights could be found under Article
40.3 of the Constitution and it was this that laid the groundwork for changes regarding reproductive freedom and other rights.

Employment, Equal Pay and Tax Laws

In 1970, the High Court in Murtagh v. Clery found that women had the implied right to earn a livelihood under Article 40.3, and therefore, discrimination in employment recruitment was unconstitutional. Still, the courts were reluctant to use Article 40.1 ("All citizens shall, as human persons, be held equal before the law") to strike down instances of sex discrimination in the law. Of more importance was the Treaty of Rome which became part of the Irish Constitution when the Irish people voted five to one to enter the EEC in 1973. Article 119 of the Treaty obliges member-states to pursue the principle of equal pay. EEC Directive 75/117 on equal pay and EEC Directive 76/207 on equal treatment reinforced Article 119 by calling for an

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93Article 40.3 reads:
1. The State guarantees in its laws of respect, as, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.
2. The State shall in particular, by its laws protect as best it may from unjust attack and, in case of injustice, vindicate the life, person, good name, and property rights of every citizen.

94Scannell, p. 129.
95Scannell, p. 131.
96ibid.
97Brown, p. 281.
end to all sex discrimination schemes that were work related. These directives added force to the Commission's recommendations on equal employment and an end to pay scales differentiated by sex and marital status.

Thus, forced by the Courts and EEC directives, the Irish legislature began to respond and enact measures to ensure greater rights and protection for women. Its first action was the passing of the Anti-Discrimination (Pay) Act in 1974, which mandates equal pay for the same jobs and "like work". The phrase "like work" is somewhat ambiguous but labour courts are directed to solve disputes between employer and employee in this area. 1977 saw the passage of the Employment Equality Act and the Unfair Dismissals Act. The Employment Act made it illegal to discriminate on the grounds of sex or marital status in: (1) recruitment for employment (i.e., job advertisement), (2) conditions of employment, (3) training or work experience, or (4) opportunities for promotion. At the same time, the government established the Employment Equality Office to advise people on their rights under this and the Anti-Discrimination Act.

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98 Scannell, p. 130.


100 ibid., p. 37.

101 ibid., p. 40.
The Unfair Dismissals Act dealt with the treatment of pregnant workers by outlawing dismissals arising wholly or mainly from the pregnancy of the employee. However, if the pregnancy prevents the employee from performing her job adequately, she may be dismissed if the employer has no other suitable work available. Protection to pregnant women was further extended by the Maternity Protection of Employees Act of 1981 which entitled all women in full-time insurable employment to take 14 weeks of maternity leave. Full-time means a minimum of 18 hours per week and includes women on probation, in training, and apprentices. None of the employment rights of the employee (i.e., seniority, pay rates) can be affected by maternity leave and the post must be kept open.

The Irish Courts overturned the discriminations against married women in the income tax code with decisions in the Murphy and Muckley cases. They found that these discriminations violated Article 41 of the Constitution which protects the institution of marriage. A wife's income is no longer counted as her husband's and instead, the couple may choose to file jointly or separately.

102 ibid., p. 38.
103 ibid., p. 39.
104 ibid., p. 40.
105 Scannell, p. 131.
106 Smyth, p. 112.
This removed a financial barrier to wives working by lessening the taxes on their income that would otherwise have to be paid.

**Contraception and Abortion**

In the same year as the *Murtagh* ruling, the Supreme Court used the implied rights in Article 40.3 to uphold the right to marital privacy and the right to a married woman to use contraceptives in the *Magee v. the Attorney General* case. Here a woman sued the state for seizing the contraceptive jelly she had ordered from Britain. Her doctor had fitted her for a diaphragm because she already had four children and a further pregnancy might have endangered her health. The Court decided that she had the right to import contraceptives for family planning. This led to an odd situation in the Republic of Ireland, as it was still illegal to sell contraceptives but not to import them. Family planning clinics opened which distributed contraceptives in return for a "donation" to the clinic. Strangely enough, the pill was available in Ireland from the 1960’s but it could not be used for contraceptive purposes, only as a cycle regulator. From 48,000 to 70,000 Irishwomen are using the pill, and many believe that some of

107 Scannell, p. 131.
109 ibid., p. 106.
these women are using it for birth control purposes.\textsuperscript{110} 

Six years passed before the Dáil was able to respond to the Court cases and legislate on the issue of contraception. The Dáil was helped by concessions made in the Bishops' statements of 1973 and 1978 when the Church conceded that the state was not bound to prohibit contraceptive measures even though Church teachings did.\textsuperscript{111} The Health Planning Act of 1979, the Irish solution to an Irish problem, legalized the sale of contraceptives to those having a bona fide family planning reason.\textsuperscript{112} This law attempted to limit sales to married couples by requiring a prescription by a doctor and insisting on a bona fide reason.\textsuperscript{113} Further, doctors and pharmacies were allowed to opt out of the scheme so even with legislation, contraceptive sales were still limited. Finally, legislation in 1985 legalized the sale of contraceptives to anyone over 18, married or single, allowing women some measure of reproductive freedom.\textsuperscript{114} 

However, liberalization provoked a conservative backlash in the Republic of Ireland and it took the form of

\textsuperscript{110}\textit{ibid.}, p. 106.  
\textsuperscript{111}\textit{ibid.}, p. 108.  
\textsuperscript{112}Smyth, p. 48.  
\textsuperscript{113}Beale, p. 107.  
\textsuperscript{114}Finola Kennedy, p. 97.
a constitutional amendment prohibiting abortion.\textsuperscript{115}

Abortion had always been illegal in the Republic but conservative forces wished to stop what they saw as an undermining of values in the Irish state. They wanted to write the prohibition into the Constitution, thus giving it a higher legal authority. In 1983, by a margin of 2:1, the voters of Ireland approved by referendum a constitutional amendment that reads:

\begin{quote}
The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantee to respect, and as far as practicable, by its law vindicate that right.\textsuperscript{116}
\end{quote}

This amendment put the right of the unborn child on an equal footing with the right of the mother and outlawed abortion even in the case of rape. The amendment has been used to stop organizations and publications from providing any information about abortion. Counselling services were closed and many were forced underground.\textsuperscript{117} Still, this does not stop at least 4,000 women a year from seeking abortion in Britain, even at a cost of up to £500 sterling.\textsuperscript{118}

Earlier this year, the amendment was used by Justice

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\textsuperscript{116}ibid., p. 59.

\textsuperscript{117}ibid., p. 60.

\end{flushright}
Costello in his judgement that prohibited a 14-year old alleged rape victim from leaving the Republic to seek an abortion in Britain.\textsuperscript{119} He found that the Constitution prohibited travel for the sake of an abortion and issued an injunction against the young girl forbidding her to leave the country for nine months. The Supreme Court, just over a week later, overturned Costello's ruling, stating that the life of the mother was in jeopardy and that the family could leave the country if they wished.\textsuperscript{120}

This case raised the question of abortion, yet again in Ireland. In February 1992, a Dublin \textit{Sunday Times} survey found that 60 percent of those asked favored changing the 1983 Amendment to allow abortion in certain specified circumstances.\textsuperscript{121} Many viewed the referendum vote on the Maastricht Treaty as a vote on the issue of abortion because the treaty allows free travel across the borders of member-states.\textsuperscript{122} Former Taoiseach Charles Haughey had a special protocol added to protect Ireland's abortion amendment, but Irish Bishops feel this is not enough of a guarantee because

\begin{itemize}
\item \textsuperscript{122}ibid.
\end{itemize}
of the treaty's mandates on travel and information rights. Therefore, many in the Church urged a no vote, despite full government support for the Treaty. On June 18, 1992, the Irish electorate overwhelmingly approved the Maastricht Treaty but this should not be viewed as evidence of its desire to overturn the abortion amendment. The government says a referendum on abortion will be held in the fall of 1992, which may settle the abortion question in Ireland.

Divorce, Maintenance and Property

Divorce is illegal in the Republic of Ireland, explicitly banned in Article 41 of the 1937 Constitution. The first proposal to change this occurred in the report of the All-Party Committee on the Constitution in 1967. It proposed the removal of parts of the Constitution that could be offensive to other religious groups. The Church opposed removing the ban on divorce and the issue was dropped until the 1980's. The Labour Party included the right to divorce in its November 1982 election manifesto and when the coalition of Labour/Fine Gael formed the government, they pursued the question. A referendum to decide if the ban


should be stricken from the Constitution was held June 26, 1986. The measure failed by a large margin after conservative Catholic lay groups worked to defeat it.\textsuperscript{125}

It was a similar strategy and coalition that had acted three years earlier to enact the abortion amendment.

Despite legal obstacles, family breakdown occurs in the Republic of Ireland, with an estimated 70,000 failed marriages.\textsuperscript{126} Couples with failed marriages have little recourse under the law and many anomalies exist. An annulment may be granted by the Catholic Church and the former partners would be then free to remarry in the Church, but if they have not attained a Civil Degree of Nullity they will be committing bigamy under the law of the state.\textsuperscript{127}

In fact, more annulments are granted by the Church than by the Irish government each year.\textsuperscript{128}

Most couples settle for a Separation Agreement that sets the terms for maintenance.\textsuperscript{129} This was established under the Family Law (Maintenance of Spouses and Children) Act of 1976 and allows couples to reach agreements on the maintenance of the spouse and children. Settlement can be pursued in the Courts where judges may issue orders for

\textsuperscript{125}ibid., p.217.
\textsuperscript{126}Beale, p. 79.
\textsuperscript{127}Smyth, pp. 90-91.
\textsuperscript{128}Beale, p. 81.
\textsuperscript{129}ibid., p. 90.
maintenance support.\textsuperscript{130} Orders will not be made if the wife deserts the husband, unless she is fleeing violence, habitual drunkenness, or mental cruelty, or in some cases, adultery.\textsuperscript{131}

Foreign divorces are recognized in the Republic of Ireland if they are performed in the couple's domicile.\textsuperscript{132} However, a wife's domicile is dependent on her husband's; she legally resides in the country he inhabits. An Irish husband can, therefore, acquire an English domicile by twelve months residence and divorce his Irish wife who may still reside in Ireland.\textsuperscript{133} An Irish women may not pursue the same course of action; even if she resides in England for years, her legal domicile will be with her husband in Ireland.

Another problem women face in marriage is that legally they cannot be raped by their husbands. They may withdraw consent only in extreme cases, such as a husband's inordinate demands or a husband suffering from venereal disease. But in general, a husband is entitled to assault his wife when she refuses him because he is acting for the

\begin{itemize}
    \item \textsuperscript{130}Shatter, p. 244.
    \item \textsuperscript{131}ibid., pp. 244, 247.
    \item \textsuperscript{132}Smyth, p. 92.
    \item \textsuperscript{133}Mary Hederman, "Irish Women and Irish Law" in The Crane Bag. Vol. 4 No. 1(1980). p. 57.
\end{itemize}
good of the marriage.\textsuperscript{134}

A women's right to the marital property had improved over the years. The Married Women's Status Act of 1957 gave her some entitlement to the family home and allowed either party in a marriage to appeal to the Courts to decide title to the marital property.\textsuperscript{135} The Family Home Protection Act of 1976 went further by ensuring that the family home or its contents cannot be sold, leased, or mortgaged without the consent of both parties.\textsuperscript{136} Court cases have also decided that a wife may acquire interest in the family home through direct and indirect contributions and that these will affect judgement in deciding title.\textsuperscript{137}

Under the Succession Act of 1965, a wife was granted right to her husband's estate, and vice versa. The spouse and legitimate children always take precedence in terms of the estate; though, if one partner deserts the other, he/she loses claim to the estate but this will not affect the children's rights.\textsuperscript{138} So, divorced persons must be sure that the State of Ireland recognizes their divorce or their former partners will be entitled to part of their estates.

\textsuperscript{134}ibid., p. 58.

\textsuperscript{135}Shatter, p. 274.

\textsuperscript{136}Smyth, p. 88.

\textsuperscript{137}Shatter, pp. 272-278.

\textsuperscript{138}Smyth, p. 89.
Ireland is one country that has provided social security benefits for deserted wives, though some payments are means tested.\textsuperscript{139} This benefit was introduced in 1970 in an attempt to deal with the problems caused by marital breakdown, and by 1976 some 5,000 were recipients of the allowance.\textsuperscript{140} The social security system originally provided for lower rates of benefits to married women than for men in the areas of unemployment, disability, invalidity, or pensions, and occupational injuries. This was justified by the assumption that a married women was supported by her husband and, therefore, had less need of these benefits. However, the EEC Directive on Equal Treatment in the Matters of Social Security (79/7/EEC) mandated the removal of discrimination against married women in benefits by 1984.\textsuperscript{141}

Conclusion

The decade of the 1970's illustrates the changes in the Republic of Ireland and their impact on women. The beginning of the decade saw the birth of Ireland's women's movement, following the pattern in America and Europe. This small but articulate group launched campaigns which ranged from legalizing contraceptives to demanding for equal pay,

\textsuperscript{139}ibid., 127.

\textsuperscript{140}Beale, p. 79.

\textsuperscript{141}Smyth, pp. 122-123.
and they saw many successes on these issues during the decade. The Republic of Ireland was becoming much like the other European countries. Its traditional lifestyle was being eroded by industrialization, and men and women were taking on new roles. Ireland's entry into the EEC merely intensified this trend, and the state was now legally responsible for bringing many of its laws into conformity with the other member-states.

The 1980's were a more mixed decade for women. Again, Inglehart's theory of culture shift offers an explanation. Though values were changing among the younger, more educated, and affluent voters, there still remained a large group of older people who were opposed to change and supported traditional lifestyles. These people were successfully organized in the campaigns against abortion and divorce. The results of the 1983 and 1986 referenda revealed that the traditionalists outnumbered the liberals by two to one. However, in keeping with Inglehart's theory, the traditionalist viewpoint was most strongly held in rural areas and older urban working class districts; whereas, the liberal viewpoint was strongly held in the more prosperous parts of Ireland, particularly South Dublin.\textsuperscript{142} In the words of one electoral analyst, these voters seemed to consist of those:

who have to some extent broken loose from the customary

\textsuperscript{142}Busted, pp. 217-218.
Irish reference points of extended family, Church, and rural community ethos and formed a more individualistic, personalized lifestyle.\textsuperscript{143}

The economic development of the sixties, the advent of a mass media culture, and even Vatican II, have worked to break down traditional Irish society and the changes of the 1970s and 1980s reflect this.

\textsuperscript{143}ibid., p. 218.
Chapter 4.

Women and Politics

The years between independence and 1977 were disappointing ones for women in the political sphere. The Dáil of 1923 had five women deputies, the highest number elected to the Dáil until 1977. During this period, no women were appointed to the cabinet or served as ministers of state. Of the 650 deputies elected to the Dáil during this period of time, only twenty-four were women—just four percent. Most of these were in some way related to former Dáil deputies (TD's) or connected to a nationalist figure. Few could be described as succeeding in politics in their own right. No woman served as President.

The situation in the Seanad, the upper house of the Oireachtas, was not much better. Only six women served in the first Seanad (1922-36) and only nineteen women were elected to the second version of this house in the years between 1937 and 1977. This despite the fact that eleven of the Seanad seats are nominated by the Taoiseach, and he could use this power to increase women's representation and

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redress the imbalance.\textsuperscript{145}

The lack of women participating is evident in all areas of the political sphere, from the number of candidates running in elections to their activity at the local level. By 1977, fifteen of Ireland's twenty-six counties had failed ever to elect a women TD. Only 65 women ever stood for the Dáil in nineteen elections and over half of those were independents or from minor parties.\textsuperscript{146} The major political parties were particularly lacking in representation regarding women. In the local elections of 1934, only thirteen women were elected to the twenty-seven local councils. By 1967, the situation had hardly improved with only twenty women being elected to 687 council positions. Despite emphasis on women's issues and their participation that year, the number represents only an increase of seven over the previous election.\textsuperscript{147}

Women in the Dáil

The events of the 1970's were to change this pattern of representation. Ireland had changed, and with it the status of women. Issues such as contraception and equal pay had pushed women to the forefront of the political debate. New, younger members of the political parties hoped to harness

\textsuperscript{145}ibid., p. 157.

\textsuperscript{146}ibid.

\textsuperscript{147}ibid., p. 158.
the voting power of women that had begun to organize itself around women's organizations and the non-partisan Women's Political Association. Beginning with the local elections of 1974, and continuing with the Dáil elections of 1977, Irish political leaders became committed to increasing women's participation in the political sphere. Consequently the face of Irish politics has changed and in 1990, a woman was elected head of state.

Jack Lynch, head of Fianna Fáil made the first attempt to woo women by adding six women candidates to the party's list for the 1977 election. One of these, Síle de Valera, followed the traditional Irish pattern of being related to a nationalist figure; she was the granddaughter of former Taoiseach and founder of Fianna Fáil, Eamon de Valera.¹⁴⁸ Upon winning the election, Lynch appointed a woman as a junior minister of state, the first since Countess Markievicz served in the second Dáil. The government also awarded consultative status to the Council for the Status of Women.¹⁴⁹ This election also saw a gain for women in the Seanad, where women won six seats. One, Gemma Hussey, a feminist, had based her campaign on the issue of the underrepresentation of women in Irish politics and she was the first of the twenty-four candidates to win one of the

¹⁴⁸ Brian Farrell and Maurice Manning, "The Election." in Ireland at the Polls. p. 147.
¹⁴⁹ Manning, pp. 157-158.
three National University seats. Mary Robinson was returned to her seat as senator for Trinity College after narrowly losing in her campaign for the Dáil. In the 1979 European Parliament election, women won two out of the fifteen seats.

The new leader of Fine Gael, Garret Fitzgerald, decided to follow Jack Lynch's lead and appeal to more women and younger voters. He pursued a strategy of recruiting women as political candidates for Fine Gael. These women often did not have traditional political experience, but were recognized figures in the women's movement. This strategy worked well for Fine Gael at the local level, when twenty-three of their candidates were elected in 1979. This was almost as many as the previous total number of women serving at the local level. Fianna Fáil elected thirteen of its female candidates, Labour six, and the other parties and independent, five. The representation of women was increasing.

Fine Gael continued to pursue the women's vote in the 1981 General election by emphasizing women's issues in its

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150 Maurice Manning, "The Senate Election." in Ireland at the Polls. p. 171.


152 Manning, "Women and the Elections.", p. 159.

153 ibid., p. 160.
party proposals and running more women candidates than the other parties. One of Fine Gael's more controversial proposals was to pay wives who were working at home £9.60 a week; it would be part of a transfer from their husband's tax credit. The proposal was never implemented but it seemed an earnest statement of Fine Gael's intentions and commitment to women's issues.¹⁵⁴

The party also continued the strategy of running candidates prominent in the women's movement. This created tensions in some constituencies between the new candidates and some of the long-serving local members. The only winning candidate from the Women's movement was Nuala Fennell for Dublin South. Nevertheless, eleven women were elected to the Dáil in 1981, six of them from Fine Gael. Six of these women broke the traditional mode by not having a strong family background in politics. They were unrelated to previous TD's and nationalist figures. Fitzgerald's first administration contained a woman, Eileen Desmond, as senior Minister for Health and Social Welfare. He also appointed a woman as junior minister to the same department. The Seanad election also showed gains for women as nine of its sixty members were women, and Gemma Hussey was appointed leader of this House.¹⁵⁵

Fitzgerald's government soon fell and the February

¹⁵⁴ ibid., p. 161.
¹⁵⁵ ibid., p. 162.
election of 1982 was not highly successful for women. Four women TD's lost their seats, three to male colleagues of their own party. Seanad Leader, Gemma Hussey, did manage to win election in the marginal district of Wicklow constituency and the Seanad returned with eight women members.\textsuperscript{156} Charles Haughey's\textsuperscript{157} cabinet contained no women but he did nominate Camilla Hannon, leader of the Irish Countrywomen's Association, to the Seanad and supported the nomination of Tras Honan as Speaker of that body, the first time the position was held by a woman.\textsuperscript{158}

The later election, in Nov. 1982, contained fewer women candidates but a record number were elected to the Dáil. Of the thirty-two candidates, fourteen were successful. These women also marked a movement away from the background of family ties. Only five of the women came from a political background, six came from local government, and three from the Women's movement,\textsuperscript{159} but there were only six women returned to the Seanad. Garret Fitzgerald formed the new government and continued his previous pattern of naming a woman to his cabinet, with Gemma Hussey as his Minister of Education. He also created a new junior ministry with its

\textsuperscript{156}ibid.

\textsuperscript{157}He also fell in the traditional Irish model of being related to former political figures. He was the son-in-law of former Taoiseach Sean Lemass.

\textsuperscript{158}ibid., p. 163.

\textsuperscript{159}ibid., pp. 163-164.
own department with special responsibility for women's affairs and named Nuala Fennell to this post.\textsuperscript{160}

The 1987 campaign was something of a disaster for Fine Gael, perhaps because they had been branded as anti-Catholic for their support of the 1986 referendum on divorce. They lost heavily to the newly formed Progressive Democrats,\textsuperscript{161} and Charles Haughey formed a new Fianna Fáil government. The number of women in the Dáil, stayed the same, however and another woman, Mary O'Rourke, was named to the cabinet, for the first time in a Fianna Fáil government.\textsuperscript{162} The 1989 campaign saw the loss of one woman TD and the continuation of Mary O'Rourke as Minister for Education.\textsuperscript{163}

The 1990 Presidential Election

One must regard 1990 however as the most significant election year for women. It was the year of a remarkable campaign that culminated in the historical election of the first woman president in Irish history, Mary Robinson. She was also Ireland's first secularist president and deeply committed to changing Ireland's laws regarding a number of

\textsuperscript{160}ibid., p. 165.


\textsuperscript{163}ibid., p. 87.
issues, from homosexuality to divorce. Her mixed marriage, sympathy for the Unionists in Northern Ireland, and support for legislation in opposition to Church teachings marked a departure from the Catholic nationalism that had characterized previous Irish presidents.

Robinson began her political career when she was elected to a Trinity College seat in the Seanad in 1969.\textsuperscript{164} In her twenties at the time, she became the youngest member of that body and the first Catholic to represent the University.\textsuperscript{165} A year after her election, she introduced a bill to legalize contraception, thus establishing herself as a champion of women's rights.\textsuperscript{166} In 1976, she introduced a measure to legalize divorce in Ireland. From 1977 until 1987, she served as chairperson the Parliamentary Joint Committee's social affairs subcommittee and from 1987 until 1989 she served as chair of its legal affairs committee. She also served as president of Cherish (the Irish organization for single parents) from its founding in 1973 until her election as president in 1990.\textsuperscript{167}

At the same time as pursuing a political life in the Seanad, Robinson was making a name for herself as an attorney in the Irish and European courts as an outspoken

\textsuperscript{164}Gallagher, \textit{The Irish Labour Party}. p. 218.

\textsuperscript{165}Current Biography. Vol. 52 Iss. 4, April 1991. p. 476.

\textsuperscript{166}ibid.

\textsuperscript{167}ibid. p. 477.
advocate of liberal causes. She argued issues such as the repeal of criminal laws concerning homosexuality, ending the category of illegitimacy in births, for equality in pay, and the legalization of contraception and divorce.\textsuperscript{168} She joined the Labour Party in 1976 and was narrowly defeated in the Dáil elections of the following year.\textsuperscript{169} She resigned from the party in 1985 in protest over the signing of the Anglo-Irish Agreement, feeling that the document ignored the fears of Unionists in Northern Ireland.\textsuperscript{170} Despite this, she was nominated by the Labour Party to run for the office of President in 1990.

The office of President had been held by a Fianna Fáil candidate since 1932 and there had not been a contested election in seventeen years. This time the Fianna Fáil candidate was Deputy Prime Minister Brian Lenihan, one of the more popular politicians in Ireland.\textsuperscript{171} Robinson faced considerable odds (Dublin bookmakers gave her 1000:1 odds when her candidacy was first announced) as she began her campaigning with the promise "You have a voice, I will make it heard". She appealed to younger voters with her calls for legalized divorce, greater access to contraceptives, and gay rights while trying to reassure more conservative voters.

\textsuperscript{168}ibid.

\textsuperscript{169}Gallagher, \textit{The Irish Labour Party}. p. 219.

\textsuperscript{170}Current Biography, p. 477.

\textsuperscript{171}ibid., p. 478.
of her commitment to family values.\textsuperscript{172}

Her campaign, though gaining momentum, probably would not have succeeded without the scandal that overtook Lenihan. Allegations of improprieties concerning the February 1982 election caused Lenihan to be dismissed from the cabinet and his popularity plummeted.\textsuperscript{173} Fianna Fáil was unable to draft a last-minute replacement candidate and it launched a negative campaign attacking Mary Robinson, which was partially successful. In the first ballot Lenihan managed to defeat Robinson by 44 to 38.9 percent but had not obtained a majority. However, the second preference ballots of the Fine Gael candidate gave Mary Robinson 52.8 percent of the vote, making her Ireland's first woman president and a decidedly liberal one at that.

Many see Robinson's victory as proof of the growing secularization of the Republic. Tradition had been broken by electing a non-Fianna Fáil candidate and a woman to this office. Though the presidency has limited political power (earlier, a joint committee to the Oireachtas had recommended abolishing the office), it does have symbolic power and Robinson's win was both unexpected and unprecedented.

\textbf{General Trends in Irish Politics}

\textsuperscript{172}ibid.

\textsuperscript{173}ibid.
The primary concern in Irish politics during the 1980's was economics. Nonetheless, the actions of the political parties give evidence to the growing secularization in Ireland and its ensuing conflict between traditionalists and liberals, both in the electorate and the government. By the 1987 election, a division had developed in Irish politics between those wanting traditional Catholic teachings to guide social law and those more accepting of a more liberal view. Fianna Fáil was billing itself as the party of traditional views with its advocacy of a constitutional ban on abortion and its opposition to the removal of the constitutional ban on divorce. The more liberal view was represented by a number of parties across a wider political spectrum. The Worker's Party and Labour Party have always taken a secular view towards social issues; in the 1980's, they were joined by the newly formed Progressive Democrats, who are strongly conservative on economic issues but advocate less government involvement in social and personal issues. Finally Fine Gael, first under Fitzgerald and continuing under Alan Dukes, has pursued a more liberal stance through such actions as support for the

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Divorce referendum.\textsuperscript{176}

Fine Gael, like all of Ireland, has experienced a conflict between its more liberal leadership and its often more conservative members and electorate. The party lost its overall majority in the Dáil when TD Alice Glenn resigned after severe criticism over a speech she made calling the non-Catholic churches the "enemies of the people".\textsuperscript{177} She stood as an independent TD in the subsequent general election. This election was a disaster for Fine Gael as many of its more traditional voters deserted the party for Fianna Fáil and its more fiscally conservative voters were attracted to the Progressive Democrats. Still, electoral data indicates that those who supported Fine Gael in the 1987 election felt that the party had the best policies in regards to contraception, divorce, and church/state relations.\textsuperscript{178} So, even after the 1987 election debacle, Fine Gael was representing a sizable part of the electorate that wanted reform on those issues.

The formation of the Progressive Democrats is also indicative of the greater secularization of Ireland, particularly among the urban and middle classes. The Progressive Democrats' elite were mainly former Fianna Fáil

\textsuperscript{176}ibid.

\textsuperscript{177}Tom Garvin, "The Road to 1987." in How Ireland Voted-1987. p. 15.

members though it drew most of its electoral support from Fine Gael supporters. Their program was a mixture of Thatcherite economics and a hand-off approach to such personal issues as contraception and divorce. Their fiscal conservatism was instrumental in attracting Fine Gael's more conservative base and forced that party to move more right on the political spectrum when it came to issues concerning the economy and government spending. The Progressive Democrats electoral support mirrored Inglehart's model of who is affected most by culture shift; the party had its greatest strength in urban areas, particularly middle-class ones. In 1987, its vote in urban constituencies was 6 percent greater than its vote in rural constituencies and it fared extremely well in middle-class suburbs like Dublin South and Dun Laoghaire, where Fine Gael face their greatest losses. The Progressive Democrats fared badly in the 1989 general election, losing votes in every constituency. Despite this, they had the strength to enter into coalition with Fianna Fáil to form the new government.

179 Peter Mair, "Policy Competition." p. 125.
180 Ibid., p. 37.
182 Ibid., p. 69.
183 Gallagher, "The Election Results and the New Dail." p. 75.
At the end of the 1980's, only Fianna Fáil remained committed to preserving the traditional relationship between Catholic teachings and Irish law. The other parties, which ran the gamut of the traditional left/right spectrum, were embracing a more liberal and secular approach to these issues. Though the referenda proved the strength of the traditionalists, Irish politics were moving towards greater secularization. This transformation was also reflected in how the traditional role of Irish women had changed leading to participation increases for women in all parties of Irish politics.

The late 1970's and the 1980's saw the beginning of a breakthrough for Irish woman in the political sphere. The number of women elected to all levels of the government began to rise. Though they still held only 7.8 percent of the seats in the Dáil in 1989, this figure is not unusual when compared with the representation of women in other European states (Table 4.1). It is also a great deal higher than the 3 percent representation for the period between 1922 and 1977. The same is true for the representation of women at ministerial level; well within the European average.

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184 ibid., p. 86.
185 Rudd, p. 163.
Table 4.1
Women Members of National Parliaments
in the European Community, 1982.186

<table>
<thead>
<tr>
<th>Country</th>
<th>Seats</th>
<th>Women</th>
<th>Percent</th>
<th>Percent as Ministers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>212</td>
<td>16</td>
<td>7.5</td>
<td>6.7</td>
</tr>
<tr>
<td>Denmark</td>
<td>179</td>
<td>42</td>
<td>23.4</td>
<td>19.0</td>
</tr>
<tr>
<td>France</td>
<td>491</td>
<td>21</td>
<td>4.3</td>
<td>13.0</td>
</tr>
<tr>
<td>Great Britain</td>
<td>635</td>
<td>23</td>
<td>3.8</td>
<td>4.8</td>
</tr>
<tr>
<td>Greece</td>
<td>300</td>
<td>14</td>
<td>4.6</td>
<td>4.5</td>
</tr>
<tr>
<td>Ireland</td>
<td>166</td>
<td>14</td>
<td>9.0</td>
<td>6.7</td>
</tr>
<tr>
<td>Italy</td>
<td>630</td>
<td>51</td>
<td>8.1</td>
<td>3.3</td>
</tr>
<tr>
<td>Luxemborg</td>
<td>59</td>
<td>8</td>
<td>13.5</td>
<td>11.1</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>150</td>
<td>22</td>
<td>14.6</td>
<td>13.3</td>
</tr>
<tr>
<td>West Germany</td>
<td>498</td>
<td>52</td>
<td>10.4</td>
<td>6.3</td>
</tr>
<tr>
<td>Total</td>
<td>3,320</td>
<td>263</td>
<td>7.9</td>
<td>8.6</td>
</tr>
</tbody>
</table>

The more remarkable achievement of women in this time period was the improvement in the caliber of the candidates. Women candidates tended to be younger than their male counterparts but more likely to hold a university degree.187 They fit Inglehart's profile of those most likely to break with traditional values and be more receptive to change. These candidates were less and less likely to be widows, sisters, or daughters of Irish political figures, and instead, Ireland was developing women politicians who campaigned and were elected in their own right. In the 21st Dáil of 1981, only one of the new deputies could claim a close relationship to a male TD.188

186Manning, "Women and the Elections.", P. 164.
187ibid., p. 87.
188Rudd, p. 164.
Many, like Gemma Hussey, Nuala Fennell, and Mary Robinson, came to prominence through their activities on behalf of women. Only later did they run for office in the Republic. The women's movement was having a definite impact on the representation of women in the Irish government. The higher quality of women serving is reflected in their greater responsibility in government, many are of ministerial caliber, and the willingness of the Irish people to elect one as president. So, women continue to break from the traditional roles in Ireland as many move into the limelight of the political world.

189Manning, "Women and the Elections.", p. 163.
Chapter 5.

Conclusion

That Ireland that we dreamed of would be...a land whose countryside would be bright with cozy homesteads, whose fields and villages would be joyous with the sounds of industry, with the romping of sturdy children, the contests of athletic youths, the laughter of comely maidens, whose firesides would be the forums of old age. Eamon de Valera, 18 March 1943.\textsuperscript{190}

The drive for Irish independence was centered on the vision of what an Irish nation should be. Many identified this nationalism with Catholicism,\textsuperscript{191} but the vision went deeper than that. The identity of Ireland was seen in the life patterns of the devout Irish farmers. It was their lives and values, nationalists professed, that were distinct from the British and made Ireland uniquely itself. Part of this bias towards the farming class, and those who lived in small market towns, comes from the legacy of the land protests of the earlier century. The nationalists of independent Ireland were descendants of those farmers and political agitators.\textsuperscript{192} The rural base of support was of extreme importance to the politicians, particularly Fianna

\textsuperscript{190} Beale, p. 20.

\textsuperscript{191} Brown, p. 29.

The farming lifestyle, which was so revered by the nationalists, had been created by the economic conditions of post-famine Ireland. Arensberg and Kimball used the term "familism" to describe the social structure of the Irish country family; it was a mode of life for small farmers who usually raised livestock while their wives were responsible for the domestic economy of the household and poultry and dairy production. Most of this farming was for subsistence and not commercialized. What the family needed would be provided for on the farm. The father was the dominant figure of the family, making all of the decisions and holding control over the land and money.

In this lifestyle, family was the important unit, not the individual. Marriages were delayed and children emigrated to keep the land from being subdivided. The Church, since the famine, played a dominant role in the social structure and was often the educator of the child.

Women played an important but subservient role in this lifestyle, having certain responsibilities, but ultimately dependent on their fathers or husbands. They, like the men, were expected to lead their lives for the good of the family and not just for themselves.

The actions of the government, both prior to and with the 1937 Constitution, attempted to enshrine this lifestyle in law. The Constitution was written to ensure that the
individual good would not outweigh the community good. The Catholic Church was recognized for its special position in Ireland (Article 40, which was repealed in 1972). And the document singled out women for their special contribution to the common good through their role as mothers. Ireland acted progressively in giving women political rights but other legal measures and Irish tradition kept women in the home, particularly after marriage.

In the early years of independence, and particular under the leadership of de Valera from 1932 on, Ireland attempted to maintain its identity through isolation. De Valera's policies, both economic and political, reflected this as Ireland remained neutral through WWII and pursued a policy of economic self-sufficiency. De Valera's image of a nationalist Ireland was one dominated by the small farmer and his family and he wanted this to continue as the identity and lifestyle of Ireland. But his economic policies had a terrible cost and more Irish youth pursued the option of emigration. Finally, in the 1950's, the government of his successor, Sean Lemass, realized it must change course and began to open Ireland, first economically.

This shift in policy had a radical effect on the Irish lifestyle. The traditional small farmer was being replaced by a more commercialized agriculture. Those who stayed on the land changed their lifestyles to one which was more market-based. Many others could no longer find work on the
land and moved to the towns and cities, altering their lifestyles as well. Ireland became a consumer based economy and values and attitudes began to shift. The new consumer economy created different expectations and needs as the family social structure gave way to a structure based more on the individual.

These changes, in time, helped generate a fledgling women's movement and pressure for legal reform. Women wanted greater rights in regards to property and work. They demanded more control over their bodies through the use of family planning, and, they became increasingly active in the world outside their homes, through politics, trade unions, and other activities. Irish society and its women became increasingly similar to Europe and America where women were calling for more equality and rights. But the situation of women in the Republic of Ireland is much more difficult. Ireland industrialized later and still has a large segment of its population involved in family farming. The Catholic Church continues to play an important part in society through its activities. Culture shift has created a more liberal population in Ireland but it is smaller and weaker than its European or American counterparts.

What gains women have made have created a backlash against them and further reform. Conservative groups were organized to protect, as much as possible, the traditional role of women as wives and mothers by constitutionally
banning abortion and divorce. Though these efforts have been largely successful, they have not prevented marital breakdown or Irishwomen taking the ferry to London for abortions.

The life patterns of today's Irishmen and women are radically different from those studied by Arensberg and Kimball in the 1930's. It is the change in lifestyle, the growing awareness with the needs of the individual, that has prompted women to become more active in controlling their lives and less dependent on others. It is a near universal transformation that has effected most Western societies and is occurring late and slowly in Ireland.
BIBLIOGRAPHY


*Current Biography*, "Mary (Bourke) Robinson." Vol. 52 Iss. 4, April 1991.


Murphy, Pat and Nell McCafferty, Women in Focus;


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