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# Female Sexuality in Ireland 1920 to 1940: Construction and Regulation

**Máire Leane**

**A Thesis Submitted In Fulfilment Of The Requirements For The Degree Of Ph.D**

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# Chapter One: Methodological and Conceptual Issues

This chapter provides a detailed account of the research question and the theoretical and methodological issues addressed in this thesis. It is divided into three sections. Section one outlines the nature of the study, section two considers the theoretical and conceptual influences that inform it and section three discusses the research method adopted.

## The Nature of the Study

The central objective of this thesis is an examination of discourses of Irish[1] female sexuality and of the apparatuses of control designed for its surveillance and regulation in the period nineteen-twenty to nineteen-forty. It is argued that during this period sexuality, and in particular female sexuality, became established as an icon of national identity. This thesis demonstrates that this identity was given symbolic embodiment in the discursive construction of an idealised, feminine subject, a subject who had purity and sexual morality as her defining characteristics. It is argued that female roles and in particular female sexuality, emerged as contested issues in post-colonial Ireland. This is not unusual given that women are frequently constructed in nationalist discourses as repositories of cultural heritage and symbols of national identity (Kandiyoti 1993). This thesis demonstrates that the Catholic Church played a central role in this process of establishing female sexuality as a nationalist icon. Furthermore, it illustrates that through a process of identification and classification, women, whose behaviour contested the prescribed sexual norm, were categorized and labeled as 'wayward girls' 'unmarried mothers' or 'prostitutes' and mechanisms for their control were set in place. Finally, this thesis reveals that the deployment of these control apparatuses was mediated by class, with the sexuality of working class women being a primary target of surveillance, regulation and indeed reformation.

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[1] The words 'Irish', 'Ireland', the 'Free State' and the 'State' as used throughout this work, refer in all cases to the Irish Republic established in 1921.

The discursive fields examined in this thesis are those of the statutory sector[2] and the Catholic Church[3]. The decision to focus on the discourses of the Church was determined by three considerations, namely, the centrality of the Catholic Church in the establishment of Irish practices of sexual morality, its dominance in the establishment of institutions and organisations for the control and reform of women who deviated from sexual mores, and the extent and intensity of Irish practical devotion to Catholicism in the period under study.

Since the mid 1850s Irish society has been characterised by high levels of adherence to Roman Catholicism and by the intensity of regular religious practice (Whyte 1971, Brown 1981, Inglis 1987). It is widely recognised that Catholicism has contributed to the universe of meaning[4] in Irish society and has acted as an instrument of social control[5], particularly in the lives of Irish women (Inglis 1987, Whyte 1971). The consolidation of the power of the Roman Catholic Church in Ireland dates from the immediate aftermath of the Great Famine (1845-48) and resulted in the Church emerging as a major power-bloc in Irish society.[6] Inglis (1987) argues that during this period, the Catholic Church emerged as the key civilising agent in Irish society[7]. Central to this process of civilisation, was the

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[2] Details of sources consulted are provided in the discussion of methodology undertaken later in this chapter.

[3] The word 'Church' as used throughout this work refers to the Roman Catholic Church in Southern Ireland.

[4] The sociology of knowledge is concerned with the meanings and definitions of knowledge which are held by members of a society. The 'Universe of meaning' in any given society is, Berger and Luckmann (1980) suggest, both a product of the society and a catalyst in the production of that same society. Religion, they argue plays a role in building, maintaining and legitimising the universe of meaning in a society.

[5] From a Marxist perspective, religion is an instrument of social control in that it acts to maintain the existing systems of exploitation and to discourage any challenging of them. It does this by making a virtue of the suffering produced by oppression, by promising redress for injustice in the afterlife and by creating the hope of supernatural intervention in the problems of earthly life (See Giddens 1989).

[6] The Church is still a powerful institution in Ireland, however, since the late 60s growing prosperity and the increased influence of the media has seen the emergence among some Catholics of a more questioning attitude to Church teaching, particularly in relation to sexual morality.

[7] This interest in modern civility emerged throughout Europe in the Sixteenth century (See Inglis 1987).

development of moral discipline over passions and instincts, a task achieved, Inglis (1987) argues, through an internalisation of shame and guilt about the body. This new morality was instilled in the population through the close surveillance of behaviour and the dissemination of a detailed body of Catholic doctrine. Inglis (1987) concludes, that within this milieu, sex became problematic and privatised. Furthermore, the efficient bureaucratic organisation of the Irish Church, its resources of wealth and personnel and its key role in education, health and social welfare services, ensured that this standard of sexual morality was instilled in successive Irish generations. Following independence (1922) the religious homogeneity of Irish politicians and the Irish electorate and the pressure on politicians to remain publicly loyal to Catholic teaching, ensured the continued influence of Catholicism on legislation (Whyte 1971, Inglis 1987, Keogh 1994). The reign between 1932 and 1948 of the Fianna Fail party under the leadership of Eamonn de Valera, further compounded the association between Government and Church. De Valera was a pious Catholic whose loyalty to the fundamentals of Catholic social teaching was demonstrated in the Constitution of 1937. Article 41 of the 1937 Constitution prescribed a home-based, maternal role for women and the anti-feminist tone of the Constitution was challenged by women's groups of the day who described it as "*sinister and retrogressive.*" (cited in Ward 1983:239). The potential for political opposition to the Constitution and indeed to other measures which effected the regulation of women was limited by the extent and nature of female participation in the Dáil. Only eleven women entered the Irish houses of parliament between 1922 and 1937 and in the main these were elected following the death of a male relative who was a member of parliament (Clancy 1990). Clancy's (1990) analysis of the participation of female deputies reveals that they made but limited contribution to debate, that they were loyal to party policy and that they offered little support to feminist claims. Thus, a virtual moral consensus existed between Church and State until the 1980s when disagreements began to emerge over legislative developments, considered by the Church to be contrary to Catholic teaching on sexual morality and family life. [8] This close alliance between Catholicism and sexual morality in the Irish context has determined the focus on Catholic discourses in this thesis.

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[8] Since the 1980s the Church has opposed legislation which decriminalised contraceptive use, homosexuality and the provision of abortion information and referral.

**Periodization**

Particular reasons also governed the periodization adopted in the thesis. Firstly, the twenties represents the decade in which emerged a range of institutions and practices that have been centrally concerned with the regulation of Irish female sexuality. These included; crusades for the promotion of modesty in female dress and deportment, philanthropic practices designed to police prostitutes and effect their entry into institutions designed for their reform and the development of a nationwide network of Mother and Baby homes for the moral reclamation of unmarried mothers. Such developments were fuelled by the concerns of the Catholic Church regarding standards of female sexuality and were operationalised by Catholic clerics, nuns and lay philanthropists. The near universal adherence of the Irish population to the Roman Catholic faith and the extensive wealth and personnel which the Church commanded rendered it a major power block in Irish society (Whyte 1971, Inglis 1987, Lee 1989). As such the concentration of Catholic attention on female sexuality during this period, combined with the hegemonic position of the Catholic Church in the nascent State, renders the period one of historic interest to researchers of sexuality. A second reason for the selection of the period nineteen-twenty to nineteen-forty is that it encompasses the interval in Irish Free State politics when concern with sexuality was at its peak. This concern became manifest in the range of legislative measures passed between 1929 and 1935 with a view to regulating and controlling aspects of sexual behaviour.[9] These measures banned the use of contraceptives, limited public access to information on sexuality, increased the age of sexual consent and expanded police powers for the regulation and punishment of prostitution and other sexual crimes. While international comparisons reveal that many countries were concerned with standards of sexual morality in the period following the First World War (Whyte 1971, Brown 1981,) it has been suggested that attitudes to sexuality in the first decades of the Irish State, were particularly repressive (Whyte 1971, Brown 1981).[10] This concentration of Irish political

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[9] These include the Censorship of Publications Act (1929), The Illegitimate Children (Affiliation Orders) Act (1930), The Legitimacy Act (1931), The Registration of Maternity Homes Act (1934) and the Criminal Law Amendment Act (1935).

[10] Anthropologists Arensberg and Kimball (1968) in their study of Co. Clare in the early thirties,

attention on the issue of sexuality in the new State and the implications of the legislation passed at that time for the sexual rights of subsequent generations of Irish women, provide further justification for the periodization adopted in the thesis. Finally, the decision to limit the period of analysis to discourses prior to 1940 was informed by a preliminary review of Catholic literature up to 1970. This review revealed a distinct change in the themes which permeated the writing of Bishops and clerics in the forties and fifties. During these decades Catholic concern appeared to rest with the issues of poverty, unemployment and emigration. The danger which emigration posed to morals was highlighted in these discourses, as was the challenge which delayed marriage created for extramarital celibacy, however, the primary concern discernible was with the decline in the birth rate and hence the dwindling of the Catholic population. As such, a distinct dilution of Catholic concern with sexuality is discernible in the post 1940 literature. By concentrating attention then, on the period nineteen-twenty to nineteen-forty, it is possible to engage in detailed analyses of the specific historical conditions which conspired at that time in Irish society, to produce a range of social control apparatuses for the regulation of sexuality.

**Contribution to Knowledge**

This thesis constitutes an exercise in feminist historical sociology as distinct from an empirical study of sexuality. Mies (1993) in her discussion of research as a process of conscientisation to promote change, identifies the need for the study of both the individual and social history of women. She contends that until women appropriate their own history as subjects, acknowledging both their struggles and successes, they will lack the collective consciousness, which is integral to the development of long-term strategies for change. My research contributes to this process of appropriation. It seeks to contribute to an understanding of why, in the first decades of the new State, control of sexuality became a concern of both Church and State, and to an appreciation of how female sexuality was constructed as an icon of nationalist identity within Catholic discourse. The process through which the modes of control

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reported that their informants acknowledged that increased attention was being paid to issues of sexual morality.

designed for the regulation of female sexuality produced a specifically gendered and classed form of social control is also considered. To this extent my research addresses an area of study which has been largely ignored by Irish scholars. The dearth of research into any aspects of sexuality in the Irish context is striking. This may in part be explained by reference to what Inglis (1987:150), in his discussion of the devotional and moral revolution orchestrated by the Catholic Church in Ireland at the end of the last century, described as "*the sexual shame and guilt which were to become the basis of the modern Irish Catholic soul*". While Inglis's work is useful in highlighting the link between Catholicism and sexual asceticism in the Irish context, his focus on sexuality is tangenital to his main concern, which is an explanation of the nature of Church power in Irish society. As such his work makes no attempt to provide detailed analyses of the sexual regulation of any particular group, nor indeed to consider the specificity of sexual regulation in any discrete period. Neither does it cast light on the use of sexuality as an icon of national identity. Jackson (1987) writing from the discipline of history, provides a welcome, but limited, empirical account of the illegal practice of abortion which flourished in the early decades of the State. She does not however attempt to conceptualise abortion as a consequence of the problematisation and stigmatisation of extramarital pregnancy or as a form of resistance to Catholic practices for the control and reformation of the unmarried mother. Authors such as Ryan (1998), Valiulis (1995,1997) and Meaney (1991) have begun the work of theorising women's relationships to Irish culture and their political positioning in the new State. Ryan's (1998) work provides an insight into the concerns which the 'modern girl' as epitomised by the wearing of short dresses and shingled hair, provoked among politicians, priests and the press in the mid twenties. She demonstrates, through an analysis of newspaper coverage of the 'modern girl' in the period 1925 to 1926, that while some commentators considered the modern girl to be a threat to both the morality of Irish women and the Irish nation, others saw her as a symbol of the freedom and independence permitted by modern lifestyles. Valiulis's work (1995) also suggests the contested nature of women's role in the new State. Her work highlights the way in which legislative measures[11] were employed in the early

[11] The legislative developments in question were the 1925 Civil Service Act, which restricted certain jobs for men, the 1935 Conditions of Employment Act which provided ministerial power to ban

decades of the new State to limit the public role of women and to copper-fasten their dependent status as guardians of the home. She argues however, that the orchestrated campaigns of protest mounted by Irish feminists against such measures reflected a bid by at least some women to demand full citizenship rights. While the work of Ryan and Valiulis is useful in conceptualising the symbolic and legal construction of the female role in the new State, it does not however, have a specific focus on the issue of sexuality. Meaney (1991) does touch on the relationship between sexual identity and nationalist identity, in her efforts to understand the opposing traditions of Nationalism and Unionism in Northern Ireland, however she concludes that the work required to understand this relationship has been scarcely begun by Irish scholars. My research contributes to such work by investigating the symbolic import of sexuality in the period of intense nationalism which followed Irish independence and considering its implications for the development of mechanisms to control sexuality. It also proposes to make a contribution to ongoing feminist theoretical debates regarding the construction of the category 'woman' and the relations of power which create woman as both regulated and resistant subject (See Butler 1990, Smart 1992, Bordo 1993, Bailey 1993 and Harding 1998). The analysis undertaken throughout the thesis highlights the way in which certain women were defined as 'other' to the prescribed norm of Irish womanhood. It also reveals the fragmentary and indeed contradictory definitions of female sexuality which were constructed to legitimise the regulatory practices applied to women whose behaviour challenged the prescribed norm. With regard to the issue of women's relationships to power, the findings in this work oblige recognition of the central role which women played in the surveillance, regulation, and indeed disciplining of other women. These findings point to the need for more extensive feminist theorising of the way in which women are implicated in the perpetuation of practices which regulate and oppress other women. The concentration in this thesis on textual sources available in the public domain has prohibited a comprehensive analysis of female resistance to the regulatory practices imposed in the new State.[12] However my analysis of

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women from certain areas of employment and to impose gender quotas in others, and the 1927 Juries Act which relieved women of Jury duty unless they specifically opted to undertake it.

[12] Efforts to gain access to the records of Mother and Baby Homes and Catholic Rescue Societies, which may have provided information on such resistance, were unsuccessful.

available sources and of the social practices which surrounded the management of unmarried mothers and prostitutes, suggests that normative power, generated through the manufacture of consent and the development of coercive practices of the self, proved effective in disciplining women and in countering their resistance. This would suggest that while post-structuralist ideas have much to offer feminists, in terms of challenging the notion of monolithic power structures and highlighting the potential for female agency, they must not be allowed to detract from analysis of the patterns of domination which exist in particular social relations.

**Core Research Tasks**

The achievement of the research objective in this thesis, i.e. an examination of discourses of Irish female sexuality and of the apparatuses of control to which it was subjected in the period nineteen-twenty to nineteen-forty, required the execution of three key tasks. These were:

(1) The exposition of the discursive construction of normal and deviant female sexualities;

(2) The analysis of the process through which these constructions of sexuality came to inform both formal and informal mechanisms for the regulation of sexuality and;

(3) The examination of the relations of power which surrounded the regulation of deviant female sexualities.

The conceptual and methodological challenges raised by each of these research tasks are considered below.

The first research task in this thesis was that of tracing the social construction of female sexuality, both 'normal' and 'deviant', in the period under study. My approach in doing this was informed, in particular, by the work of Foucault (1976) and by the ideas of post-structuralist theory in general. The application of such ideas to sexology has resulted in the rejection of the view of sexuality as a product of innate drives and its replacement by a view of sexuality as historically and culturally constructed (Foucault 1976, Weeks 1985, Gagnon & Parker 1995, Bland & Mort 1997). The post-structuralist approach is characterised by a critical focus on discursive practice. In the context of sexuality, this approach has prompted an

exploration of the process through which language and culture provide the raw material of sexual subjectivity (Ussher 1994, Bland & Mort 1997). Bland & Mort (1997:24) provide a useful synopsis of the post-structuralist aim, when they suggest that as an approach, it seeks to "*situate subjectivities historically.*" Central to this endeavour is a questioning of "*why sexuality is spoken about, who speaks and from what positions?*" (Bland & Mort, 1997:22). Answers to these questions are sought through the analysis of language and other forms of cultural representation. Weeks (1985:10) suggests that any understanding of sexuality must be predicated on such analysis, arguing that the sexual

> *only exists in and through the modes of its organisation and representation, if it only has relevant meaning via cultural forms, then no search for a founding moment of oppression, nor glory in past struggles around it, can contribute to an analysis of its current hold on our thought, action and politics*

These ideas point to the fact that sexualities are created and exist only within a particular discourse. This thesis represents an effort to document the way in which sexuality was constructed in religious[13] and statutory[14] discourses of the new Irish State. It shows that, through a process of identification and classification, specific sexualities were created and assigned to subjects exhibiting certain characteristics or engaging in particular behaviours. The Catholic discourses reviewed, reveal the construction of an idealised, Irish, feminine subject and highlight the way in which definitions of appropriate sexuality were developed by reference to a range of dualistic splits. Foucault's contention that sexuality is organised around dichotomous definitions proved useful in conceptualising these findings as did the work of feminist writers (Dworkin 1981& 1987, Jeffreys 1985, Rich 1986, & Mackinnon 1987) who highlight the dominance of male heterosexuality as the normative referent of sexual

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[13] These religious (Catholic) discourses consist of the discourses of priests, of the Bishops (otherwise know as the Hierarchy) and those of Catholic philanthropic organisations. These discourses are denoted in the text as Clerical, Ecclesiastical/hierarchical and philanthropic discourses.

[14] Statutory discourses consist of the discourses of Government officials and administrators and Government documents.

behaviour. Women were largely defined as asexual beings lacking independent sexual desire or agency. In contrast men were portrayed as lustful, sexual predators. Women who engaged in deviant extramarital sexual activity were defined as 'other' to 'normal' women with their sexual agency being explained in terms of emotional instability, mental incompetence or mental perversity. In attempting to theorise the multiple and indeed hierarchical constructs of 'woman' which the discourses revealed, the work of Sawicki (1991) and Smart (1992) who highlight the potentially 'gendered', 'classed' or indeed 'raced' nature of any discursive construct was invaluable. The insights offered by their work was also instructive in developing an understanding of why the sexuality of men remained marginal to the discourses of sexuality examined in this thesis, even when they were directly implicated in the sexual practices under discussion e.g. in discourses on prostitution.

The second task undertaken in this thesis, was that of analysing the process through which the definitions of sexuality constructed in Catholic discourses came to inform both formal and informal mechanisms of sexual regulation in the period under study. Foucault's (1976) understanding of 'discourse' as a set of concepts and values that define, inform and legitimate a set of social relations proved useful in my efforts to decipher the ways in which Catholic definitions of sexuality informed the development of legal and philanthropic practices which controlled female sexuality. My findings reveal for example, that the criteria established by Irish clerics in the early twenties,[15] for the identification and classification of women who bore 'illegitimate' children, were employed by administrators discussing the topic at the end of the decade[16] and by politicians debating legislative measures for the regulation of illegitimacy in 1929.[17] The issue of why it was in this particular period, that the Catholic concern with standards of sexual morality elicited a positive response from Irish legislators proved more difficult to conceptualise. In attempting to explain it I turned to the work of Bland & Mort (1997) who identify the representational and

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[15] See Devane 1924a&b & MacInerney 1921 &1922.

[16] See Minutes of Evidence of Commission on the Relief of the Destitute Sick and Poor 1927.

[17] See parliamentary debates on the Illegitimate Children (Affiliation Order) Bill (1929) and the Legitimacy Bill (1929).

symbolic qualities of sexuality. This facilitated an understanding of the changing symbolic role of sexuality in the new Irish State, while the work of Anthias & Yuval-Davis (1993) and Kandiyoti (1996) on the role ascribed to women in nationalist projects, made sense of the particular focus on the control of female sexuality which was revealed in this thesis. I have found the work of some post-structuralist theorists of sexuality (Gagnon & Parker 1995, Ussher 1994) to be particularly useful in conceptualising this focus on female sexuality. Their work points to the way in which the effects of unequal gender power intermesh with the sexual system to mould various aspects of sexual life. The insights produced by feminist theorists who have engaged with Foucault's theory of power (Bailey 1993, McNeill 1993) also proved helpful, in highlighting that a rejection of the notion of patriarchy as a monolithic power structure, does not preclude the possibility of understanding gender relations as serving interlocking masculinist interests.

The final research task in this thesis was the examination of the relations of power that affected the regulation of female sexuality. My findings demonstrate that the Catholic Church proved very powerful in terms of having its definitions of sexuality accepted by the State, and in terms of inciting both formal and informal practices for the control of sexual behaviour. The Foucaldian concept of the power-knowledge complex proved useful in understanding how Catholic discourses, through a process of definition and categorization succeeded in naming the 'truth' of sexuality in the new State. Foucault's theory of power was, however, less useful in understanding the limited evidence of counter discourses or resistance which my research revealed. My findings suggest that while there was some resistance to the Catholic framing of events it was limited in its efficacy. For example, in the report of the Committee of Inquiry Regarding Venereal Disease (1926), the Catholic framing of venereal disease as a consequence of prostitution was challenged by medical witnesses who constructed venereal disease as a wider public health issue. Furthermore, the members of the Committee resisted the attempts by members of the Catholic lobby to reconstitute the terms of reference of the inquiry and render it an investigation of the state of morality in the country. Yet, the efficacy of the alternative construction of venereal disease provided in the 1926 report was significantly reduced by the fact that the report remained unpublished following the intervention of the Archbishop of Dublin. Foucault's conceptualisation of power as an omnipresent force continuously

produced in relationships of all types, as distinct from a repressive force located in particular institutions or relations, would suggest that my research should have provided more evidence of resistance. Thus my findings point to a problem with Foucault's theory of power. His theory fails to acknowledge that not all discourses carry equal weight and that discourses which challenge the status quo, are likely to be marginalized by existing discourses. My findings suggest that the institutions, laws and philanthropic practices which regulated sexuality in the early decades of the State, constituted young working class women as their primary target. Anthias and Yuval Davis's (1994) assertion that women's engagement with the State does not occur exclusively through their membership of a gender group offered one explanation for the regulatory focus on working class women. Connell's (1968) conceptualisation of the crystallization of concern regarding sexual morality in the new State also helped to explain this phenomenon. He suggests that the economic and social conditions which prevailed in Ireland at the turn of the century,[18] necessitated long periods of adult celibacy for many working class men and women, and that the strict standards of sexual morality imposed by the Catholic Church facilitated compliance with this situation. Brown (1981) and Lee (1989) in a development of this theme, argue that the prioritization of sexual morality in the early decades of the new State contributed to the maintenance of the status quo.[19] Lee (1989) also submits that the Clergy, being themselves drawn from the farming and professional classes, were predisposed to enforcing standards of sexual morality which promoted the wellbeing of the privileged and suggests that standards of sexual morality were employed by the risen bourgeoisie to symbolise their superiority.

## Theoretical and Conceptual Influences

Three main bodies of literature inform this thesis. The first is Foucault's

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[18] Following the famine in the 1840s the custom of dividing family lands between all male siblings in a family ceased. A stem family system emerged in its place in which only one son inherited the land thus consolidating farm holdings. A consequence however was the displacement of many young men and women from the land and the creation of a workforce for whom there were few opportunities for employment in a country which lacked a developed industrial base.

[19] The perpetuation of the dominant class structure was dependent upon a continuation of the practices of adult chastity and extensive emigration, practices which mitigated against the development of a militant movement of the economically dispossessed.

work on discourse theory and on the history of sexuality. The second is the extensive body of literature that has emerged from feminist engagement with post-structuralist theory in general and in particular from engagement with Foucaldian ideas. Finally, feminist literature on the gendering of nationalism is used to locate the idiosyncratic Irish experience of nation-building in the context of wider analyses of the role of women in national projects. A review of the key literature from these three bodies of knowledge is provided below.

**Foucaldian Discourse Theory**

Foucault in his 1976 work, *The History of Sexuality: An Introduction*, posed a challenge to traditional, essentialist theories of sexuality and to the thesis that the history of sexuality can be portrayed as a history of repression. He challenged the assumption that repression, prohibition, censorship and denial were the currency of power in society. Furthermore he questioned whether portraying the history of sexuality as a history of repression, is not in itself, part of a repressive mechanism, in that it obscures other ways of considering how power over sexuality may have operated. In short, Foucault sought to identify who spoke about sex, what views and positions they held, what institutions they might represent, and what language they used. As such, he attempted to illuminate the "*discursive fact, the way in which sex is put into discourse*", and to locate "*the polymorphous techniques of power*" which govern sexual behaviour (Foucault 1976:11).

Foucault's primary thesis is that while the language with which one could speak about sex, and the relations in which such speech was allowed, were limited, or codified, there was historically, a proliferation of discourses about sex. He maintains that the so called, repression of sex or the rendering of sex as something secret, became in itself an incitement to discourse. Furthermore, he contends that sexuality is not an essential biological given, but rather is constructed in specific historical and cultural sites, through the process of discourse. Sex, he thus contends, was very much a subject of discourse, with power being exercised in the framing and locating of the discourses. Of interest in this thesis are the discourses of sex which prevailed in the Catholic and statutory discourses promulgated in the New Irish State.

Foucault presents a view of power as a multiplicity of force relations, characterised by constant confrontation and transformation. He suggests that there is no central repository of power but that there is a constantly shifting substrate of unequal force relations. Inumerate sites of power exist which are both localised and unstable. Thus, Foucault concludes that power is pervasive and ever present. He further argues that power relations are not separate from, or exterior to, other relationships i.e. familial, economic, sexual etc, but are central to them. Foucault also views power as a creative and productive force as distinct from a repressive one. His belief that power does not come from a central repository leads him to reject the notion that power operates from the top down. Rather, he argues that the relations of force which occur in relationships at every level of the social spectrum, create infinite cleavages and divisions in society. Foucault does suggest however, that a number of such localised relations of force can combine to create major situations of domination even though the base of support and the specific objectives of the parties involved are different.

Premised on this understanding of power as a pervasive, localised and unstable force, is Foucault's concept of resistance. All power he claims is met with resistance, which stems from within the power relationship itself, and hence occurs at a myriad of sites and in a myriad of guises. He thus argues that

> *Just as the network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly localized in them, so too the swarm of points of resistance traverses social stratifications and individual unities.* (Foucault 1976:96)

Foucault believed power to be constituted in discourses, which he describes as sets of rules and concepts which name the truth. He defines discourses as "*practices that systematically form the objects of which they speak*" (Foucault 1972:49). Foucault's (1980:93) conceptualisation of discourses as historically variable methods of producing truth and knowledge leads to his contention that "*we cannot exercise power except through the production of truth.*" Following from this he asserts that he seeks not to develop a theory of power but rather an "*analytics of power*" (1976:82) which considers not the origin of discourse, but rather the knowledge and

hence power effects which it produces. Foucault's understanding of power as outlined above, led him to re-conceptualise history as a complex web of multiple, discontinuous and transformative discourses, as distinct from a unitary, successive narrative. His aim in studying history through the analysis of discourses was to identify not who had power but rather how this power was exercised through the interaction of various discourses. This methodological focus on discourse facilitates a rejection of the enlightenment notion of essential and universal truths, with reference to which judgements about social and political developments can be made. Furthermore, it facilitates the charting of the discontinuous and contradictory power relations, which constitute the historical production of knowledge.

**Feminism and Foucaldian Discourse Theory**

Many tensions permeate feminist engagement with the work of Michael Foucault. These tensions centre particularly on the challenges his work poses for feminist understandings of gender, power and political action. His theory of social construction and the possibilities contained in his approach to deconstructing history have, however, been employed in creative ways by feminist researchers particularly in the analysis of the control of female bodies and sexualities. McNeill (1993:158) claims that the Foucaldian conceptualisation of power/knowledge facilitates elucidation of the unconsidered and unchallenged assumptions, which inform social practices. A productive interplay has emerged between Foucault's theory of power and some feminist work. Bailey (1993) points to the tension between the notion of patriarchy, as a dominant system of power which is vested in men, and Foucault's conception of power as productive and located in all places. She does, however, recognise the masculinist nature of many social institutions and social formations, suggesting that

> *Though Foucault's analysis of power undermines previous feminist understandings of a patriarchy as a monolithic power structure, it does not deny the possibility of understanding gender relations as serving specific, interlocking interests. Thus it allows an understanding of social formations as masculinist.* (Bailey 1993:119)

Rejection of the notion of patriarchy as a grand narrative is she believes, useful in that it

> *...frees feminists to pursue specific, local struggles without justifying these with*

> *reference to an entirely male system of power and consequent oppositional female powerlessness.* (Bailey 1993:119)

Other feminist theorists, for example Sawicki (1991), argue that Foucault's theory of power is beneficial, in that it challenges feminists to recognise that women are not immune from involvement in relationships where they dominate and oppress. Furthermore, she suggests that feminist theory and practice, has served to marginalise some women by refusing to recognise the differences which lay beneath the blanket term "woman", or by using the concept of difference in a way which casts particular groups in the position of "other". Sawicki's observations highlight the need for feminist research to seek out and expose diverse constructions of 'womanhood' and to critically analyse the relations of power, which signify a particular type of womanhood as the referential norm. Smart (1992) develops this idea, arguing that the challenge for feminism is to seek to understand how contradictory images of womanhood are manifested and sustained. Central to this process is the recognition of the potentially 'gendered', 'classed' and 'raced' nature of any discursive construct.

Related to Foucault's notion of the universal existence of power, is his belief that resistance to power is also pervasive. He perceives radical movements, not as groups striving to seek power, but rather as producers of counter knowledges or discourses which are also imbued with knowledge based power. Within this framework, political struggles, are portrayed as struggles between different discourses or knowledges, struggles, which cannot be resolved by reference to a universal truth. Truth, in Foucault's view, is something which is produced and not revealed. Sawicki (1988) highlights the compatibility between this view of power and the feminist claim that the personal is political. Bailey (1993:115) reiterates the point using the example of the body, when she suggests that

> *Foucault's understanding of bodies as the simultaneous source and product of a notion of self allows for strategic redeployment of these embattled bodies* (Bailey 1993:115).

Thus the body, while being constructed by power, is also a site for the resistance of such power. Bordo (1993) is concerned, however, that Foucault's theory of resistance

may be accepted in too facile a way. She argues that there is little resistance to the power deployed in cultural portrayals of the appropriate body image (See Bordo 1990). Rather, she claims, that far from resistance being much in evidence,

> *...normalisation is still the* ***dominant*** *order of the day, even in a postmodern context, and especially with regard to the politics of* ***women's*** *bodies.* (Bordo 1993:183).

She thus concludes that while Foucault's understanding of power can facilitate feminist theorising, it must always be remembered that while power may not be the sole preserve of any particular group, it is not equally distributed among all, and neither is resistance an automatic or an easy process. In this thesis the interplay between power and resistance in the politics of sexuality is of particular concern.

**Foucaldian Theory of Sexuality**

Foucault's understanding of power leads him to conclude that the history of western society in the past two centuries does not *"manifest the movement of a power that was essentially repressive"* (Foucault 1976:81). Rather he suggests that while there were limitations to the relations in which one could discuss sex and the language one could use, there was in reality, a proliferation of discourses about it. Four discourses, or mechanisms of knowledge and power, which centred on sex in the Eighteenth century are identified. The first discourse constituted what he described as the hysterical woman. The feminine body, he argued, was subjected to analysis and identified as being saturated with sexuality. The discourse identified appropriate roles for women, primarily in relation to participation in family life, and the assumption of responsibility for children through motherhood. The pedagogization of children's sexuality, and in particular, the regulation of the masturbating child, was the concern of the second discourse identified by Foucault. He points out that while this discourse granted recognition to the sexuality of children, it deemed such sexuality as unnatural, requiring monitoring and regulation. The third discourse indicated by Foucault surrounded the socialisation of procreative behaviour, being particularly concerned with the Malthusian couple. Through this discourse, Focuault suggests, procreation became regulated socially, economically, politically and medically. The final discourse, which he considered to be central to the history of sexuality, was that relating to the psychiatrization of perverse pleasure. This discourse had as its subject the perverse

adult, who was identified by his or her deviance from the behaviour and practice which was deemed to constitute normal sexuality.

Drawing on his analysis of these dominant discourses, Foucault was able to consider how power operated in relation to sexuality and to identify its effects. He argues that between the Seventeenth and Eighteenth century, there was a marked modification in the relations of force which surrounded sexuality. The relations of sex, he suggests, gave rise in every society to systems of marriage, of kinship ties, of transfer of property rights etc. He describes this development as a "deployment of alliances". Such alliances are characterised by mechanisms of constraint to ensure their continuation. Focuault claims that in western society, from the Eighteenth century onwards, a new mechanism emerged, which encompassed the deployment of alliances. He refers to this as the deployment of sexuality which, he believes, represented an ongoing expansion of the areas and apparatus of control. The deployment of sexuality was, Foucault suggests, reflected in an increased interest in all aspects of the body and bodily activity. The body was codified as an object of knowledge and rendered a factor in power relations. This increased concern with sexuality was paralleled by an expansion of the relations of sex, which were of interest. Prior to the 18th century a legalistic concern dominated relations of sex, with the categorisation of sexual relations as licit or illicit being the primary objective. Foucault claims, however, that the 18th century was characterised by an increased interest in the relations of sex, with the bodily pleasures and sensations associated with sex becoming a focus of attention. He based this claim on his analysis of the discourses of sexuality and the techniques of power generated from the 18th century onwards, by numerous professional and institutional sources.

In constructing periodization for the analysis of the techniques of power generated by discourses of sexuality, Foucault takes medieval Christianity as his starting point. He refers here to the practice of frequent confession imposed on the faithful. By the 18th century, a particular discourse for the expression of sexual sin had emerged around the confessional process. At the end of the century, however, Foucault (1976:116) suggests that a *"completely new technology of sex"* emerged which was outside the realm of religious affairs. This mechanism consisted of education, medicine and economics and resulted in sex becoming not only a secular matter but also a matter for the State. Thus as Foucault (1976:116) puts it, *"sex became a matter that required the social body as a*

*whole, and virtually all of its individuals, to place themselves under surveillance."*

The four groups whose sexuality was the focus of Christian attention and intervention, (identified by Foucault as the hysterical woman, the masturbating child, the Malthusian couple, and the perverse adult) were the subjects of changing discourses and different methods of surveillance from the end of the 18th century onwards. The medicine of hysteria replaced the Christian concern with possession by evil forces. The problematization of children's' sexuality in Christian pedagogy became reflected in educational concern with the sexuality of children. Similarly, the regulation of conjugal relations, achieved by the mechanisms of confession and penance in the Christian tradition was, in the late 18th century, achieved through campaigns regarding birth control. Foucault (1976:139) categorises these power relations as an *"anatomo-politics"* of the human body and *"a bio-politics of the population"*. It was these developments that led sex to become an important political issue which was central to political concerns around the disciplining of the body and to concerns over population control. Thus as Foucault (1976:146) put it

> *It (sex) fitted in both categories at once, giving rise to infinitesimal surveillances, permanent controls, extremely meticulous orderings of space, indeterminate medical or psychological examinations, to an entire micro-power concerned with the body.*

In short then, sex was, as Foucault (1976:146) concludes, *"a means of access both to the life of the body and the life of the species"*. Because of this, sexuality became the target of a variety of ideological, economic and political campaigns, designed to raise standards of morality and responsibility. The result was the simultaneous disciplining of the body and regulation of the population. This is clearly evident in the discourse surrounding the hysterization of women

> *which involved a thorough medicalization of their bodies and their sex, carried out in the name of the responsibility they owed to the health of their children, the solidity of the family institution, and the safeguarding of society.*(Foucault 1976:147)

Having identified the mechanisms or technologies of power which surrounded sex, Foucault then turns his attention to the use or the effects of these technologies. He uses this analysis of the effects of power on sex, to disprove the hypothesis that the history of sexuality is a history of repression. The idea that sexuality was repressed to maximise labour capacity is central to the repression hypothesis. If this assumption were correct, it would be expected that the sexuality of the working classes would be most rigorously patrolled. Foucault contends however that it was the more prosperous classes that developed and applied to themselves, techniques to regulate sexuality. It was the sexuality of the bourgeois child which was first problematized, the middle class woman and her sexuality which was first medicalized, and it was the bourgeoisie as a class group who first identified sex as something that was to be preserved. Foucault suggests that the working classes, in contrast, escaped the deployment of sexuality for some time, while being of course subjected to the deployment of alliances, with legitimate marriage and fertility being identified as the ideal. The first mechanism of sexualisation emerged from within the bourgeois class at the end of the 18th century and centred on the issue of birth control. It was sometime later that birth regulation was identified as a tool for political control and economic regulation, of the poorer classes. Similarly, at the end of the 19th century, the legal and medical control of sexual perversion was developed by and for the privileged classes and only subsequently spread through the entire social body. Thus, Foucault (1976:122/3) contends that

> *The primary concern was not repression of the sex of the classes to be exploited, but rather the body, vigour, longevity, progeniture, and descent of the classes that "ruled".*

The bourgeoisie were in Foucault's analysis, seeking to set themselves apart from other classes by cultivating, preserving and protecting their sex, and establishing a 'class' body characterised by concern about hygiene, descent, and race. He identifies a number of reasons for this. Firstly to mark a class distinction, the bourgeoisie took "*its progeny and the health of its organism*" as symbol of its difference from other classes. (Foucault 1976:124). This mirrors the aristocracy's identification of blood-ties and genealogy, as a means of maintaining and marking off its difference from other classes. Emphasising the health and cultivation of the body also served to increase the dominance of the bourgeoisie as a class group and to ensure their economic, political and historical strength. As such, Foucault (1976:125) describes the bourgeoise concern

with the body and sexuality as *"a dynamic racism, a racism of expansion"*. He supports this contention by pointing to the fact that

> *Conflicts were necessary (in particular conflicts over urban space: cohabitation, proximity, contamination, epidemics, such as the cholera outbreak of 1832, or again, prostitution and venereal diseases) in order for the proletariat to be granted a body and a sexuality; economic emergencies had to arise (the development of heavy industry with the need for a stable and competent labour force, the obligation to regulate the population flow and apply demographic controls); lastly, there had to be established a whole technology of control which made it possible to keep that body and sexuality, finally conceded to them, under surveillance (schooling the politics of housing, public hygiene, institutions of relief and insurance, the general medicalization of the population, in short, an entire administrative and technical machinery made it possible to safely import the deployment of sexuality into the exploited class; the latter no longer risked playing an assertive class role opposite the bourgeoisie; it would remain the instrument of the bourgeoisie's hegemony)* (Foucault 1976:126/7).

Thus Foucault (1976:158) concludes that rather than a history characterised by *"harsh repression, a protracted Christian asceticism, greedily and fastidiously adapted to the imperatives of bourgeois economy"*, the history of sexuality reflects *"the centuries-long rise of a complex deployment for compelling sex to speak, for fastening our attention and concern upon sex"*.

Foucault's work offers many conceptual tools for historical and political analysis, particularly in relation to sexuality. The critique of his ideas undertaken by feminists is, however, particularly useful for considering the epistemological, methodological and political implications of his work for feminist scholarship and this thesis.

**Feminist Development of Foucauldian Theory of Sexuality**

Many tensions permeate feminist engagement with the work of Michael Foucault. These tensions centre particularly on the challenges which his work poses for feminist understandings of gender, power and political action. His theory of social construction

and the possibilities contained in his approach to deconstructing history have however been employed in creative ways by feminist researchers particularly in the analysis of the control of female bodies and sexualities. Sawicki (1991) suggests that Focuault's anti-essentialist and deconstructivist approach, has assisted feminists to move beyond the libertarian/radical dichotomy which had previously characterised their theorising on sexuality. The libertarian perspective views sexuality as a natural entity, which will be liberated once women achieve freedom of choice around sexual issues. In contrast, the radical approach holds that sexuality is socially constructed and that female sexuality as constituted at present, is a reflection of the effects of male power and ideology. Sawicki (1991) rejects this polarisation and calls for recognition of the diversity and ambiguity of sexual expression and desire. Bailey (1993) also supports the view that Foucault's theory of power and his belief that truth is constructed and reconstructed through discourse has much to offer to feminist theorising on sexuality. She contends that Foucault's understanding

> *disrupts, through its refusal of the notions of transhistorical and stable categories of sexuality/sex, any analyses of the cultural relationships between women, bodies and sexuality based on the limitations of traditional understanding.* (Bailey 1993:102)

Foucault's concept of bio-power and his theories of the disciplining of the body and populations provide, in the view of many feminists, a useful insight into the way in which women's bodies have served as sites for the expression of power relations (Sawicki 1991, McNay 1992, Bailey 1993). Bailey (1993) highlights how successfully his ideas regarding the control of the body have been employed by feminists (Bartky, 1988; Bordo 1988) to examine the way in which various social institutions have imposed ideals on the female body. Foucault's contention that sexual power, like all forms of power, is not exercised solely through repression, denial and prohibition has informed such analysis. Bailey (1993:108), again following Foucault, notes that

> *The body has not been thoroughly subjected to "sexuality" because the "truth" of sexuality struggles with other competing truths, and because the deployments of sexuality are frequently partial and conflicting themselves.*

This point is significant in that it indicates the complexity which surrounds the construction of sexuality. It obliges the researcher to unearth competing discourses and cautions against any facile reading of the situation. Finally, Bailey emphasises the significance of Foucault's contention that the deployment of power over the body may have objectives other than the control of sex. She makes this point well when she asserts that

> *Bodies, however, were not mere sites for the all-important sexuality and sex; they in turn were subjected to a process designed to differentiate and define, materially, the bourgeois body from that of the other classes. Bodies ensured - because this is how they were defined and constructed - the potency and the vitality of the bourgeoisie at the species as well as the cultural level.*

The observation in Foucault's work that the body and the thought-knowledge systems created around it are inseparable from the cultural construction of sexual identity, also provides a useful guide to feminist analysis. Foucault does not identify any one party who he deems responsible for the construction of sexuality as an issue. Rather, as Bailey (1993:113) suggests, his work has

> *...identified the construction of sexuality as an important issue in a particular historical period, and traced not only the tactics employed in order to administer sex, bodies, life, but also the interested parties in these discourses of sex.*

She rightly points out, however, that many of the interests served by the creation of a "truth" about sexuality, were in fact male dominated institutions, an observation which Foucault, with his lack of a gender perspective fails to make. Bailey's observations thus point to the need for this thesis to consider the gendered nature of the discourses of sexuality promulgated by Clergy and politicians in Ireland.

**Theorising Gender and Nationalism**

The analysis of discourses of sexuality within this work is located within the specificities of the Irish context. It is useful however to locate these idiosyncratic Irish discourses within the wider context of feminist analyses of nationalism, nation-

building and the gendering of national projects. Kandiyoti (1993) points to the dearth of systematic analysis of women's integration into nationalist projects and the consensus in the available literature that women's relationships with the nation have been ambiguous and contradictory. The task of elucidating women's roles in national and ethnic processes is complicated by a number of factors. Firstly as Anthias & Yuval Davis (1994) suggest, relationships between collectivities and the State vary and while the State frequently incorporates and reinforces the customary and religious construction of women as agents of biological reproduction, the State and civil society are not always aligned in their construction of appropriate womanhood. Secondly, women's engagement with the State does not occur exclusively through their membership of a gender group. Rather this engagement as a gender group is mediated by the cleavages of class, age, religion, ethnicity etc, and tempered by the role that women themselves play in the active process of reshaping or indeed reproducing their own roles and those of other women. Thirdly, Anthias and Yuval-Davis (1994) highlight the fact that certain social activities or social relations, by their very nature, facilitate resistance to State legislation. The spheres of sexuality and reproduction, for instance, are central to the construction of women's roles but are in their nature private and difficult to police, and hence represent sites in which women are constituted by the State but may simultaneously be actively resisting State processes. The issues identified by Anthias and Yuval-Davis (1994) may go some way to explaining women's different experiences of integration into modern nationhood. Campaigns for national sovereignty are commonly imbued with aspirations for extended citizenship rights, rights that potentially promote greater gender equality.[20] However, some nationalist policies are highly instrumental in their treatment of women, mobilising them on various fronts in the push for independence and relegating them to subordinate roles when the battle is won[21] (See Pateman (1988), Walby (1990) &

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[20] Jayawardena (1988) suggests that the emergence of feminist movements is often associated with nationalist struggles in colonial settings and argues that such developments are often characterised by increased secularism and attention to various aspects of social reform.

[21] A variety of explanations have been put forward to elucidate women's different integration into modern nationhood. Pateman (1988) draws a distinction between traditional (parental) patriarchy, which operated at the level of the individual family and fraternal patriarchy, which she suggests is embodied in the structures of the modern state. Walby (1989) draws a similar distinction between what she calls private and public patriarchy, the first reflecting the confinement of women in the

Yuval-Davis and Anthias (1989) for a discussion of these issues). In addition to identifying women's diverse and at times ambiguous relationships with national projects, the literature on women and nationalism reveals a shared acknowledgement that women's experiences of citizenship in modern Nation-States have been significantly different to those of men. Feminist critiques have pointed to the way in which the welfare State as a project had constituted the citizen as essentially male (See Sainsbury 1994). There also appears to be consensus in the literature regarding the fact that States espouse a definite gender regime and are centrally implicated in gender relations. Analysis of the nationalist histories of States and of the politics of national identity can, Kandiyoti (1993) suggests, reveal the nature of these gender regimes and highlight the contradictions which are often inherent in them.

Women's integration into nationalist projects in post-colonial societies has been particularly fraught with contradictions. Moghadam's (1994) study of Islamic movements has revealed that women are considered to be most vulnerable to the threats posed by colonialism and imperialism. The type of nationalist ideology adopted in post-colonial settings has profound implications for women's experiences of citizenship. Nations adopting what Kandiyoti (1993) describes as liberal nationalist philosophy, have usually identified the emancipation of women as a central tenet of their ideology, with reformers seeking to justify such developments as a continuation with some more equitable aspect of the indigenous, unsullied national past. Moreover, such rights as are accorded to women are further justified with reference to the wider national interest. On the other hand countries employing a model of anti-modernist cultural nationalism, tend to construct an understanding of cultural heritage which facilitates the control of women. Referring to Middle Eastern nationalist movements, Kandiyoti (1993) concludes that within this version of nationalism, improvements in women's status were equated with acceptance of Western cultural imperialism and were thus deemed anti-nationalist. Moghadam (1994) develops this argument suggesting that such anti-modernist cultural nationalism can best be understood as a form of fundamentalism, which seeks to express the specificity of a particular culture. She further suggests that regulation of female freedom and identity is a common

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household and the appropriation of their services by individual patriarchs, while the latter refers to the subordination of women within the public arena.

feature of fundamentalist developments not only in the Islamic context but also in the Christian, Jewish and Hindu traditions. The genre of nationalist ideology adopted by nationalist movements is thus significant in determining the way in which women are portrayed. Kandiyoti (1993) points to the diversity of ways in which women have been constructed e.g. as socially backward, as positive symbols of modernity and new national vitality, as repositories of pure national values etc, with such framings of womanhood being utilized to justify their positions within nations. The significance of sexual behaviour as a signifier of national culture is also revealed in Moghadam's analysis of contemporary fundamentalist nationalist movements in the Middle East. She argues that within such movements Westernization is rejected as culturally alien and inappropriate and is constructed as a decadent culture characterised by "*the 3 P's: Prositution, pornography and promiscuity*" (Mogadham 1994:6). Of central concern in this thesis is the analysis of nationalist ideology or indeed cultural fundamentalism, from the perspective of gender.

Kandiyoti's (1988) work offers some further insight which may facilitate analysis of the genre of nationalist ideology, which emerged in post independent Ireland. She argues that developments, which often occur in post-independent States, e.g. capitalist expansion, impinge on familial and gender relations. Outcomes of increasing industrialisation/capital development include decline or restructuring of local communities, rural to urban migration, increased social inequalities and a weakening of kinship ties. Such developments challenge the material basis of traditional relationships within the family, between generations and between the sexes, often resulting in an undermining of private patriarchy. Some theorists have suggested that this process may create a backlash in terms of support for fundamentalist ideologies and a rolling back of some of the rights which women were accorded in the early stage of nationalism (See Mernissi's (1985) analysis of developments in Morocco). In cases where State sponsored religious fundamentalism emerges, patriarchal authority may be extended to men outside the kinship group e.g. Clergy, police or 'concerned' citizens who are allowed to contribute to the monitoring of women's roles. Such developments point to the fragile nature of women's citizenship rights within national projects and beg the question as to whether the new Irish nation reflected such an extension of patriarchal authority. Anthias and Yuval-Davis (1994:313) argue, however, that while the concept of citizenship provides an insight into the way in which the State relates to

the individual, it does not "*encapsulate adequately the relations of control and negotiation that take place in a number of different arenas of social life*". Rather, they identify five key roles through which women influence and are influenced by national and ethnic processes within civil society and the relationship between such processes and the State. These key roles are those of biological reproducer, boundary-guard between ethnic or national groups, transmitter of culture and participant in the ideological production of the collectivity, signifier or symbol of national or ethnic difference and participant in national, economic, political and military struggles. Anthias & Yuval-Davis (1994) emphasise, however, that these are not the exclusive roles through which women participate in ethnic and national processes and interact with State practices. Furthermore, they acknowledge the fallacy of assuming a unitary category of women and allow that variables such as class, ethnic group, life-cycle etc mediate the strategies directed toward different groups of women. The extent to which the five roles identified vary in terms of the way they are constructed both historically and geographically and in terms of the centrality accorded to various roles, is also recognised. Despite these qualifications, Anthias & Yuval Davis (1994) contend that analysis of these five roles will facilitate much neglected consideration of the construction of women's relationships to the State in nationalist projects. An understanding of Irish women's positioning in relation to the new Irish State, is central to the research task in this thesis. Thus closer consideration of the five key roles identified by Anthias & Yuval-Davis is appropriate.

Population control policies, be they designed to increase or limit reproduction within specific groups, very clearly relate to women in their role as biological reproducers. Such policies are underpinned by discourses regarding the danger of particular racial or ethnic groups gaining dominance over others (e.g. Nazi policy regarding Jews and Gypsies), or by discourses stressing the need for population growth of the appropriate kind (e.g. calls for increase of Jewish presence in Israel). Various combinations of ideological mobilisation, statutory provision and legislative force are employed to secure women's compliance. Anthias & Yuval-Davis (1994) suggest that the measures applied to women regarding reproduction, are often legitimised through the use of national and religious discourses regarding the duty of women to produce children. Furthermore, they suggest that women have also been controlled in terms of whom they are allowed to reproduce with and under what conditions. Reproductive

arrangements, which breach the boundaries of the woman's ethnic/national/religious or indeed class group and as such fail to reproduce, or indeed, serve to challenge the symbolic identity of the woman's or her partner's group, frequently lack social, religious and at times legal sanction.

The ascription to women of the role of ideological reproducers or transmitters of culture reflects an understanding of women as the cultural carriers of ethnic/racial groups. The primacy of women in the socialisation of children, the perception of women as closer to nature and the morally purer private sphere, and the tendency for women from ethnic minorities to be less assimilated socially and linguistically, all contribute to the construction of women as transmitters of culture. Anderson (1983) suggests that the use of the language of kinship to define the object of nationalism i.e. the homeland, combined with the centrality of women to family and home, reinforces the integration of the concepts of nation and community with those of selfless mother and wife. This in turn incites the response of providing protection to and defending both womanhood and homeland.

Another role ascribed to women in nationalist discourse is that of icon or emblem and they have frequently been used as the symbolic configuration of ethnic or national groups. Discourses constructed during national liberation conflicts have often portrayed the nation as a beautiful woman in need of protection or a sorrowing mother who has lost her sons. Such imagery is rife in Irish nationalist discourse (Holland 1979, Meaney 1991, Gray & Ryan 1997). Analysis of the language of nationalism reveals the ways in which women are identified as the symbolic repository of group/national identity. This construction of women as symbols of national, ethnic or religious difference, who mark the boundaries with other groups, endangers their chances of achieving full citizenship. Kandiyoti (1993) argues that the ascription of such a role to women can result in their being controlled in a variety of ways as part of the process of circumscribing and maintaining national, religious or ethnic communities. Such roles are ideologically defined to reflect official policy, are operationalised through the sanction of the legal and administrative apparatus of the State. Furthermore, the symbolic roles accorded to women may be redefined at various stages of nation building with consequent implications for the rights accorded to women.

The restriction of female dress, deportment and sexuality is another core element of national and ethnic processes. Female sexual morality is frequently employed as a symbol of difference from and moral superiority over other groups. Anthias & Yuval-Davis (1989) point to the way in which 'true' Sikh or Cypriot girls are expected to adopt strictly prescribed forms of sexual behaviour. Failure to observe these strictures results in the woman and her child no longer being considered part of the community. Establishing female sexuality as a nationalist symbol facilitates men's adoption of the role of defenders of female sexual honour, a role that facilitates and legitimizes male control of women's sexuality.

## Research Method and Design

The research method employed in this thesis is that of critical discourse analysis. Wilkinson and Kitzinger (1995:iv) suggest that "*the turn to language*" is an identifying characteristic of contemporary social science and argue that "*the emergence of a discourse framework*" is central to this development (Wilkinson & Kitzinger 1995:1). Similarly, Fairclough & Wodak (1997) identify "*an upsurge of critical interest in language in contemporary society.*"(Fairclough & Wodak 1997:259). The increased academic engagement with discourse is reflected in the diversity of the theoretical and methodological approaches which inform the large volume of research conducted under the rubric of discourse analysis. The traditions of linguistics, conversation analysis, ethnomethodology, semiotics, psychoanalysis and postmodernism are all represented in work employing a discourse analysis approach (Fairclough 1989, Jupp & Norris 1993, Wilkinson & Kitzinger 1995). The difficulty which this creates for the description of discourse analysis as a method, is well expressed by Wilkinson and Kitzinger (1995:7) when they suggest

> *It is difficult to identify foundational premises or techniques which are specific to discourse analysis, not only because of the breadth and conceptual/methodological "fuzziness" of the term, but also because of the common ground it shares with other critical approaches in social science (for example, social constructionism, the study of rhetoric, ideology, textuality, critical ethnography - and qualitative methods more generally).*

Widdicome's (1995) classification of discourse analysis into two broad strands, one informed by ethnomethodology and the philosophy of language, the other drawing on post-structuralist ideas, proved useful in locating the approach adopted in this thesis. She argues that in discourse analysis conducted in the post-structuralist tradition, the researcher's primary concern is with the political significance of the discourse under analysis, as distinct from the detail of how the discourse and the meaning contained in it is linguistically constructed. The discourse analysis method employed in this thesis, that of critical discourse analysis, is located within the post-structuralist strand identified by Widdicome (1995) and was selected with reference to its compatibility with the critical feminist orientation of the thesis and the post-structuralist ideas which inform it.

**Critical Discourse Analysis**

In the critical discourse analysis method, discourse is viewed as a social practice in which "*the discursive event is shaped by situations, institutions and social structures, but also shapes them.*" (Fairclough & Wodak 1997:258). Fairclough & Wodak (1997) identify the role which discourse plays in sustaining and reproducing the status quo, but also in challenging and transforming it. The ideological effects of discursive practices are also highlighted by critical discourse analysts, who seek to identify the ideological ramifications of particular styles of language use and the power relations they underpin.

The explicitly critical orientation, which distinguishes critical discourse analysis from other methods of discourse analysis, is in keeping with the origins of discourse analysis as a broad methodological approach. Jupp and Norris (1993) trace the origins of discourse analysis to developments within the critical tradition of social scientific research in the 1970s. Fairclough & Wodak (1997) identify Western Marxism, characterised by its focus, not only on the economic basis but also on the cultural basis of capitalist society, as the key theoretical influence of critical discourse analysis. The work of Gramsci (1971), Althusser (1971), Habermas (1984 & 1989) and Foucault (1972 &1976), has been influential. Gramsci's categorisation of political and civil society, the former being forged through coercion and the latter

through hegemony, is particularly useful. The concept of hegemony focuses attention on the role of ideology and on the process through which the practices and structures of everyday life normalise capitalist practices. Althusser's work highlighted the role of ideology in the creation of social subjects and identified the relationship between ideologies and social practices. The work of Habermas has also been influential in the development of a critical orientation in discourse analysis. Habermas identified the need for social science to be self-reflexive, and conscious of the historical context and the power relations, which circumscribe the production of discourse. Foucault offers a distinctive and different perspective. He perceives discourses as knowledge schemes, which inform the 'technologies' or mechanisms of power which operate in society, with discourse, knowledge and power being co-existant. Foucault's analysis also differs significantly from that of Marxists, in that he rejects the notion of the inevitability of history and suggests that the State is only one of many points of control. This identification of numerous loci of power and resistance, facilitates consideration of discourses in a range of settings. The method of critical discourse analysis developed in the work of Fairclough (1989 &1992), Van Dijk (1987 &1993) and Worall (1990), constitutes a genre of analysis which is pertinent to the research task in this thesis, namely a critical deconstruction of Catholic and statutory discourses on female sexuality.

Fairclough (1989,1992) considers the relationship between discursive change and change in the socio-cultural environment. The interaction between particular genres of discourse and the resultant change in discursive practices (i.e. styles of discourse eg political, scientific etc), is the focus of Fairclough's analysis. He traces the way in which such changes are associated with a redrawing of boundaries in various aspects of public and private life (See Fairclough & Wodak 1997). The application of Fairclough's method to my reading of discourse in this thesis, shows how the Church's demand for increased legislative control of aspects of sexual behaviour and the State's compliance with this demand, can be read as a redrawing of the boundaries of social control. The extension of legislative controls for the regulation of sexuality in the new State reflects the extension of State control over aspects of behaviour which had previously been unregulated or subject only to the informal regulation of family and Church. Van Dijk's work (1987,1993 & 1997b) also proved useful in informing the method of analysis used in this thesis. He examines the role

of ideology in the reproduction of inequality, with racism being a particular focus of much of his work. Drawing on this association between ideology and inequality, I considered how assumptions about female sexuality which were evident in Catholic discourses, (e.g. female sexuality as passive, unstable etc), led to a particular focus on the development of mechanisms to control women's sexuality as distinct from that of men. Similarly, I was enabled to identify how class based assumptions about the particular depravity of working class morals and living conditions were used to legitimise Church calls for legislative provisions to make good the deficiencies of working class parents and working class family life. Finally, Worrall's (1990:9) contention that critical discourse analysis must consider all aspects of a discourse "*not only its content, but its author (who says it?), its authority (on what grounds?), its audience (to whom?), its object (about whom?), its objective (in order to achieve what?)*", provided a constant guide to my reading of text in this thesis.

**Research Sources**[22]

My reading of Irish Catholic discourses is based on texts produced by Bishops, clerics and Catholic philanthropists. One primary source for such discourses was the annual Catholic Directory and Almanac. This provides a daily record of the pronouncements of key Catholic spokespeople and a log of the activities of religious organisations sanctioned by the Church. A detailed review of all editions of the *Catholic Directory* between the years nineteen-twenty and nineteen-forty was undertaken, as was a preliminary review of editions for the period 1940 to 1970. The other main source for Catholic discourses was the *Irish Ecclesiastical Record*, the primary Clerical journal of the period. Again this was reviewed in detail for the period nineteen-twenty to nineteen-forty with issues from 1940 to 1968 also being consulted. These two publications provided extensive data on contemporary Clerical, hierarchical and philanthropic concerns about particular sexual issues and on recommendations as to how these issues should be addressed. The intermittent series of pamphlets published by Catholic organisations such as the Catholic Truth Society of Ireland and the Messenger Society of the Sacred Heart was also consulted

[22] Details are provided in my bibliography of the locations where all primary sources can be consulted.

and provided some excellent data on prevailing Catholic attitudes regarding sexuality and the role of women. Finally, with a view to locating the Irish Catholic discourses in the context of the wider international discourse of Catholicism, an English Catholic Clerical journal (*The Clergy Review*) and an American counterpart (*The Catholic Mind*), were reviewed for the periods 1931-1940 and 1935-1940 respectively.[23]

The statutory discourses analysed were sourced in relevant official reports both published and unpublished, in the files of relevant Government departments, in the annual reports issued by the Department of Local Government and Public Health and in the official reports of parliamentary proceedings. The statutory reports directly concerned with issues of sexuality during the period under study, namely The Report of the Inter- Departmental Committee of Inquiry Regarding Venereal Disease (1926) and the Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (1931), were unpublished. They were located however through a search of the files of the Department of Justice and the Department of the Taoiseach which are held in the National Archives. Relevant published reports included *The Report of the Committee on Evil Literature* (1926) and the *Report of the Commission on the Relief of the Sick and Destitute Poor* (1927). Two other statutory reports written subsequent to 1940 were also consulted as they provided retrospective accounts on prostitution and extramarital pregnancy in the period under study. These were the unpublished Report of The Inter-Departmental Ad-hoc Committee on The Suppression of Prostitution (1947-48) and the *Report of the Commission on Emigration and Other Population Problems*, published in 1954. The cabinet papers of the departments of Justice and of the Taoiseach, as available in the Irish National Archives, were used extensively in an effort to determine the factors that shaped Government decisions and legislative provisions relating to sexual morality. These proved to be an excellent source of information containing valuable details of deputations and correspondence received by Ministers for Justice from Catholic social workers seeking more extensive legislative regulation of aspects of sexual behaviour. Copies of internal administrative assessments of statutory reports

[23] The review was limited to these periods as I was unable to access journals for the complete period nineteen-twenty to nineteen-forty.

and information on cabinet decisions taken on particular issues, were also found in the files. My interest in identifying the determinants of parliamentary decisions also informed my use, where possible, of the minutes of evidence provided by witnesses to the various committees of inquiry who produced reports relating to aspects of sexual morality. Consideration of the minutes of evidence allowed me to identify more clearly which discourses were most influential in shaping the definition of issues presented in official reports, and in inspiring responses to them. I was unable however to access the minutes of evidence provided to the Committee on Evil Literature (1926). These are stored in the library of Dáil Eireann, however when I requested them, they could not be located by staff. Furthermore complete minutes of witness contributions to the Commission on the Relief of the Sick and Destitute Poor (1927) are not available. Finally, the records of parliamentary debates that considered legislative proposals for the regulation of sexuality were consulted extensively to determine the extent to which the discourses of legislators reflected those of the Church.

**Research Limitations**

The research method adopted in this thesis successfully revealed the process through which Catholic definitions of female sexuality resonated with legislators and policymakers and resulted in a range of formal and informal mechanisms for the sexual regulation of women. There were however some limitations to the methodology, the primary one being the concentration on written sources. This proved particularly disadvantageous in relation to my efforts to locate evidence of women's resistance to the definitions of female sexuality which were being constructed and to the mechanisms which were being set in place for its regulation. I had expected that the official sources I examined, (e.g. official reports, cabinet papers, parliamentary debates), would yield evidence of contrary definitions of female sexuality and of orchestrated female resistance to some of the specific legislative measures proposed for the regulation of sexuality, e.g. The 1935 Criminal Law Amendment Act. This expectation was based on my familiarity with the orchestrated feminist resistance which had emerged in response to other legislative measures introduced in the early years of the new State. The 1925 Civil Service Amendment Act which excluded women from certain categories of work, gave rise to a strong feminist campaign (See Valiulis 1995). Female politicians in both houses

of parliament challenged the Act when it was being debated. The Irish Women Citizens and Local Government Association sent a circular to all members of the Dáil protesting against the proposed Act, while the National Union of Women Graduates Association collected funds to bring a test case before the courts to determine the legitimacy of the Act. Similarly during the debate on the 1927 Juries Bill which excused women from jury duty, a coalition of women's groups was formed and representatives of these made a deputation to the Minister for Justice to state their objections to the Bill. My reading of the parliamentary debates which considered legislative proposals relating to sexual regulation, revealed no protests from female politicians and no evidence that politicians had been lobbied by any women's groups, even in relation to issues such as the prohibition of contraception, which had very direct implications for all women. Furthermore, my analysis of relevant Department of Justice files, revealed only one piece of correspondence from a women's organisation, namely a letter to the Minister from the Irish Women Citizens and Local Government Association protesting at some of the proposals relating to prostitution in the 1934 Criminal Law Amendment Bill. Finally, the numerous statutory reports which considered issues relating to sexual morality in the first two decades of the State, reveal very limited contribution from women's groups.[24] My failure to secure access to the archives or records of any Mother and Baby Home or Rescue Society operating in the early decades of the State, further reduced my ability to assess the nature or extent of female resistance. My empirical data relating to rates of abortion, concealment, abandonment, prostitution and illegitimacy, demonstrates that many women continued to engage in sexual activity which was considered illegal or illicit and that many sought ways of responding to crisis pregnancies, other than by way of entry into Catholic institutions. In attempting to decide whether such behaviour can be read as evidence of women's rejection of prevailing definitions of appropriate sexuality and taken as an indicator of their capacity for agency, I turned to Lutzen's (1995) work. He argues that analyses of discourse must be complemented by an analysis of what is unsaid and suggests that analysis of silence, through the reconstruction of the attitudes which

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[24] A number of women's organisations are named as witnesses to the Carrigan Report (1931). Within the report itself however, there is no reference to the contribution which these groups made, and no suggestion of their articulating a counter discourse.

generated a refusal to talk, can be a useful tool in understanding attitude in a historical setting. As such, I have attempted in this work to locate indicators which may help clarify to what extent women accepted or rejected prevailing definitions of female sexuality and the mechanisms of control designed to enforce these definitions.

## Conclusion

The conceptual and theoretical issues raised in this chapter generated a number of questions which informed the research agenda in this thesis. They related to two core considerations: (1) power and (2) resistance. First, with reference to the issue of power, Foucault's conceptualisation of the relationship between power and discourse pointed to the need to examine how femininity or female sexuality was represented and/or problematised in Irish Clerical and political discourses. The work of Anthias & Yuval Davis (1993) suggested a need to consider the gender and sexual identities which these discourses prescribed for Irish women, the factors that shaped these identities and the power relations which underpinned them. Their work also indicated the importance of analysing the symbols or images utilised in these discourses and the extent to which femininity and female sexuality were employed as symbols of cultural identity. Furthermore, Sawicki's (1991) analysis drew my attention to the role which sexual identities may have played in creating hierarchies or divisions among women as a group.

Second, with reference to the issue of resistance, Foucault's work alerted me to the need to consider the extent to which Catholic discourses resonated with Irish politicians and policy makers and the extent to which they were accepted or challenged by Irish women. Finally the issues raised by Bailey (1993) and McNeill (1993), obliged me to consider whether the Catholic discourses of sexuality which were promulgated in the new State were part of a wider set of discourses which prevented Irish women achieving full citizenship rights.

The remainder of this work is organized into six chapters as detailed below.

Chapter 2: The Social and Historical Construction of Sexuality

A critical overview of the history of sexuality and the 'science of sex' is provided in this chapter. Feminist critiques of the representation of femininity and female sexuality are given particular consideration, as are the relations of power which underpin them.

Chapter 3: Locating The Discourse: Independent Ireland and The Catholic Church

This chapter provides a broad socio-economic profile of the infant Irish nation, a review of key discourses of the wider Roman Catholic Church and an analysis of Irish Clerical commentaries regarding the role of women in the context of a perceived decline in moral standards.

Chapter 4: Discourses of Problematisation: Regulating Evil Literature and Contraception

This chapter traces the problematisation of sexuality, which occurred within the discourses of the Catholic Hierarchy and Catholic philanthropists in the first decades of the new State. The issues of 'evil literature' and contraception are considered in detail and the discursive focus on working class and female sexuality is identified.

Chapter 5: The Unmarried Mother: Construction and Control

An overview of the discourses on illegitimacy, which prevailed in the early years of the Irish State is undertaken in this chapter. The "unmarried mother" is deconstructed and the relationship between Catholic philanthropic discourses and the technologies of power employed to regulate and restrict women who engaged in illicit sexual activity are analysed.

Chapter 6: The Prostitute: Construction and Control

This chapter traces the administrative and philanthropic discourses of prostitution which emerged in the nineteen-twenties and nineteen-thirties and examines the technologies of power suggested for the surveillance and control of the prostitute. Contested definitions of prostitution are revealed and the extent to which the

Catholic philanthropic framing of illicit sexual activity impacted upon legislative and policy developments is examined.

Chapter 7: Conclusion

A synthesis of the work is provided in this chapter. It is argued that the first decades of the new Irish State were characterised by the expansion of social control apparatuses for the surveillance and regulation of sexuality. This development is explained by reference to the construction of sexuality as a cultural signifier in the new State. The findings demonstrate that Catholic discourses were highly influential in forging a link between standards of sexual morality and constructs of national identity. Furthermore it is suggested that the deployment of sexuality which occurred was both classed and gendered, with working class women being the primary target of scrutiny and regulation.

# Chapter Two: The Social and Historical Construction of Sexuality

## Introduction

A critical overview of the history of sexuality and the 'science of sex' is provided in this chapter. It traces the broad explanatory paradigms invoked to explain sexuality and considers the diverse meanings which have been imputed to different aspects of sexual behaviour. Feminist critiques of the representation of femininity and female sexuality are given particular consideration, as are the relations of power which underpin them. This review serves two functions. Firstly it provides a contextual framework within which the particularities of Roman Catholic constructions on sexuality can be located. Secondly, it provides a range of analytical tools, generated through feminist reappraisal of traditional theories of female sexuality, which can be used to interrogate the constructions of sexuality revealed in the discourses reviewed in this thesis. The chapter begins with a brief overview of the research approaches which have informed sexological inquiry and continues with a chronological review of key theories of the history of sexuality.

## Researching Sexuality: A Historical Overview

The foundations of modern sexology have been traced to the end of the nineteenth century and the publication of work by theorists such as Krafft-Ebing (1897), and Ellis (1899) (Hawkes 1996, Gagnon & Parker 1995, Weeks 1985 & 1981). Their work was grounded in a positivist approach reflecting their desire to legitimise their research by providing it with a scientific base. This emergent scientific discourse on sexuality was spearheaded by the medical profession and was concerned with establishing the norms of sexual behaviour, and advising how the sexual impulse could be controlled at both the personal and social level. Gagnon & Parker (1995:4) claim that this medico-scientific discourse complemented the religious views espoused by the new middle-classes of the time and argue that

*Both Christianity and medicine viewed sex as a basic drive that needed to be thwarted through self-control and environmental purity - a drive that differed between women and men - and that in its socially correct manifestation resulted in sex between men and women in marriage for the purpose of reproduction.*

They further suggest that while disciplines including sociology, anthropology and psychology, offered commentaries on the subject from the 1890's onwards, religious groups and politicians have continued to play a key role in the definition and explanation of sexuality (Gagnon & Parker 1995).

Prior to the 1960's European and American theorising about sexuality hinged on a number of constants. Central to these was the portrayal of sex as a powerful natural force, which was posed in opposition to civilisation, society and culture. Opinions varied as to whether this force was negative and in need of control or whether it was a positive force, which had been corrupted by society. Weeks (1985:98) decried the false dichotomy established by sexologists between natural and social explanations of sexuality. Such a binary dichotomisation resulted, he argues, in a shallow understanding of the social factors that shape sexuality and in a failure to examine fully the range of options open to humans, as both political and sexual subjects. The sexual force was seen as innate and the individual was thus rendered the primary research target. Society was perceived as merely responding to sexuality as distinct from contributing its construction. As such an ahistorical view of sexuality as something which preceded society and culture was propagated. Furthermore, there was almost widespread consensus regarding the fundamental difference between male and female sexuality. There was however, disagreement as to the nature of this difference. Heterosexuality and male sexual characteristics and experiences were defined as the norm against which all other sexual positions were to be described or analysed. Against this standard female sexuality, bisexuality and homosexuality were cast as inferior or deviant.

The traditional justification and objective of sexual research was the reduction of sexual ignorance. This would it was felt contribute to improved relationships between

the individual and society in relation to sexuality. While theorists differed in the extent to which they believed such relationships could be improved, there was a widely held view that a scientific explanation of sexuality would be socially beneficial, a view premised on a problematisation of the relationship between the sexual subject and the wider society. Thus whilst the possibility of cultural variations in relation to sexual practice was acknowledged, sexuality was fundamentally perceived as a trans-cultural and trans-historical phenomenon. The sexological paradigm based on the above characteristics came under challenge in the 1960's. The subsequent emergence of a new paradigm, known as social constructionism, was reflective of a wider crisis in the social sciences, in which the notion of universal truths was questioned and the importance and validity of local experience was elevated. Critiques by activists in social groups marginalised by the research which characterised traditional sexology and more recently, the urgent practical and political challenges to sexual knowledge created by the emergence of HIV/Aids, have led to the continued reappraisal of the traditional sexological paradigm. The result has been a reframing of sex research. Central to this reframing, Gagnon & Parker (1995:12) suggest, has been

> *...a social constructionist perspective which moves the focus of concern from the sexual actions of specific bodies to the cultural and social contexts in which sexuality occurs.*

The following paragraphs provide an historical overview of the way sexuality has been understood and the meanings which have been imputed to it.

## The Foundations of Western Sexual Thought

A review of studies of the history of sexuality in western society reveals that the meaning attributed to it, and the ways in which it is understood, have changed through time. (Foucault 1979, Weeks 1985 &1989, Jeffreys 1985, Hawkes 1996, Horrocks 1997). Sex in Ancient Greece was viewed as pleasure and education in the art of sexual technique was provided. In the early Christian period sex became associated with danger and sin, while in the modern period the dominance of the paradigm of rationality, rendered sexuality a target of scientific scrutiny. In the

contemporary period of high modernity, sex has become commodified, with decisions about sexual activity representing one in a range of lifestyle choices, which contribute to the reflexive invention, and indeed re-invention of the self. Conflicting theoretical explanations of this development of sexuality have been professed. The liberation theory of sexuality suggests that the increasing sexualisation of society is a reflection of a gradual liberalisation of repressed natural instincts and desires. This theory is premised on the essentialist notion of an innate sexuality, the expression of which was unfettered until the emergence of capitalism, in the mid-seventeenth century. Proponents of this view include Ellis (1899), Freud (1905) and Neo-Freudians such as Marcuse (1964&1969) and Reich (1961) who identify sexual liberation as a component of the wider revolutionary project. The repression hypothesis is contested by commentators who reject the notion of sexuality as an autonomous natural force, which has to be held in check by social controls. Adherents to this view include the interactionist school pioneered by Gagnon & Simon (1974), the psychoanalytic school associated with Lacan's (1982) reinterpretation of Freud's work and the subsequent feminist work of the French school (Mitchell 1974),and finally the discursive school which developed around the work of Foucault (1978). The key point of convergence between theorists in the anti-essentialist camp is their recognition of sexuality as a social and historical construct. The following paragraphs provide a brief outline of key developments in the evolution of sexuality in Western society.

**Classical Antiquity & the Early Christian Period**

Foucault's (1985) work on the sexual ethics of classical Antiquity points to the pursuit of sex for pleasure and the widespread acceptance of both heterosexual and homosexual activity. He suggests however that there was an expectation that one would remain in control of ones sexual desires. This notion of control was, Hawkes (1996) suggests, grounded in the prioritization of male sexuality as the norm, with the maintenance of dominance and control serving as a reflection of the ascribed cultural superiority of men and the complementary social and sexual passivity of women.

Societal acceptance of the pursuit of sexual pleasure decreased with the passing of time, with Foucault's research providing evidence that sexual activity was subject to greater ethical control in Imperial Rome. This was reflected in an increased concern with conjugal fidelity and the differentiation and the gradation of eros i.e. love characterised by friendship, and aphrodisia, described as love characterised by desire. The significance of sexual relations between men, which exemplified eros, was thus reduced with procreative sex being accorded higher priority and legitimacy. Evidence of the continued problematisation of sexuality is found in the Early Christian period. Foucault's analysis suggests that chastity and self-denial replaced pleasure as the legitimate pursuit of man while the ideal of sexual pleasure was superseded by that of the duty of procreation. In this context, heterosexuality and monogamy became the dominant norms and were facilitated by the incitement of self-denial and self-surveillance as advocated in the Christian story of the Fall in Eden. Here, sexual desire was clearly identified as a disintegrative and dangerous force, which required control. Hawkes (1996) suggests that the use of a reptile to symbolise sexual desire in the story of the Fall implies an understanding of sexuality as an animalistic or bestial force. Such a view has been used in the Christian tradition to legitimise the need for strict management of the self and the provision of external modes of regulation and coercion. This essentialist view of sexual desire as an innate, instinctual force in need of control has been a defining characteristic of western thought, with Weeks (1985) suggesting that much of the work of sexologists has constituted a debate as to how this sexual force could be contained.

The problematisation and indeed demonisation of sexuality in early Christianity, focused attention upon the sexuality of women. The view of woman as passive sexual object gave way to the notion of woman as susceptible to the temptation of desire, as characterised by the actions of Eve in the story of the Fall (Ranke Heinemann 1993, Hawkes 1996, Horrocks 1997). In subsequent Christian teaching women were portrayed as not being in control of their sexuality and as such as posing a danger to the reason and morality of men. Hawkes (1996:14) argues that in consequence there emerged an

*...ambivalence and unease about the quality of women's sexuality and thus, by implication, about the consequences of according women sexual autonomy.*

This association of female sexuality with passion and lack of reason is, Horrocks (1997) suggests, a cornerstone of Christianity. He argues that women and their bodily experiences of menstruation, childbirth and lactation became emblems of the sensual and later of defilement, images, which were cast in opposition to the rationality of the male. This theme is replicated in the sexual imagery of the New Testament, however in this context redemption through chastity or marital fecundity is offered to women (Horrocks 1997, Hawkes 1996).

The period from Classical Antiquity to Early Christianity thus saw some significant changes in the perception of sexuality. The view of sex as a valued pleasure seeking practice, considered in terms of feelings as distinct from acts, was replaced by a conceptualisation of sex as a somewhat dangerous, act-centered phenomenon, which needed regulation. Sex, Horrocks (1997) concluded, was defined as acceptable only in the highly restricted social context of marriage and the foil for its destructive force was seen to lie in command of the self and in the continued sovereignty of men. The advocation of self -control was increasingly supplemented during the Early Christian period by what Hawkes (1996:16) describes as

*...a paternalistic authority with universally applicable definitions, which subordinated pleasure to purpose in a severely limited and highly contextual legitimation of sexual desire.*

This conceptualisation of sexuality is characterised by a number of dualistic tensions. Desire is opposed to reason, nature is counterpoised to grace, pleasure tussles with fear of loss of control and female sexuality is differentiated from it's male counterpart. These tensions reached into the modern period where they continued to inform both the formal and informal mechanisms employed for the social regulation of sexuality.

**Modernity, Reason and Science**

The dawning of modernity was characterised by industrialisation, urbanisation, secularisation, division of labour and a movement toward rational explanation and organisation. Elias (1939 - reprint 1982) in his historical examination of the evolution of manners, suggests that the perceived disruptive potential of sexuality was viewed as a challenge to rational behaviour and organisation and as such was the target of constraint. Thus while sexual activity was accorded increased importance in relations between the sexes, such relations became privatized and domesticated. All aspects of intimate behaviour and bodily expression became increasingly the subject of social education, with parents assuming responsibility for the civilization of their children and adults taking responsibility for their own self regulation and self restraint (Elias 1982). This process of privatizing behaviour associated with bodily functions, led to the emergence of more clearly defined boundaries between the private and public domain and the evolution of secret spheres of sensual pleasure regulated by internalised feelings of shame and embarrassment (Elias 1939). Freud (1929 - reprint 1986) in his essay "Civilization and its Discontents", published a decade previous to Elias's work, also considered the tension between civilization and sexual pleasure. This tension was he believed reflected in the incest taboo, the denial of children's sexuality and the limitation of the erotic choice of adults. Thus Elias and Freud both see sexuality as being subject to the regulation and repression of society. In seeking to explain this repression as perceived by Elias and Freud, Hawkes (1996:31) turns to Weber's work on rationality and suggests that

> *For the ascendancy of rational action to be effected, the erotic kernel of life had to be marginalised and rewritten in a script of sexual asceticism, which transformed the irrationality of polymorphous sexual desire into routinized sexual practice.*

The research based sexological writing which emerged in the nineteenth century as *"an heir to the post-enlightenment faith in scientific progress"*, continued to produce such scripts in which sexuality was consistently reinvented (Weeks 1985:70).

**The Science of Sex**

The concern with sexuality evident in the work of the sexologists in the nineteenth century is seen by Weeks (1985) as a response to the rapidly changing social and economic conditions of the period, which altered traditional gender relations and challenged the prevailing moral code. Sexuality he argues, became

> *... a symbolic battleground both because it was the focus of many of these changes, and because it was a surrogate medium through which other intractable battles could be fought.* (Weeks 1985:74)

The debate which ensued was couched as concern about an array of other matters such as the overpopulation of the poor, working -class morality, public and private morality etc and was not cast as an explicit debate over sex per se. As Weeks (1985:73) aptly puts it "*It* [sex] *is the subject that is not publicly discussed as such, but traverses, and intersects, a vast array of debates."*

This nineteenth century concern with sexuality was evidenced, Foucault argued, by the process through which sexuality became a target of the deployment of power. Mechanisms were devised for the policing of the health, wealth and productivity of the population, while the individual body also became a target of control and regulation. The extent of this policing is evident in the agenda of conferences attended by scientific sexologists in the 1920's. Issues such as censorship, divorce, birth control, abortion and homosexuality had been deemed issues of scientific concern. Thus, Weeks (1985:72) suggests that the new sexual science emerging from the endeavors of the sexologists was

> *...the handmaiden of sexual reform, the harbinger of a new sexual order built on a rational understanding of our true sexual nature.*

The identification of sex as a field of study had a number of significant implications. Firstly, behaviour as distinct from feelings or desire became the observable focus of investigation. Secondly "objective" inquiry replaced moral judgement and, thirdly, a

new body of male "scientists" became legitimated as the creators and keepers of sexual knowledge. The first wave of sexual scientists, working in the early nineteenth century, was concerned primarily with the classification and identification of sexual abnormalities. Their successors in the early part of the next century also concerned themselves with the observation and classification of "normal" behaviour (Hawkes 1996:50). As such the strategies of power identified by Foucault i.e. classification, observation and normative judgement are evidenced in the role played by sexologists in the regulation of sexual behaviour.

The early sexologists prioritised concerns over sexual disorders and sexual disease. The beginning of the nineteenth century saw disease and its association with the new urban working-class, emerge as a major focus of concern. The construction of sexuality in emerging medico-moral writings reflected the beliefs of bourgeois medical men, who held a monopoly over issues relating to health and hygiene (Weeks 1985, Hawkes 1996). The result, Hawkes (1993:53) argues, was

> *not only a negative construction of sexuality, with an emphasis on the dangers rather than the pleasures, but also an emphasis on the deadly results of sexual over-indulgence and sensual voluptuousness.*

Masturbation was also identified as a source of concern, being considered as unnatural and hence reflective of the dark, bestial side of sexuality, which needed to be controlled.

During the second half of the century medical practitioners assumed the role of health educators in relation to sexual issues, while a limited number of practitioners broke from the tradition of conflating the physical and moral aspects of sexual behaviour, moving instead to engage in more objective studies of sexuality. Krafft-Ebing whose main text was published in 1897, directed his work toward the medical and legal profession, couching it in technical language and writing some passages in Latin. The aim of the work was to describe and classify the various sexual behaviours so as to distinguish between what should be treated as normal and abnormal, for the purposes of the law. Deviations from normal sexual behaviour, i.e.

heterosexual coitus, were explained as pathologies linked with nervous diseases while such mental disorders were classified as psychological as distinct from moral in origin (Hawkes 1996).

Havelock Ellis in his six volume work *Studies in the psychology of Sex* (1899) sought to explain sexual behaviour with reference to biological determinism and cultural relativism (Weeks 1990). He challenged existing classifications of what constituted normal behaviour, by identifying precedents for behaviour in nature, often in the behaviour of animals. However the distinction he made between congenital and acquired sexual inversion, the former being an aberration of nature and therefore acceptable but the latter being a sign of weakness, suggests that to a large extent he accepted the primacy of heterosexual coitus as the pinnacle of normality in sexual relations. Jackson (1994 cited in Hawkes 1996) criticizes Ellis for failing to challenge the supremacy of men in the heterosexual relationship and for almost totally ignoring the issue of female homosexuality.

Sigmund Freud writing in the late nineteenth century turned to psychology for an explanation of pathological forms of sexual behaviour, which he believed to be a consequence of unresolved subconscious desires that the civilizing influence of the super ego had failed to control. This understanding of sexual behaviour had a number of radical implications. The concept of "natural" heterosexuality was drawn into question by Freud's contention that sexual object choice was psychological in origin and that everyone had the sub conscious potential to select a same sex erotic object. Furthermore, he suggested that the channeling of sexual desire into either homosexual or heterosexual choice was a consequence of the negotiation of desire in a specific social context, and not a result of biological drives. With regard to women's sexuality, he again held male sexuality as the norm, as evidenced by his suggestion that women would only reach sexual maturity when they accepted the reality of their castration and resisted the potential for autonomous sexuality as presented by clitoral masturbation.

Iwan Bloch in a 1908 English translation of his work on sexuality followed his predecessors in advocating the free expression of a variety of sexual desires but

again stressed the importance of heterosexual coitus. The tendency for early sexologists to differentiate between male and female sexuality is also evident in Bloch's work. He identified the greater sexual excesses of women with mental disorder but denied that homosexuality was a sign of physical or mental degeneracy, suggesting that it was a sexual anachronism. As with the other sexual scientists, the subject of lesbianism was largely ignored in his work.

Foucault's analysis of the history of sexuality suggests that even though the nineteenth century was characterized by a promotion of sex, this liberation was itself constrained by certain regulatory practices. Hawkes (1996) in analyzing these regulatory practices suggests that they can be classified under the themes of reproduction and conjugality. Reproductive sex within a marital heterosexual relationship was cast as the desirable norm. It was this emphasis on the promotion of marital and reproductive sex which led, Hawkes (1996) argues, to opposition to contraception in early twentieth century Britain. From the early 1900s onwards, maternal health and the future strength of the work and defense forces, as determined by the health of children, were identified as reasons to legitimize the use of contraception within the context of marriage. The use of contraception to facilitate pleasurable sex free from the possibility of conception was ignored in the initial British campaign for contraceptive services. Furthermore, the medical professions expressed concern at the potential for contraception to encourage over indulgence in un-regulated sex thereby posing a threat to family life and public morality (Hawkes 1996:76). Engagement in non- procreative sexual activity by women would, it was feared, lead to their rejection of the motherhood and homemaker role and their affliction with the nervous and physical symptoms often experienced by single and childless women. In consequence, the contraceptive service established in England in 1930 was available only to married women who had a proven medical need of it. This association of contraceptive availability with sexual excess reflects, Hawkes (1996:80) suggests, beliefs about the insatiable nature of female sexual appetites, which were kept in check only by the fear of pregnancy. Thus as Hawkes (1996:78) puts it

*The basis on which planned sex was made respectable was not the needs of the individual woman, but the judicious maintenance of her maternal health by the medical profession.*

The motivation for the introduction of contraception is reflective of the wider sexual discourse of the mid nineteenth century which was characterised by increased consideration of the implications of sexual behaviour for the wider society (Hawkes 1996). Emphasis was placed on the importance of well ordered sexual expression for the health of both the domestic and social spheres, while sexual anomalies were identified as being social or cultural as distinct from individual, in origin. Social trends such as the increasing incidence of female pre-marital activity and a growing divorce rate posed a challenge to traditional sexual orthodoxy and became manifest in social concern, which crystallised around the issues of venereal disease and prostitution.

By the mid twentieth century the literature of "sexual sociology", a term accorded to a limited group of medically trained writers provided, Hawkes (1996:88) suggests,

*...not critical analyses but descriptions of the connections between individual manifestations of sexual behaviour and the social environments that were deemed to produce them.*

This literature voiced concern about the negative impact which contemporary industrial society had on sexual behaviour. The influence of advertising, cinema and widely available literature, on a young population experiencing considerably more economic and social freedom than previous generations, was a central theme of investigation in sexual sociology. The tone of such work was not condemnatory or regulatory, rather its aim as expressed by one of its most prolific proponents, was to

*...determine on a basis of factual research the types of conduct best suited to the realisation of mental and spiritual health and to inform the public accordingly* (Comfort 1950:79)

Implicit in this aim was, Hawkes (1996:89) suggests, the further endorsement of "*the importance of benign but expert guidance*" in relation to sexual behaviour and wellbeing. The interwar years in the UK were characterised by a rapid expansion of both popular and scientific literature, promoting a positive attitude to sex. These discourses recognised the former prudery regarding sex as a source of much marital discontent and sought to overcome the ignorance and shame traditionally associated with the topic. The aim of the experts was to provide impartial factual information, which would promote the rational management of sex. There would thus appear to be much evidence to support Hawke's (1996:104) contention that

> *The pre-eminence of rational action in the ordering of human existence in the context of modernity, or of the civilizing process, offered an ideological context in which long-standing anxieties about the "disorderliness" of sex could at last be overcome.*

Under the guise of rationality and objective scientific endeavour, the scientists of sex drove forward the discourse of sex. Rationality and the supremacy of knowledge resulted in the emergence of a discourse in which moral inhibition or ethical norms were overlooked and issues and practices previously considered unacceptable became legitimate scientific concerns. Hawkes (1996) cautions however, against the facile assumption that because the proponents of rationality deemed pleasurable sex in the context of marriage and monogamy acceptable, it was accepted at the wider social level. Rather she suggests that the "*rules of discourse make possible the discussion of otherwise undiscussable things, crediting the discreditable.*" (Hawkes 1996:103)

The American biologist and researcher, Alfred Kinsey, in his works *Sexual Behaviour in the Human Male* (1948) and *Sexual Behaviour in the Human Female* (1953), typified this discourse. He compiled information to facilitate the description of sexual activity by documenting the range and frequency of sexual behaviours of white Americans. Kinsey's work highlighted significant rates of homosexual activity and very high rates of masturbation, findings which challenged claims regarding the

unnatural nature of these activities. The work of William Masters and Virginia Johnson, *Human Sexual Response* (1966) and *Human Sexual Inadequacy* (1970) heralded the development of sex therapy to facilitate sexual enjoyment. Evans (1993) suggests that the findings of Kinsey et al (1948 & 1953) and Masters and Johnson (1966 & 1970) were a major contributing factor in the liberation of female sexuality. Their research identified women's potential to experience equal or possibly greater sexual fulfillment than men, and advocated for women's right to determine how they would achieve such fulfillment. Despite this promotion of independent and autonomous female sexuality, the therapeutic practices of Masters and Johnson were shaped by traditional beliefs about gender. Unmarried men attending their clinics were provided with a surrogate partner as it was felt that what a male needed was assistance to function sexually in a way which would ensure procreative capacity, assistance which could be provided by any female partner. Single women, however, had to provide their own partners as it was felt that women's sexual problems were often a result of their failure to value their own sexual function, something which could only be rectified by involvement in a meaningful relationship, and identification with a male partner. Masters & Johnson also distinguished between dysfunctional and dissatisfied homosexuals, the latter being those who wished to revert to or convert to a heterosexual state. Thus in the scientific discourses produced in the latter third of the twentieth century, the fear of sexual dysfunction replaced fear of sexual danger, with heterosexual coitus remaining the primary source of reference in discussions of sexuality.

**The Commodification of Sex**

The relaxation of sexual mores around sexual behaviour in the latter half of the twentieth century was characterised by the uncoupling of sexuality from marriage and reproduction, and the commodification of sexual desire. Weeks (1985:21) identifies four factors as pertinent in shaping the sexual revolution of the mid 50s to the mid 70's. These are the

> *commercialisation and commodification of sex, the shift in relations between men and women, the changes in the mode of regulation of sexuality; and the*

*emergence of new, or the re-ordering of old, social antagonisms and the appearance of new political movements.*(1985:21)

Hawkes (1996) in a similar vein argues that the shift of emphasis from respectable sex to pleasurable sex was paralleled by a change in the dominant rationale of capitalist production during the latter half of the century. The rationality and organisation which characterised Fordist mass production was, she suggests, reflected in the emergence of a discourse on sex which emphasised the acceptance and importance of organized and knowledgeable sex, located within the structure of marriage and masculinist heterosexuality. The latter half of the twentieth century however, saw the emergence of "flexible accumulation" as the dominant organisational ideology of the capitalist production process (Hawkes 1995:105). This ideology originated in response to the saturation of the market with durable consumer goods and a corresponding fall in demand for such products. To re-create demand, a marketing strategy promoting the notion of individual choice, with the making of such choices identified as central to the determination and creation of the self, was employed. The implications of this change in capitalist organisational ideology for attitudes to sexuality have been commented on by a number of analysts. Harvey (1989) suggests that Fordist mass production demanded patterns of individual behaviours, which complied with the schema of production. Gramsci (1971:297) makes a similar claim, suggesting that

*...a new type of man demanded by the rationalisation of production and work cannot be developed until the sexual instinct has been suitably regulated and until it too has been rationalised*

Flexible accumulation then demanded a new type of worker, one achieved, Hawkes (1996:13) contends, through "*the ideological shaping of expectations and motives in the life spheres beyond the workplace.*" Thus, she (1996:106) suggests that *"Choice" became the lifeblood of late capitalism, a motif that was as dynamic and all-pervasive as its predecessor - "rationality".* This change in the defining rationale of the production process is, Hawkes suggests, closely related to the so-called liberalization of heterosexuality in western society, from the 1960's onwards.

Weeks (1985) offers a similar analysis claiming that by the 1950's sex had become a commodity that could be bought, pointing to the publication of *Playboy* and the growth of pornography as evidence of the colonisation of sex by capitalism. The development and marketing of new methods of birth control, such as the contraceptive pill, meant that sex no longer carried with it the inevitability of procreation but rather opened the door for the further commodification of pleasure (Weeks 1985, Hawkes 1996). The explosion of sexual imagery in advertising and the marketing of images of explicit heterosexuality expanded the social definition of what was acceptable sexual behaviour while the notion of free consumer choice resulted in the commodification of sex. Hawkes (1996) argues that the commercial discourses of sex with their emphasis on short-lived, transient erotic encounters have replaced discourses which stress the role of sex in more stable, socially embedded relationships. She proposes that a possible consequence of this commercilisation of sex is that choice of, and association with, particular types of sexual imagery, will become more significant than actual sexual activity, in the definition of self-identity. Giddens (1991) also identifies the proliferation of lifestyle choices and the continuous reflexive constitution of the self, as characteristic of late modernity. The body, he suggests, has been freed from the fixity of given categories and is central to the process of defining the self, in terms of the way in which the individual experiences living in it and the way in which it is deployed materially to portray an image. These choices about self -presentation draw from and contribute to the regimes, which direct appropriate management of the self. This is significant, Giddens (1991) suggests, because the remaining regimes no longer constitute definitive directions grounded in sure notions of right or wrong, deviant or normal etc. Giddens (1991) argues that this increasing disappearance of the traditional, fixed, frameworks within which people formerly experienced, as distinct from created their identity, has conferred a new meaning and role on the body. Hawkes (1996:115) questions however, the extent to which heterosexuality has been liberalised and cautions that

> *The liberalization of heterosexuality in the context of the transition from "sex as production" to "sex as consumption" is more illusion than reality. The choices that are for some the indicators of freedom are in fact a more subtle*

*form of regulation through the myth of individual autonomy inherent in consumer choice.*

She thus suggests that while the body has become a central element in the creation of self through choice, it is questionable to what extent such choice permits a form of self-expression that is definitively independent of the influence of the values of the social order. Here her argument intersects with that put forward by many feminists, who in their analysis of sexuality, suggest that the much lauded sexual revolution of the late twentieth century has not in fact led to liberation for women or for homosexuals. The remainder of this chapter will consider feminist critiques of the regulation of female sexuality.

## Feminist Critiques of Sexological Inquiry

Schneider & Gould commenting in 1987 on the sociology of sexuality, suggested that female sexuality has been either ignored (apart from its implicit acknowledgement in the discussion of heterosexuality) or distorted in traditional sociology. Other disciplines which have considered the issue of sexuality e.g. medicine, psychology and history are guilty of a similar mistreatment of the topic. Since the mid-eighties however, a body of feminist literature has emerged offering a challenging reappraisal of female sexuality. While being diverse and at times contradictory, this literature is characterised by a number of constants. These include: the acknowledgement of gender and sexuality as social constructs and the focusing of attention on the relationship between them; the investigation of the ways in which female sexuality has been suppressed; the consideration of the political dimensions of sexual intimacy and the pioneering of methodological strategies for the study of female sexuality which reflect a move away from traditional positivist methods and towards approaches which are grounded in women's own accounts of their sexual experiences and identities. Foucault's contention that power in modern society assumes a normative guise, being exercised through the creation of ruling discourses which are seen to provide the truth of a situation, is useful in understanding representations of female sexuality. The creation of essential truths, the classification of behaviour and the definition of normality, have been the process through which subjective ideas about sexuality have been shaped, ideas which

served to delimit the boundaries of acceptable sexuality. Feminist writers (Dworkin 1981 & 1987, Jeffrys 1985, Rich 1986 & MacKinnon 1987) have highlighted the way in which dominant eighteenth and nineteenth century discourses regarding heterosexuality, have shaped the socially acceptable pattern of female sexuality in a way that reflects historical truths regarding male sexuality. Feminist critiques can usefully be considered in relation to the three paradigms which have dominated discourses of sexuality i.e., the essentialist paradigm, the heterosexual paradigm and the liberation paradigm.

**The Essentialist Paradigm**

Weeks (1985) suggests that many of the discourses of sex produced by sexologists have embraced a notion of sexual essentialism and sought to explain sexuality as an overwhelming force which needs to be regulated. This view of sexuality as an innate, instinctual force in need of control is also characteristic of western Christian thought and much of the work of sexologists has related to debate about how this force could be contained. In the Biblical story of the Fall, Eve was portrayed as susceptible to the forces of desire and lacking in sexual control. Woman was seen as a corrupting force, which challenged the morality and reason of man. Hence autonomous female sexuality was perceived as dangerous and defiling. In the New Testament women were offered redemption through the exercise of chastity or marital fecundity, with the image of Mary symbolising both virginity and motherhood. As such motherhood was seen to offer a productive outlet for the potentially unruly force which was female sexuality. This Judeo-Christian view was instrumental Weeks (1985:87) believes in informing a discourse of sexuality in which women were perceived "*as closer to morality and animality, to body and instinct, to nature and non-responsibility. Men to the opposite.*" Weeks (1985) suggests that early sexological literature portrayed female sexuality as a consequence of maternal instinct while male sexuality was viewed as an instinct for reproduction. Related to this is a view of female sexuality as passive and dependent while male sexuality is seen as active and autonomous. Furthermore the conflation of female sexuality and motherhood denies the possibility of a female sexuality which is independent of heterosexual coitus.

**The Heterosexual Procreative Paradigm**

The identification of male heterosexuality as the normative base line for sexual expression is again evident in the discourses of the early scientists of sex. Ellis (1899) pointed to the natural legitimacy of heterosexuality and the supremacy of men in heterosexual relationships, while all but ignoring the issue of female sexuality. Similarly Bloch (1908), while acknowledging the equality of male and female sexuality and advocating the free expression of a variety of sexual desires, stressed the primacy of heterosexual coitus. Furthermore he defined homosexuality as a sexual anachronism and identified what he described as sexual excess in women, as a mental disorder.

Freud, again writing in the late nineteenth century, defined sexual maturity for women in terms of participation in heterosexual relationships, cautioning women against the exploitation of the potential for autonomous sexuality as presented by clitoral masturbation. Concern about autonomous female sexuality was evident even in the discourses of the interwar years in the UK which sought to overcome the ignorance and shame traditionally associated with sexual activity within marriage. In such discourses, Hawkes (1996) suggests, women were encouraged to contribute to the moral and physical health of their marriages by becoming familiar with sexual techniques. The range of manuals which supplied information on such techniques were, however, highly gendered, maintaining traditional stereotypical views regarding women's lesser sexual capacity and the dominant role of men in coitus. Furthermore Hawkes (1996) argues that the British sexual manuals of the 1940's and 1950's, evidence an underlying concern with the over emphasis on the erotic as distinct from reproductive function of marital sexual activity. She refers to the work of Chesser (1949) who expressed concern that women would be encouraged to deny their natural instinct for motherhood, suggesting that

> *The rejection of the maternal role is not included in the familiar list of perversions which appear in text books - yet it is the greatest perversion of all.* (Cited in Hawkes 1996:99)

Hawkes (1996) further contends that the instructional discourses in the manuals did not identify the autonomy of female sexuality to anything like the extent to which male sexual independence was promoted. Ehrenreich and English (1979) in a similar analysis of American sexual manuals from the 1940's, provide evidence that women were advised that only a long-term sexual relationship with a skilled male lover would produce sexual fulfillment. Hawkes (1996:99) thus concludes that

> *In ways that reflected the persistence of many features of former constructions of women's sexuality, women's fulfillment was integrally related to her role as mother and to her lovingly subordinate position as a wife.*

**The "Liberation" Paradigm**

Kinsey et al's (1948 &1953) empirical work on sexuality found that female sexual behaviour was more uniform than that of males, with women being consistently less sexually responsive and having lower frequencies of orgasm. Female sexuality was understood as servicing the greater male need for satisfaction, hence providing further support for the discourse of female sexual passivity (Miller & Fowlkes 1980). The work of Masters and Johnson (1966) which considered the physiologic dimensions of sexual response provided, however, a challenge to Kinsey's contention that female sexuality was unresponsive and derivative. Masters and Johnson provided evidence which demonstrated that women have equal or greater orgasmic capacity to men and that the clitoris is the site of female physiological response. As such they rejected former claims regarding the diminished sexual capacities of women and asserted women's right to sexual pleasure. At the same time however, Masters and Johnson identified conventional heterosexual relations and the achievement of coital orgasm as the most meaningful expression of sexual activity. The assertion of women's right to sexual pleasure was facilitated by the introduction of the contraceptive pill and the result in the 1960's was Weeks (1985:26) contends *"a major incitement to female sexual fulfillment"*. This sexual liberation of women occurred however, within the boundaries of a male-defined sexuality and an economic and social structure which located women in subordinate roles (Weeks

1985). The "discovery" of the potential of female sexual capacity was Hawkes (1996:108) claims " *immediately expropriated as the principal component of a new construction of women's sexuality by men*". The achievement of sexual pleasure was equated with liberated femininity and the valorization of sexual pleasure was included in the manifestos of what Hawkes (1996:108) describes as the "*new Utopian socialists*". The promotion of women's sexual freedom continued however, to be located within a male-defined paradigm. The sixties image of the single girl, economically independent and sexually liberated, resulted Hawkes suggests in sex becoming a defining characteristic of single female lifestyle. A myriad of consumer goods were marketed as items central to the creation of 'sexy' single womanhood, while a different array of products were targeted at women fulfilling the role of wives and mothers in the growing suburbs of western cities. All of these products constructed an image of the type of femininity and sexuality deemed appropriate for women in different social roles. Weeks (1985) provides a similar analysis, arguing that men were the chief beneficiaries of the sexual changes which occurred since the second world war. He suggests that as entrepreneurs, as voyeurs and as participants, men set the boundaries of sexual behaviour and practice, with women being the targets of their efforts. Weeks (1985:25) thus claims that

> *Out of the complexities of the changes in the infrastructure of sex came an abundance of often contradictory discursive constructions of womanhood: women as mothers and consumers, as domestic companions and sexual partners.*

Evans (1993) further suggests that such conflicting discourses of womanhood reflect a tension between the state's desire for female labour and its desire to maintain traditional ideals of family, with the mother at its centre. He argues that the material construction of feminine sexualities has located women in the centre of a battle between the state and the market, suggesting that the

> *underlying contradiction between moral state and amoral market contextualises all types of sexual citizenship but it has been no where more pronounced or significant than in female/feminine forms, as the many*

*dramatic contests over citizenship rights and duties (abortion, rape in marriage, equal pay, taxation, etc.) testify. (*Evans 1993:50*)*

By the mid sixties women, for a variety of reasons and from a range of positions, began to question the rhetoric of sexual freedom in the context of a wider analysis of women's sexual, social and political roles. Dissatisfaction with the experience of marriage was documented in the work of Friedan (1965) and Garvon (1966). The works of Shere Hite (1976) and Nancy Friday (1976) celebrated the right of women to explore self-attained sexual pleasure while at the same time contributing to the continued commodification of female sexuality by stressing the centrality of sexual relations to relationships and giving priority to heterosexual sexual activity.

The mid-seventies however saw a feminist problematisation of the domination of women within the heterosexual relationship. A key target was the violence against women and indeed children, which was engendered by some heterosexual acts. Rape, violence against women in the home etc became targets of feminist concern (Brownmiller 1975, Dworkin 1981). Theorists such as Rich (1983) called for a rejection of compulsory heterosexuality. As such, lesbianism became associated with a political stance against male violence and male-defined heterosexuality. Hawkes suggests however that the subversive potential of lesbianism as a challenge to the primacy of heterosexuality was not fully developed. Lesbianism as an expression of erotic pleasure remained confined and, indeed, defined, within and in relation to the parameters and consequences of heterosexuality. Rubin (1984) has acknowledged this suggesting that the categorization of lesbians, as women identified women, created a rift in the women's movement and resulted in a failure to justify or promote lesbianism on any other grounds. Choice of sexual orientation became a political as distinct from an erotic choice. Hawkes (1996:131) thus suggests that

*.....the silencing of the dimension of a women-centered erotica deflected an effective challenge to what constitutes the category of "heterosexuality", the connections between this category and gender and, ultimately, to the category of gender itself.*

The continued dilution of the potential of lesbianism as a challenge to heterosexuality is alluded to by commentators, who argue that the acknowledgement and legalisation of diverse sexualities may be understood as an exercise in assimilation. Hamer & Budge (1994) and O'Sullivan (1994) espouse this view, arguing that their analysis of the current interest in lesbianism, leads them to believe that lesbianism is being commodified as a chic, fashionable, lifestyle choice. Thus Forbes (1996:188), commenting on the acceptance of 'lesbian chic', suggests that

> *One effect is to render women the same, so that lesbianism as a threatening female sexuality, outside the control of men, is brought back into line by being subjected to normative strategies of re-definition and assimilation. The construction of lesbianism as individual expression of lifestyle choice and its incorporation and representation within popular culture can be understood as discursive strategies which weaken its oppositional position and, in so doing, neutralise any political message.*

Hawkes (1996) random review of the discourses of sex in women's magazines in England, between 1992 and 1994, point to the continued prioritisation of male-centered sexual practice and the relatively marginal nature of lesbian discourses. Her findings draw into question Gidden's (1992:2) assertion, that sexuality in late modernity has been released from "*the rule of the phallus, from the overweening importance of the male sexual experience* ". Furthermore the articles she reviewed encouraged women to take responsibility for stoking the fires of desire in their male partners and for ensuring that sex was not boring. Women were advised that while they had the right to say no to sexual activities they were not comfortable with, they should do so in a way which protected the ego of their male partners. In short, Hawkes (1996) argues that the discourses of sex in women's magazines conferred responsibility on women to ensure that sex was frequent and exciting and to educate themselves in the techniques required to ensure this goal. She further suggests that the women's magazines promote the idea of sex as lifestyle choice, emphasising the diverse range of erotic experiences available and encouraging their exploration as a means of increasing self knowledge and extending self expression. Hawkes

(1996:121) thus argues that, in spite of the promotion of the notion of individual sexual freedom, traditional hegemonic ideas regarding sex remain, and suggests that

> *Good housekeeping has been replaced by "good sex-making"... concerns about hygiene and culinary proficiency have been replaced by concerns about orgasmic efficiency and the management of erotic pleasures.*

## Conclusion

The Foucauldian understanding of power provides a useful framework for the analysis of the historical regulation of female sexuality. Analyses of discourses regarding female sexuality during the 19th and 20th centuries, show how women's sexuality has been categorised, differentiated and in various ways subordinated to the male heterosexual paradigm (Jeffreys 1985&1990, Smart 1992, Hawkes 1996, Horrocks 1997). A number of key discursive stages can be identified. The Madonna/whore dichotomisation which was dominant until the early twentieth century, portrayed respectable women as those who submitted to sex within marriage but did not enjoy it, while immoral women expressed their sexuality in forbidden roles as prostitutes, whores and unmarried mothers. This was replaced by a discourse which expressed concern with women's lack of sexual responsiveness, legitimated female sexual enthusiasm and identified the need for the education of women regarding sexuality. The image of the "frigid" woman was thus developed and sex experts emerged to instruct married women to comply with the heterosexual, phallocentric sexual template, which was the blueprint for appropriate sexual behaviour. In the discourses of the 1960's, the category of the frigid wife gave way to that of the inhibited woman who needed to rid herself of such inhibitions if she was to play her prescribed role in the heterosexual, free love, sexual revolution of the time. By the mid seventies a further discourse, characterised by the image of the independent, sexually active single woman, for whom sex was a lifestyle choice, held sway. Contemporary commentators suggest however, that even within this discourse, female sexual liberation and equality continue to be defined in relation to the male heterosexual paradigm. The sexually liberated woman becomes a female equivalent of the male, being seen as a sexual predator with voracious needs, seeking

gratification within a heterosexual relationship (Hawkes 1996, Forbes 1996). Forbes (1996:188) thus concludes that

> *Themes in contemporary discourses which promise yet again women's (sexual) liberation, the construction of female heterosexual desire as self-expression, the domestification of pornography and search for gender equivalence, reveal how power continues to be exercised and women's compliance secured through the manufacture of consent and coercive practices of the self. Such discourses also indicate the latest strategies by which the historical colonisation of women through sexuality is reshaped and manifested within more acceptable forms.*

The dominance of male heterosexuality as the referent for all constructions of sexuality is also manifest in the range of dualistic tensions, which have informed conceptualisations of sexuality. These broader themes in the social construction of sexuality provide a background against which the distinctive ontology of femininity and female sexuality, which informs Roman Catholicism, can be considered. Within the Catholic paradigm an essentialist view of sexuality prevails. The nature of woman is derived from her procreative capacity, which in turn dictates her normative role as homebased mother. The idea of complementarity is central to the definition of the female role. Androcentric interpretations of the Genesis stories depict woman as sexually unstable and morally lax. The expression of female sexuality is thus considered safe and hence legitimate only within the context of patriarchal, heterosexual marriage. The Catholic cult of Mariology further reinforces the powerful prescriptive image of asexual motherhood, which reduces female sexuality to a passive procreative function within marriage. The task in this research, is to present and analyse the discourses of feminity and female sexuality propagated by the Catholic Bishops, Clergy and philanthropists in Ireland during the twenties and thirties and to consider the extent to which such discourses resonated in the discourses of politicians and policymakers.

# Chapter Three: Locating the Discourse - Independent Ireland and the Catholic Church

## Introduction

Attitudes to sexuality and the way it was responded to in the period under study, namely nineteen-twenty to nineteen-forty, cannot be considered without reference to the prevailing social, economic, political and religious conditions of the time. This chapter provides a broad socio-economic profile of the infant Irish nation, which emerged in the early twenties and examines key critical commentaries on the period. In view of the focus on Catholic discourse in this work, the principal issues of concern identified by the wider Roman Catholic administration during the first two decades of the century will also be considered. Finally, selected Irish Clerical commentaries regarding femininity, female sexuality and declining moral standards are reviewed. This review provides the broad discursive context against which the more specific discourses on contraception, extramarital pregnancy and prostitution considered in this work can be analysed.

## Ireland Nineteen-Twenty to Nineteen-Forty: A Socio-Economic Profile

A profile of the infant nation entrusted to Cosgrave's[1] care is revealed in the 1926 Census returns. These indicate that 61 percent of the population lived outside towns or villages, that agricultural work provided employment for 53 per cent of the nation's workers and that the majority of agricultural holdings were small or medium sized (Brown 1981). 1926 census returns for single women aged 14 and over indicate that less than half of all Irish women in this age group were in employment, while their European counterparts were experiencing labour market participation rates of in excess of 60 percent (Daly 1995). The census also revealed that 5.6 percent of married women were in the workforce, 60 percent of whom were located in the categories employer, self employed or assisting relatives, with only 8,000 married

[1] W.T. Cosgrave was the first Taoiseach (Prime minister) of the new Irish State.

women being classified as employees. Corresponding Western European figures suggest that the Irish rate of female labour market participation was below that of most countries, with the exception of Norway, the Netherlands and Spain (Daly 1995). These findings would suggest that women's involvement in the public sphere of employment was very limited. Even the women who were employed were based predominantly in home-based settings where they worked as domestics, agricultural workers, shop assistants or seamstresses. Women's employment prospects in pre-independent Ireland were not any better. The 1911 Census revealed that in the geographical area that became the Free State, only 38.3 percent of women in the age group 20-24 were employed (Daly 1995). There is evidence to suggest however that women were not adverse to employment in areas outside the family economy with competition for white-collar occupation being keen among both males and females. By 1911 women constituted almost 30 percent of clerks in both the public and private arena and the first decade of the Irish Free State saw the number of women in the civil service increase by 140 percent (Daly 1995). The majority of these were middle-class women with second level education and there was some disquiet that such women, who were perceived as working for pin money, were taking jobs from more deserving men. The 1925 Civil Service Act responded to such concerns by restricting some jobs to men. Similarly the 1935 Conditions of Employment Act provided ministerial powers to ban women from certain areas of employment and to impose gender quotas on other industries. Daly (1995) suggests however that such measures should not be read as efforts to return women to the home. She argues that only a small minority of women had left the home front and that the 1935 restrictions were a response to the fact that women had benefited disproportionately from the growth in industrialisation in the early 1930's. The 1936 Census revealed that 59 percent of additional jobs created in the manufacturing sector between 1926 and 1936 were filled by women, who constituted 31.3 percent of the manufacturing workforce in 1936 as compared to 26.6 percent in 1926. Daly (1995) understands the 1935 Act as a response to the decreasing emigration opportunities, which resulted following the international recession of 1929. Male employment it was believed would increase marriage rates, reduce emigration and increase fertility. In 1926, 24 percent of women between the ages of 45 and 54 were single and between the years of 1926 and 1936 1,298 women emigrated for every 1,000 men, the highest ever ratio of women to men (Daly 1995). Following emigration these women

worked in the service economy and in light industry, often taking up domestic service jobs which they were unwilling to take in Ireland. This would suggest that their reasons for emigrating were not solely economic. The slow growth of industry resulted in the continuation through the thirties of these patterns of late marriage, emigration and poverty. Overcrowding in housing, slum tenements, unemployment, forced emigration, infant mortality and the plight of widows, orphans and unmarried mothers, testified to the grinding poverty and depravation which characterised the life of both the rural and urban proletariat of the time.

Another defining characteristic of the nascent State was the near universal adherence to the Roman Catholic faith. A devotional revolution (1850-75) orchestrated by Paul Cullen, the first Irish Cardinal, saw Ireland come under the yoke of the ultramontanist Roman Church with religious practice being regularised. The result was an Irish Church which could boast a strong property base, an organised Clergy and an expansive laity. This Church survived the political turbulence that led to the overthrow of British rule and the subsequent turmoil of the civil war period, during which it denounced Republican aggression toward the Free State Government. The homogeneity created by mass adherence to Catholicism (92.6 percent of population of Free State declared as Catholic in the 1926 Census) was further compounded by the class homogeneity of the Clergy and the hierarchy. They were drawn in the main, from the sons of farmers and traders seeking a position of prestige in a society with limited opportunities for it. Brown (1981:26) has argued convincingly that

> *The combined force of these two social groups in modern Ireland the farmers and the tradesmen, together with such of their offspring as could find roles in the professions was enormously influential in fashioning the political, social and cultural moulds of the independent state. Their economic prudence, their necessarily puritanical, repressive sexual mores and nationalistic conservatism, encouraged by a priesthood and Hierarchy drawn considerably from their number, largely determined the kind of country which emerged in the first decades of independence.*

Keogh (1994) in a similar vein suggests that one of the key objectives of Irish Catholicism in the nineteen-twenties was to fortify the legitimacy of the new State. He asserts that the Irish Hierarchy welcomed the increasing stability provided by the commencement of parliamentary politics and the cessation of revolutionary action. The formation of independent Government did little however, to alter the social and economic complexion of the newly liberated Ireland. A Cumman na nGaedheal Government, under the leadership of Cosgrave, came to power in 1922 and remained in that position until 1932 when they were succeeded by de Valera's Fianna Fail party. The absence of an indigenous industrial base and of a native entrepreneurial spirit, and the predominant dependence on subsistence agricultural activity, obliged the Government of the new State to be assiduously frugal in its use of public finance. The Cosgrave Government followed a policy of severe austerity and financial restraint, characterised by reductions in civil service pay rates, pensions and national health insurance provisions. The stagnation of the economy inhibited social change and the many social problems which blighted the new nation, were for the most part unattended (Brown 1981, Lee 1989, Powell 1992). De Valera's 1932 Government despite its rhetoric of social reform, introduced only limited welfare provision in the form of unemployment assistance and a limited house-building programme. This economic inertia was compounded by cultural stagnation. Brown (1981), recalling the wealth of cultural activity which blossomed in the dire economic conditions that prevailed under British rule, argues that economic conditions alone do not provide an adequate explanation for the abysmal absence of social and cultural development in post independent Ireland. Rather he suggests that there prevailed in the new State a *"conservative continuum with pre-revolutionary Ireland and minorities and critics in the new order had little chance to make their will felt"* (Brown 1981:10). Keogh (1994) shares this view claiming that Irish administrative, cultural and social life in the nineteen-twenties was characterised by conservatism and oriented toward continuity. The validity of such assessments is evident in the lack of any sustained effort to generate post independence change. This inertia is explained by Brown (1981) with reference to the partition of the six northern counties which housed a developed industrial base and a large Presbyterian minority. The outcome was a new State distinguished by social homogeneity and lacking any minority group who might provide the opposition, which would be a catalyst for social change. The dominance of a Catholic nationalist majority resulted in a stultifying conformity,

unruffled by extensive agitation for a more inclusive and expansive understanding of Irishness.

The absence of clear Government majorities in the first two decades of independence further inhibited change. The two main political parties assiduously avoided any proposal which might invite opposition or antagonism, particularly from the Hierarchy who wielded extensive moral authority over the Catholic flock. Both the Cumman na nGaehaeal and Fianna Fail Governments, actively sought to assert their commitment to Catholic values and their loyalty to the Catholic Church, with de Valera's 1937 constitution affirming Catholic Social Teaching and enshrining it in the law of the land (Whyte 1971, Lee 1989). The homogeneity of the Irish political and Clerical elite further reduced the potential for disagreement (Whyte 1971, Brown 1981, Lee 1989, Powell, 1992). Commenting on the similarities between these groupings, Whyte (1971:36) claims that "*Ministers were products of the same culture as the bishops, and shared the same values.... Certainly there is no sign of resentment of constraint in their handling of topics where both Church and State had an interest.*" Furthermore, there were personal as well as religious alliances between the political and Clerical sectors. Cosgrave was a close acquaintance of the Archbishop of Dublin, Bishop Byrne, while some members of the Fianna Fáil party in the late twenties, were friendly with members of the Clergy and hierarchy despite the latter's previous denunciation of the IRA (Keogh 1986). Brown (1981) has identified the mediocrity of the Irish Clerical corps of the time as another factor which mitigated against a post-independence flowering of social or cultural change. He argues that the Irish seminaries in the latter half of the nineteenth century provided an education which was marked by anti-intellectualism and sexual prudery. The lack of effective political opposition has been acknowledged as another factor contributing to the conservatism of the post independence period. Whyte (1971:57) suggests that the Irish Labour party were supportive of the positions adopted by the main parties. The limited industrialisation of Ireland meant that the labour movement lacked a large, urban proletariat base and the traditional tactics of organised labour such as the strike had limited purchase in a country where much of the impoverished proletariat was dispersed in rural districts or small industrial bases throughout the country. As such, the Labour party was limited to an advocacy role agitating for measures to address poverty with its policies in this regard being borrowed by

Fianna Fáil during the thirties. The failure of the organised labour movement or the Protestant minority in Ireland to mount any effective opposition to the Catholic nationalist conservatism which dominated in the early years of the new State resulted, Brown (1981:105) claims, in a situation in which

> *..Irishmen and women, writers, artists, politicians, workers have committed themselves to a vision of national destiny which has often meant a running away from much uncomfortable social reality to conceptions of the nation as a spiritual entity that can compensate for a diminished experience.*

The images of Irishness which were constructed and perpetuated at this time clearly, reveal the extent to which Catholicism was employed as a symbol of this national destiny.

## The New State: Imagery and Identity

Considering literary sources, Brown (1981:79/80) argues that the emergent Irish State had a repository of myths, symbols and motifs of cultural identity on which they could base a sense of nationhood. These ideological tools were for the most part rooted in the great heroism of a past Gaelic Ireland as reflected in characters such as CuChulain and his Fianian[2] warriors. However as Brown (1981) argues, these heroic images were inappropriate to a country ravaged by war and struggling for economic survival. In their place emerged a notion of Irishness characterised by the hidden Ireland and the virtuous Irish citizen, with the purity and simplicity of rural life being celebrated in political speeches, in prose and in poetry (Brown 1981:83). This view of rural continuity perpetuated in the literature of the new State, was however, at odds with the reality of change and adaptation which characterised rural life and indeed with the many crippling social problems which were part of it. Despite its failure to faithfully represent reality, this vision of rural Ireland served as an integrative symbol of national identity which emphasised Ireland's difference from its British neighbour and justified the existence of an independent State. A similar construction of Irishness is also evident in the political rhetoric of the

[2] CuChulain was a legendary Irish hero who led a band of warriors known as the Fianna.

twenties and thirties. The defining characteristics of this political vision of Irishness were those of cultural and religious distinction and economic self sufficiency. The economic climate which prevailed after independence, restricted the Government in terms of what it could do to deliver the latter element of the vision. Supporting the other aspect of it was possible however, without recourse to great finance. Efforts were made to reinstate Gaelic as the primary language of the country and a policy of Gaelicisation of Irish children through the school system was implemented. Brown (1981:67) suggests that this effort to reclaim the Irish language in the absence of an accompanying programme for social change, represented

> *...the need for language revival in terms of conservation and of a despairingly authoritarian control of a society that was becoming increasingly anglicised. The revival attempt therefore, despite its apparent radicalism, can be seen as rather more a reactionary expression of the deep conservatism of mind that governed public attitudes in the period than as a revolutionary movement.*

Hence the real Ireland was portrayed as a sacred enclave, where the universalizing influences of modernisation, which were shaping national identities throughout Europe, had not penetrated.

This virgin, hidden Ireland, preserved from foreign defilement, was the true Ireland, the natural successor of a glorious past. Pious adherence to Catholicism also provided the Irish people with another means to distinguish themselves on the international scene. If Ireland was not an economic or cultural capital, it could at least be a leader in terms of the strength of its devotional nature. This international image of Ireland, as a devout Catholic State, provided a unifying force which linked the new Irish State to communities of Irish Catholics dispersed through the world, and in so doing constructed a notion of an Irish race which transcended the geographical boundaries of the individual State. Brown (1981:35) suggests that the use of Catholicism as a unitary force can be understood as "*an effort to provide a counterweight to the international vision of British Imperialism. If Britain had its material Empire the Irish could assert their dignity in terms of a patriotism and a Catholic spirituality which both* (sic) *transcended the island itself.*" Catholic

periodicals such as the *Catholic Bulletin* established in 1911, also contributed to this effort to establish the bona fides of a separate, different, "Irish Ireland". Such publications engaged in a perpetual tirade against what they identified as immoral or malign influences, such as English newspapers or Protestant Anglo-Irish custom or culture. Hence a highly circumscribed notion of legitimate Irishness emerged characterised by adherence to the national language and the Catholic Church. Whyte (1971:49) suggests that analysis of the speeches of members of the Fianna Fail party in particular, indicate that it very clearly advanced the notion that to be Irish was to be Catholic. The Protestant minority, which accounted for 7.4 percent of the population of the twenty-six counties in 1926, were not in a position to mount much of a challenge to the triumphalist Catholic nationalism of post independence Ireland (Brown 1981). In this vision of Irishness, Protestants found themselves being identified as outsiders in a country they viewed as their homeland. This ideological climate combined with the trauma experienced by the Protestant minority during the last years of the fight for independence, left them with few ideological resources to mount a challenge to the nationalist orthodoxy. The minority status of the Protestants in the Free State depleted their potential to provide an alternative or indeed more inclusive version of national identity. The emergence of sexual morality and in particular the moral standards of women, as an emblem of cultural identity within this Catholic 'Irish Ireland', provides the focus of this thesis. Hence the constructions of femininity and female sexuality, which abounded in the discourses of the Catholic Church at both universal and national level must be analysed. Such analysis must however be predicated by consideration of the wider discourses of female sexuality which emerged in western society from the mid-nineteenth century onwards

## Female Sexuality in the Nineteenth Century: Discourse and Regulation

From the mid-nineteenth century onwards issues of sexuality, motherhood and reproduction were constructed in Britain as issues of public concern which required both legislative and philanthropic regulation (Smart 1992, Mahood 1990). Ideas regarding the disruptive and unruly nature of the female body and female sexuality,

were central to this concern which is discernible in medical, legal and philanthropic discourses of the time (Shuttleworth, 1990, De Groot, 1989). At the core of these concerns regarding female sexuality was the potential which un-regulated female sexuality posed to the prevailing moral and social order. Legal regulations to discipline female sexual behaviour and practices relating to reproduction were set in place with the introduction of a body of legislation[3] in Britain and by implication Ireland, between 1860 and 1890 (See Smart 1992 for a discussion of the focus of this legislation). Feminist concern regarding aspects of female sexuality and reproduction was also commonplace in the nineteenth century with feminist campaigners struggling with the issue of seeking to ensure legislative protection of the sexual integrity of women while at the same time avoiding the establishment of legislative dictates which were repressive in practice (See Hooper, 1992 & Bland, 1992 for a discussion of this issue).

Legislative developments for the regulation of female sexuality were paralleled by the campaigning rhetoric and activity of moral reformers, which further contributed to the process of naming and classifying a range of deviant female behaviours (Smart, 1992, Mahood, 1990). The rise during the nineteenth century of institutions for the reception of sexually deviant women, including unmarried mothers and prostitutes, has been conceptualised by feminist theorists such as Spensky (1992) and Mahood (1990), as part of a wider body of disciplinary regimes which sought to regulate those who disrupted the prevailing social order. Luddy (1989) highlights the emergence of public concern about prostitution in late-nineteenth century Ireland and documents the rise of organisations and institutions concerned with rescue work.

The extent of legislative regulation of prostitution in nineteenth century Ireland can be determined by reference to police statistics regarding arrests for prostitution. Luddy's (1989) analysis demonstrates that in 1870 15,537 arrests for prostitution were made in Ireland with the corresponding figure for 1900 being 3,626. This would indicate a decrease in rates of arrest as the century progressed, a fact which is

[3] These included the 1861 Offences Against the Person Act, the 1866 and 1869 Contagious Diseases Acts, the 1872 Infant Life Preservation Act and the 1885 Criminal Law Amendment Act.

also evidence by analysis of the arrest figures of the Dublin Metropolitan District (See Luddy 1989. Luddy (1989) attributes this reduction in arrests to a decrease in the activity of prostitutes occasioned by the increased legislative restrictions imposed by the 1885 Criminal Law Amendment Act and the activities of moral reformers and philanthropists. The White Cross Vigilance Association, established in Dublin in 1885, engaged in the patrol of areas know to be the haunts of prostitutes, stunted the operation of brothels by picketing their premises and prompted police action against brothel keepers as facilitated by the 1885 Criminal Law Amendment Act. There is also evidence to suggest that members of the Catholic Clergy actively challenged the operation of prostitution. Luddy (1989) provides details of the orchestrated efforts of Catholic priests in Cork city to rid St. Finbarr's parish of brothels, an initiative which the priests declared to be successful. The rise in the number of institutions and clubs specifically concerned with the prevention of prostitution and the rescue of women involved in it, has also been identified by Luddy (1989) as significant in the reduction of arrests for prostitution. The institutional regulation of destitute or deviant women was commonplace in the nineteenth century with unmarried mothers, women suffering from venereal disease and women engaged in prostitution being frequent inmates of Workhouses, Houses of Correction, Lock Hospitals and Psychiatric Institutions. By the middle of the nineteenth century, however, Magdalen Asylums had emerged as discrete institutions for the regulation of prostitutes.

Luddy (1989) provides evidence of the operation of at least twenty-three asylums for repentant prostitutes. The majority of these institutions were attached to the convents of orders of Catholic nuns while others were run by Catholic Clergymen. Other institutions were run by protestant congregations and were overseen by protestant clerics who acted as trustees, governors or committee members (Luddy 1989). Members of the laity, however, tended to play a greater role in the organisation of these latter institutions which were in the main established and indeed funded, by middle-class women motivated by Christian charity (Luddy 1989). By the end of the nineteenth century however, Luddy (1989) notes that many of the lay institutions had been taken over by orders of nuns who had both the financial and personnel resources to run them. As such, the operation of such institutions lay primarily in the control of religious women. The aim of both the lay and religious

institutions was similar, namely to rescue prostitutes from their life of sin and facilitate their repentance. Entry into the institutions was voluntary and there was no legal sanction which prevented women from leaving. Luddy's (1989) work further suggests that many women entered on numerous occasions and use the institutions as a place of temporary refuge for their work in prostitution. She has found no evidence, however, which would suggest that the asylums took a campaigning stance in relation to the issue of prostitution. Rather, it would appear that those who ran the institutions did not question the sexual double standard which condemned prostitutes while ignoring the morality of the men who commissioned their services. Furthermore, Luddy (1989) asserts that those who operated the asylums gave little consideration to the causes of prostitution with their primary focus being the moral reclamation of the sinful woman. This focus on the moral rescue of sexually deviant women is again evident in the activities of the Catholic moral reformers and philanthropists in post-independent Ireland, who perpetuated and possibly extended regulatory practices for the discipline of sexually deviant women. These practices are examined in detail in chapters four to six, however, to fully understand the context in which they operated it is necessary to consider the Catholic construction of femininity and sexuality which prevailed in the early twentieth century.

## Constructing Femininity and Female Sexuality: Roman Catholic Discourses

International Clerical writings from the first two decades of this century testify to the challenges which women's movements were posing to Catholic doctrine (Roper 1929, McMahon 1932, Michel 1939). Of particular concern were calls for equality between the sexes, the position of women in an increasingly industrial, secular society and the implications of divorce, contraception and eugenics for women's traditional status as wives and mothers. An article by Roper (1929) published initially in an Australian journal reveals the resistance of women to traditional definitions of femininity and the female role and the Catholic Church's concern with such resistance. Commenting on the Catholic Church's views on the status of women, Roper (1929:330) asserted that the Church had very definite views on the "*status and capabilities of woman*" and argued that it had always been committed to

lifting women out of a State of subjection. Roper made it clear however that women and men were complementary not equal (Roper 1929), a view reiterated throughout Catholic literature of the time (See Michel 1939). Hence the Church did not accept unquestioningly every "*fad and fancy of female agitators* " (Roper 1929:331). The use of the words "*fad and fancy* " would appear to reflect an effort on Roper's part to represent at least some of the women's claims as irrational and poorly thought out. This construction of women as irrational is further insinuated in his contention that men found it difficult to comprehend the outlook and mental process of women due to the "*physiological and psychological differences of the sexes*"(Roper 1929:331). The papal Encyclical regarding Christian Marriage (*Casti Connubii*), published in 1931 clearly reflected this essentialist view. Man was defined as the head of the family while woman was represented as the heart, responsible for the emotional climate of the home. Essentialist arguments about women's true nature were also employed to de-legitimise feminist demands for greater marital equality and extended roles in public life. Pius XI in his 1931 encyclical roundly rejected calls for female emancipation as "*debasing of the womanly character and the dignity of motherhood and indeed of the whole family*" (Pius XI 1931:44). He further advised civil authorities charged with adapting the rights of the wife to modern conditions, to keep in view what "*the natural disposition and temperament of the female sex, good morality, and the welfare of the family demand*" (Pius XI 1931:45). Michel (1939:667) writing some years later, castigated "*modern feminism*" for fostering selfish individualism and a desire for material pleasure, and suggested that women's motives for seeking access to positions of power and independence were distinctly un-feminine. He thus concluded that "*The indictment of modern feminism made in terms of Christian ideals is not that woman is stepping beyond the home in her activities and taking part in the affairs of the world. It is rather that in doing so she has often abandoned all that is characteristically feminine in her nature. She has abandoned the home which is her first responsibility*" (Michel 1939:668). Michel identified women's increasing entry into the public sphere, as the cause of many social evils, including divorce, which he believed to be rampant.

**Female Roles**

The role prescribed for women by the Catholic Church at the turn of the century, was primarily that of transmitter of the faith and reproducer of the faithful (See Pius XI

1931, McMahon 1932, Michel 1939). Woman was defined as innately suited to the latter role, which was to be executed only within the confines of marriage. Pius XI in *Casti Connubii* reiterated the primary duty of women as wives and mothers. Catholic literature of the time also ascribed a more spiritual nature to women suggesting " *Her nature, unless artificially repressed or distorted, craves for the spiritual in a degree far above that of the average man"* (Michel 1939:668). In a similar vein Roper (1929:331) contended that by her "*nature*" woman was the "*Queen of the home* [and] *builder of children's character, she is not called upon to be priest or warrior.*" Michel's (1939:664) depiction of the mother, in an article penned a decade later, as the "*generatrix of saints"* and the "*priestess"* of the family, testifies to the assiduity of this understanding of women's role within Catholic discourse. However while the woman was ascribed the role of home and child care, man ruled as head of the household, with this structure being ordained by God to avoid what Roper (1929:332) described as "*anarchy*" in the home! These prescribed limitations to women's roles were justified by reference to Divine or Natural law and did not in the view of the Church lessen women's dignity or take from their real freedom. At the core of the Church's attitude in this regard was the notion of a pre-ordained order in which women have a place, an order, which was mediated to women by the male leaders of her Church. A further element of women's role within the home was that of providing a counterbalance to the crudity of the male. As such, women in their home-based roles were seen as the repository of civility and morality, however entry into the public sphere was identified as anathema to these characteristics. Michel (1939:668) denounced the woman who would enter this sphere, declaring

> *she had consciously abandoned herself unto assuming the coarseness of man, which is for her a desecration of natural sanctity and refinement. She has abandoned her god-given task of civilizing man for the pursuit of her individual earthly pleasure and satisfaction.*

**Female Sexuality**

Despite the Church's advocation of the role of maternal motherhood, chastity has always been identified in Catholic teaching as a higher virtue. Roper (1929:333) asserted that while marriage is at the root of society "*chastity is an even higher state*

*than marriage: that it is an indispensable virtue in the unmarried; and that it has a special value in those who wish to devote themselves to God's service.*" A similar view was put forward by Pius XI in his 1931 encyclical which roundly denounced extramarital sexual activity, adultery and indeed marital sexual activity, which was not open to the possibility of procreation. Furthermore, the Church appears to have assumed for itself the duty of protecting women from the sexual exploitation which it was claimed would be occasioned by the introduction of contraceptives and divorce

> *Those terrible excrescences on woman's liberty –divorce and race suicide- are denounced by the Church in unmeasured terms. It may be claimed that they are reasonable assertions of women's freedom, but the Church, adhering to her Divine Master's doctrines, stoutly denies the claim. Again, the subversive teachings of the "new" psychology – that man's instincts may not be safely repressed-find in the catholic Church a determined opponent.* (Roper 1929:338/9).

Such Catholic discourse purports to be rejecting the view that male sexuality requires expression and denouncing the legitimacy of such an argument as a justification for the introduction of contraception and divorce. Yet by identifying the liberties provided by contraception and divorce as dangers to women's dignity, the Catholic discourse is itself ascribing to men an active sexuality the expression of which would be facilitated by such liberties. Furthermore this discourse constructs women as sexually passive or indeed asexual, casting them as victims as distinct from active participants in sexual relations. Indeed, female sexual passivity or asexuality appears to be equated with the integral dignity of women, which the Church in its denial of divorce and contraception was professing to protect. Active expression of sexuality was constructed as degrading and sinful. Roper (1929:339) presented the Church's opposition to contraception and divorce as an effort to preserve women's true freedom and "*guard them against excesses and sins which would once more reduce woman-kind to the degradation from which the Church has set her free.*" This would appear to be a reference to original sin, the sexual sin of Eve who tempted Adam. As such the Church employed contradictory discourses in relation to its construction of female sexuality. On the one hand women were constructed as

victims of male sexual excesses from which they needed and desired protection. On the other, the Church identified a role for itself in protecting women from their own inherent sexuality, which without control would lead to their degradation. Such understandings of sexuality were also influential in the concern expressed by Pope Pius XI in 1927 regarding women's fashion. Pius advised all Bishops to instruct Catholic girls on the subject of modesty in dress (See *Catholic Mind* Vol. xxv11 No. 17, Sept. 1929). Michel writing in 1939 employed both the notion of woman as temptress and man as innately sexually charged. He castigated modern women who *"too often cultivate the appeals that address themselves to the lower nature of man"* (Michel 1939:667). These constructions of femininity and female sexuality within the international Catholic discourses of the nineteen twenties provide an informative framework against which Irish Catholic discourses of the time can be considered.

It is also useful however to consider discourses of femininity and female sexuality promulgated in a wider international context and indeed in the discourses of other religious groupings. O' Dowd (1987) in a review of international attitudes towards women in period after World War 1 highlights the dominance of political ideologies which prescribed a maternal, home based role for women. Furthermore he points to the ambivalence among the international labour movement about the participation of women in the labour force. Concern about falling birthrates was commonplace throughout Italy, France and Germany and inspired opposition to birth-control which was described as unpatriotic (Holtby 1934, Boxer, 1983). At the same time the merit of eugenics was propounded by a range of groups including Fabians and some feminist advocates of birth control (Land 1980 cited in O' Dowd 1987). The latter sought to court both conservative and progressive support by highlighting the role which eugenics could play in addressing poverty.

The view of women promoted by the Irish Catholic Church in the post-partition period was not dissimilar to that adhered to by all of the Irish Churches of the time (O' Dowd 1987). O' Dowd (1987) suggests that in the post-partition period in Ireland, all of the Churches prescribed a selfless, familial role for women which encompassed voluntary work in the philanthropic sphere. He argues, however, that

the elevation of virginity in the Catholic Marian[4] tradition, was not replicated in Protestantism which remained patriarchal but did not seek the establishment of extensive social regulation of extra-marital sexuality. This Catholic concern with un-regulated sexuality is considered in the next section.

## Constructing Femininity and Female Sexuality – Irish Catholic Discourses

At the dawn of independence in Ireland, the Roman Catholic Clergy appeared to be particularly concerned with what they viewed as a wave of materialism sweeping across the country.[5] This concern was clearly expressed in a series of pamphlets issued by the *Irish Messenger Series* in 1922 (See Garahy 1922). The pamphlets entitled "Idols of Modern Society" decried the surrender of the nation to sensual pleasures and its craving for modern goods and services. Such material temptations were identified as external forces gaining entry to Ireland through a variety of media. This is clear from Garahy's (1922:28) assertion

> *Our immediate concern here in Ireland is to save our own country from an invasion of the forces of materialism. They are pressing hard for entry, nay, in a sense, they are here already in the literature we read in the theatres and picture-houses we frequent, in the worldliness to be noticed even among a certain class of Catholics.*

This 'certain class of Catholics' referred to by Garahy would appear to be a reference to the working-classes, who along with the young were a particular focus of Clerical

[4] This refers to the Catholic tradition of devotion to Mary who was the virginal mother of God.

[5] The Protestant conception of the role of the Clergy differed from that of the Catholic. In the Protestant tradition individual conscience was emphasised and the Clergy were less involved in seeking to enforce consensus among their flock. Furthermore O'Dowd (1987) suggests that the Protestant Clergy were not inspired to seek to influence public policy in the way that the Papal Encyclicals urged their Catholic counterparts to do.

concern. He identified the Irish victory in the War of Independence as a catalyst in the turn to sensual pleasure, particularly among the young of the country

> *When the truce with England was proclaimed, our young men and women, in town and country, started dancing. One does not blame them for this, it was a natural reaction after the strain and terror of the preceding months. But when is this thing going to end? To-day, eight months after the cessation of hostilities, they are dancing away more furiously than ever. The fact is that, while the fate of our country is still in the balance, the nation is suffering from something like an epidemic of frivolity.*(Garahy 1922:15)

Garahy (1922) was of the opinion that while all classes were engaging in this frivolity, it was most pronounced and most lamentable among the wage-earning class who could ill afford it. The identification of the working-class as most susceptible to foreign materialist influences is significant in light of Garahy's association of sexual vice and materialism. He appears to collapse the many strands of materialism he identifies into the overarching problem of sensuality claiming

> *the evil is here in our midst, and it is all the more menacing because the root of the disease lies deep down in our fallen nature. The sin of our first parents was a surrender to sensuality, as well as an act of disobedience .. ever since, through all the ages, the tyranny of passion has sought to usurp the control of reason, and clamours for unrestrained enjoyment of lawful, and for indulgence in forbidden, pleasures.* (Garahy 1922:15).

Within this context of unbridled sensuality, Garahy (1922:9) predicted the rise of sexual vice

> *whereever the new paganism has secured a foothold, sexual vice, with all the evils that follow in its train, is spreading like a prairie fire, that in the great centres of progress the streets swarm with harlots, and the machinery of the divorce courts is turning out decrees by the thousand every year for the breaking up of families.*

Furthermore, he argued that the strength of nations depended on the extent to which they could be victorious in the war of the spirit with the flesh. He suggested that Christian education which was *"true to the traditions of the Gael"* was required to challenge the materialist spirit *"which is so hostile to our faith, and so violently in conflict with the spiritual traditions of our ancient Irish civilisation."* (Garahy 1922:28). Here Garahy appeals to the rhetoric of a glorious past in which religious and national wellbeing were entwined and suggests a similar alliance to counteract the threat of foreign materialism to the newly independent Ireland.

The issue of women's role also appears to have caused some concern to the Irish Clergy in the immediate aftermath of independence. A Catholic Truth Society pamphlet entitled *"The Influence of Women in Catholic Ireland"* was published in 1922. The author Rev. Sheehy (1922:8) underlined the symbolic role which women played in Celtic Ireland and in the Irish nationalist tradition, declaring *"Ireland and woman were convertible terms. It is always as a woman her poets have thought of her"*. Sheehy further pointed to the influence of Catholicism in defining Irish constructions of womanhood, identifying the Virgin Mary as the prototype on which Irish womanhood was modelled. This Catholic influence was commended by Sheehy (1922:9), who argued that it furthered not only the Catholic faith in Ireland but also the moral conduct of the population

> *This high ideal of womanhood has always kept the nation faithful and strong, of course in every land where Christianity was established the example of the virgin Mary raised the public tone and fixed a high standard of moral conduct.*

Sheehy (1922:10) emphasised the role of women as mothers, suggesting that Irish mothers reflected a *"galaxy of holiness"* while the *"purity of the Irish Maiden"* was *"a proverb – nay a portent – for the unsympathising world outside."* Sheehy's work thus clearly illustrates the employment of women as symbols of national identity with the sexual conduct of women being central to this process of differentiation from outside nations.

Of interest also in Sheehy's work is the construction of women as appendages to men, as distinct from actors in their own right. Sheehy (1922:11) posed a question to the women of Ireland asking whether they would be *"the bane or the blessing of man: a ministering angel or a wily temptress; dragging him down to the mire or raising him to the stars?"* Evident here is the employment of the male as the referent for the female and the categorisation of female behaviour in the traditional Catholic virgin/whore dichotomy. Sheehy's ascription to women of responsibility for male behaviour, be it positive or negative, is reflected in other Catholic publications of the time. Writing in the American publication *The Catholic Mind* early in 1939, Fr Michel (1939:668) concluded *" The possibilities for woman in regard to man are two: either to plunge him deeper into hell than man would descend by himself, or else to lead him farther up into heaven than man would ascend by himself."* As such it would appear that women were constructed as moral agents who held responsibility not only for themselves but also for men. That this responsibility for morality related primarily to the area of sexual morality is suggested by the primacy of female fashion as a topic of discourse among Irish Clerical commentators in the period under study.

**Female Fashions**

Hierarchical concern with the regulation of female fashion did not originate with the new State. Dr. Hallinan, the Bishop of Limerick in a 1919 letter to the press, drew attention to a recent congress in Rome of the Italian Catholic Women's Union, who had an audience with the Pope. During the audience the Pope dwelt on what Hallinan described as *"one of the great evils of the time- the immodest fashions in women's dress"* (Hallinan (1919) cited in *Irish Catholic Directory and Almanac* 1920:514). Hallinan categorized the 'fashion evil' as a symbol of identification with the colonizing English forces in Ireland. He declared *"It is painful to observe, too, that our Irish Irelander women and girls, who profess their abhorrence to the Anglicisation which is going on in our midst, fall victims to it themselves"* (Hallinan, 1919 cited in Irish Catholic Directory and Almanac 1920:515). Of interest also in Hallinan's letter is his advocation of the Pope's suggestion that men in their capacity as fathers, husbands and brothers should *"lend a helping and encouraging hand to the crusade of the Catholic women's union against the fashion evil"* (cited in *Irish Catholic Directory and Almanac* 1920:515). Evident here is a clear identification of

Hierarchical support for patriarchal control of female behaviour. So great was the concern with women's fashions that in January 1920, in accordance with the wishes of Cardinal Logue and the Archbishops of Ireland, a League of St. Bridgid was established. The aim of the organisation was to "*give Irish women an opportunity of uniting in protest against the inroad of foreign immodest fashions in our country*" (Irish Catholic Directory and Almanac 1921:501). It was recommended that Catholic Convent schools should establish a branch of the League and encourage pupils to join. The rules outlined for the League testify to the extent to which female modesty was employed as a symbol of national identity. Each member of the League was required to make the following 'promise' in a church or oratory

> *For the glory of God and honour of Erin, I promise to avoid in my own person all impropriety in the matter of dress, and to maintain and hand down the traditional and proverbial purity and modesty of Irish womanhood* (*Irish Catholic Directory and Almanac* 1921:501)

The statements of support for the league issued by the Archbishops highlight the way in which female sexual morality was constructed as an emblem of national identity. Archbishop Gilmartin denounced fashions which "*lowered the standard of womanly dignity in Erin*", while Archbishop Harty declared that foreign fashions ran "*counter to the traditions of the Irish race.*" (*Irish Catholic Directory and Almanac* 1921:502). Catholic newspapers such as the *Irish Catholic* also provided a platform for the denunciation of women's dress. In January 1924, an article in the paper highlighted the international Catholic concern with the issue and claimed that "*immodest fashions in women's dress have such a vogue as has compelled the Holy Father himself and ecclesiastics of all degrees downward to utter protests and stern warnings*" (*Irish Catholic* Jan. 16th, 1924). The 1924 Lenten Pastoral of Archbishop Logue contained such a warning. The Archbishop cautioned that a Papal decree had been published "*forbidding the clergy to give Holy Communion to those who present themselves in an unbecoming dress. I fear his example must be followed, if the scandal is to be stopped*" (*Irish Catholic Directory and Almanac* 1925:559). The Hierarchy charged mothers with responsibility for the modesty of their daughters' dress and for ensuring that they were chaperoned in places of amusement. Cardinal O'Donnell of Armagh in his Lenten Pastoral in 1926, advised mothers to ensure that

their daughters were attended by a capable female companion when attending dances, while the Bishop of Cork speaking in 1927, appealed to Catholic mothers to *"strive to maintain in their daughters their traditional character for purity and modesty"* (*Irish Catholic Directory and Almanac* 1928:609). The identification of mothers as the agents of moral propriety within the family is very pronounced in Hierarchical discourses. It is typified by O'Donnell's warning *"Unless mothers take this matter in hand, and remove the evil, ecclesiastical action will be taken in the line of excluding from the Sacraments."* (*Irish Catholic Directory and Almanac* 1928:609). This penalty had been employed against members of secret societies engaged in warfare against the State during the civil war period. As such, women who wore what was considered immodest dress were identified as being as great a threat to the stability of the nation. O'Connell's 1927 sermon also offers illumination on the Church's categorisation of male and female sexuality in the late twenties. Men were perceived to have an active sexuality, which was difficult to repress while women were held to be sexually passive. This is evident in Cardinal O'Donnell's 1927 description of the effect of immodest female dress. The young girls wearing such dress were he suggested *"as pure as angels,...they feel no sexual temptations and see no harm in their mode of dressing. But this style of dress is a provocation and temptation to the opposite sex. It can thus become a scandal, an occasion of sin to others."* (*Irish Catholic Directory and Almanac* 1928:609). This framing of the issue served to simultaneously desexualise women and render them responsible for ensuring that men's active sexuality was not aroused.

The year of 1928 saw an escalation of Clerical efforts to tackle the immodest fashion problem. A new crusade, the 'Mary Immaculate Modest Dress and Deportment Crusade', which had its headquarters in the Mary Immaculate National Teacher Training College in Limerick, was established. This crusade, which received the blessing of the Vatican Secretary of State, targeted not only women's dress but also their deportment! Membership of this crusade was advocated by Dr. Roche the Bishop of Ross, who claimed that the new crusade demanded not that women should *" dress in any severe forms of wearing apparel, but simply that they should conform with strict rigidity to a style of dress that will be becoming and will not be a source of sin to others."* (*Irish Catholic Directory and Almanac* 1929:576/7). It is noteworthy that Roche made a link between modern fashions and the spirit of

paganism, which was manifest in such apparel. The Bishop of Dromore, Dr. Mulhern, declared the girls of Ireland to be more immodestly dressed than girls on the Continent but claimed that he believed that they were not immodest (*Irish Catholic Directory and Almanac* 1929:577). Here again we see the identification of women as pure but yet a source of temptation. Roche employed the same discursive strategy, defining Irish women as naive of the temptation they posed to men. The dress crusade was thus cast as a mechanism for protecting young women from their own naivete. This construction of the issue is clear in the following assurance made by Bishop Roche to women "*It is not intended to limit your freedom unduly, or to make you uncomfortable in any way, but it is intended to guard you lest, perhaps, in your foolish folly, you may be the means of leading others into sin*" (Irish Catholic Directory and Almanac 1929:577). As such the Hierarchy advocated the regulation of female dress and deportment as a means of assisting men to control their sexual desire. The Hierarchical concern with female dress abated during the early thirties but remained a constituent element of the ongoing Church concern with what was constructed as the increasing modernisation and indeed sexualization of Irish society.

**Problematising Modernity and Sexuality**

The Hierarchical denouncement of modern leisure activities and the expanding media was coupled with the valorisation of an idealized vision of traditional Irish life, characterised by domestic self-sufficiency and simplicity. Bishop Gilmartin's 1927 lament for times past provides a vivid example of the rhetoric of 'Irish Ireland' which permeated the discourse of the Hierarchy during the period under study

> *..there are all kinds of attractions that draw young people away from the old industries and the old domestic pleasures that made the Irish home a little paradise. The making of butter, the baking of cakes, the carding of wool, the spinning of yarn, and the knitting of stockings have well nigh disappeared, and how much domestic happiness has gone with them!* (*Irish Catholic Directory and Almanac* 1928:595).

It is noteworthy that all of the domestic activities lamented by Gilmartin were the traditional duties of women. Thus his despair of changing family life appears to be particularly focused on the changing nature of women's roles within the family.

This issue also concerned other members of the Hierarchy who prescribed a domestic role for women as helpers in the home and defenders of the faith. Bishop Morrisroe of Achonry in his Lenten Pastoral for 1931, advised young women to

> *turn their attention to domestic pursuits, to which so far there seemed to have been an aversion as if household work were of a menial character. The truth was, of course, that it was more honourable than a city clerkship, and that every lady who hoped to be a mistress of a family would do well to take a course of training in the household branches of Domestic Science* (*Irish Catholic Directory and Almanac* 1932:580).

Morrisroe's statement reflects the view, which appeared to be widely held by the Hierarchy and indeed the Clergy, that women's involvement in the public workplace was not desirable. That this attitude to women was widespread within the Catholic Church is evident in the tone of the Cardinal Legate who addressed Irish women during the Eucharistic Congress in Dublin in 1932. The Cardinal informed the female congregation that

> *Women, by nature and by grace, are destined almost more than men to keep the family and to keep society close to Jesus Christ. ...Daughters and sisters should be helpful to their parents and brothers. Wives should inspire their husbands with the sweet fragrance of their goodness and virtues and the gentle attractiveness of their example. Mothers should lead and educate their children, instilling in them the love of God and teaching them the faithful observance of God's Commandments. This is precisely what you have done and are doing, daughters and sisters, wives and mothers of Ireland* (*Irish Catholic Directory and Almanac* 1933:630).

The legislative measures adopted by Irish Governments in 1925 and 1935 to limit womens' participation in employment were in harmony with such constructions of women's roles. [6] The Hierarchy's identification of women's role was accompanied

[6] Daly's (1995) analysis of the economic situation prevailing in Ireland in 1935 leads her to conclude that such measures may have been a reflection of the limited growth in men's participation in industry relative to that of women, as distinct from an attempt to impose a home-based role on women. Closer

by a prescription of appropriate female characteristics. The language and imagery used to extol the glorious land of the past, was also used to develop a stereotype of wholesome gender identities. Dr. Gilmartin in his Lenten Pastoral for 1926 prayed for the return to

> *..a holy and Catholic Ireland – an Ireland of brave, manly boys, an Ireland of pure, modest girls – an Ireland of honest toil- an Ireland of happy marriages- a peaceful Ireland – a prosperous, cheerful Ireland, with the star of hope ever shining through her tears* (*Irish Catholic Directory and Almanac* 1927:569).

Here, female purity and male bravery were employed as symbols of Irish national integrity, and were contrasted with the perceived immorality of the contemporary youth. Similarly the happy homes of the past were drawn in stark relief to the decline in parental authority so much lamented by the Hierarchy during the twenties and thirties.

A similar effort to construct a vision of Irish nationhood as Gaelic and Catholic is evident in the decrees issued by the Synod of Maynooth in 1927. The Synod Decrees represented a consolidation of the Hierarchical and Clerical concerns regarding sexual morality. Furthermore they offer an insight into the concerns of the Catholic Church, national and international during the nineteen-twenties. The Synod at Maynooth was established to give national effect to modifications of the general laws of the Catholic Church and to provide guidelines for ensuring Irish conformity with such laws. The Irish Church fathers used the occasion of the Synod to make such enactments as were deemed necessary to obviate the dangers to faith and morals posed by modern conditions. The Clergy were charged with the duty of surveillance at Parish level, with the Bishops holding similar responsibility at Diocesan level. The behaviours singled out for attention by the Synod included betting, unsupervised dancing, the consumption of intoxicating liquor, reading of

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examination of the political debate and official papers surrounding the passing of the 1935 Act would be necessary to determine the relative influence which Catholic teaching may have had on the legislation.

evil literature and attendance at theatres and cinemas of poor reputation. Of particular concern was the area of sexual morality. Irish Catholics were advised to *"abominate all carnal uncleanness and practise purity and modesty according to their state"* (See The Synod of Maynooth translated by Browne 1927:8). Married people were warned to keep faithful to their vows and were instructed to *"abhor the foul and disgraceful modern practice of prevention of child-birth"* (See The Synod of Maynooth translated by Browne 1927:8 & 23). They were also instructed that decisions regarding separation or declarations of nullity were in the first instance, the responsibility of the Ecclesiastical as distinct from the civil courts. It was however, the sexuality of young women, which received greatest attention, while women in their capacity as mothers and teachers were again charged with the duty of policing the sexual behaviour of this group. Under the section of the Synod Decrees entitled "The Duties and Conduct of the Laity" it is advised that *"Parents and especially mothers should beware of allowing their daughters to associate with young men without proper supervision or of permitting them opportunities of solitary meetings and dangerous familiarity"* (The Synod of Maynooth translated by Browne 1927:8). No corresponding surveillance of the associations of young males is suggested.

Not surprisingly the dress of women was called into question by the Bishops at the Synod. They declared that women should be *"modestly dressed, entirely disregarding any contrary human fashion"* (The Synod of Maynooth translated by Browne 1927:8). The religious Sisters in charge of educational establishments for young women were also instructed to ensure that *"the dress of the girls is entirely above reproach"* (The Synod of Maynooth translated by Browne 1927:9). Furthermore, the Synod Decrees constructed women's attire not only as a symbol of Catholic standards but also as a signifier of national identity and status in an international context

> *Whereas in recent years female dress has fallen very short of the requirements of Christian modesty and even of public decency, let, therefore, the Catholic women of Ireland recall the modesty that is their traditional inheritance and give in their own persons an example worthy both of their religion and their country.* (The Synod of Maynooth translated by Browne 1927:9).

Evident also in the Synod Decrees is an attempt to construct an ideology of nationalism by reference to a shared religious and cultural heritage. This is exemplified by the Synod Decrees regarding mixed marriages, which were defined as *"unlawful and clearly pernicious"*, and those relating to non denominational or mixed educational establishments, which Catholics were forbidden to attend except in very rare circumstances (The Synod of Maynooth translated by Browne 1927:13 & 20). The Decrees also advocated that priests should show themselves favourable to the use of the Gaelic language and should recommend parishioners to take the names of Irish saints more frequently in Baptism and Confirmation. This again suggests a conscious effort on behalf of the Bishops to construct a vision of Irishness which excluded the Protestant minority (The Synod of Maynooth translated by Browne 1927:13). Of note also is the way in which the Maynooth Decrees were mediated by class perceptions. Both Clergy and Laity were exhorted to engage in Catholic action designed to *"mould public conscience in accordance with Catholic principles, to further religion, to defend it in public and private and to restore the Christian mode of life"* (The Synod of Maynooth translated by Browne 1927:11). It was however the middle-class who were expected to mould public conscience particularly that of the working-class. Decree number 234 in the section on "Pious Societies Of The Faithful" instructed that there should be *"particular attention given to the poor and uneducated classes"* (The Synod of Maynooth translated by Browne 1927:11). Young working-class women were identified as a group in particular need of surveillance

> *Therefore, pious societies of the faithful should be established and those already on foot, such as the Catholic Protection and Rescue Society,*[7] *should be diligently supported, in order that the faith of the poor classes be preserved and that they be defended from dangers which threaten their faith.* (The Synod of Maynoth translated by Browne 1927:11).

[7] This organisation provided assistance to pregnant, unmarried Catholic women and effected the placement of their offspring in Catholic homes.

Girls who emigrated for domestic service were a specific focus of concern, with Decree number 235 alerting parish priests to their duty to inform such girls about societies which *"undertake the supervision and protection of emigrant girls and to transmit their names to some such society before their departure."* (The Synod of Maynooth translated by Browne 1927:11). This concern may reflect a view of working-class female sexuality as inherently unruly, or indeed, an awareness of the potentially vulnerable position of young women in domestic service with regard to sexual advances from male employers. Analysis of Hierarchical and other Catholic discourses issued during the twenties and thirties suggests however that the former was the case. These discourses are considered in the following three chapters which deal with the topics of contraception, extramarital pregnancy and prostitution.

## Conclusion

A conservative, authoritarian, reactionary and isolationist political mindframe emerged in Ireland after partition.[8] A denouncement of commercialism, modernisation and secularisation was vociferously expressed in the discourses of the Irish Catholic Hierarchy and Clergy. The centrality of Catholicism to Irish life and its role as a well-spring of social ideology and moral norms rendered the Catholic Church an influential institution in the new State where the political administration lacked legitimacy.

The Roman Catholic construction of women's role as that of subservient home-based mother was shared by the other Churches in Ireland and was reflected in the wider political ideologies of the nineteen-twenties (Wilson 1977, O'Dowd 1987). Furthermore the nineteenth century had seen the emergence in both Britain and Ireland, of legal and philanthropic measures for the regulation of deviant female sexuality. This widespread concern over the regulation of female sexual behaviour was however intensified in the Irish context as a consequence of the idolisation of Catholic motherhood in the cult of Mariology. Devotion to Mary was specific to Catholicism was highly influential in shaping attitudes to femininity and female

[8] This was in keeping with European trends characterised by economic protectionism and cautious social policies, which emerged in the period after World War 1. (See Lyons 1973).

sexuality[9]. This idealisation of motherhood was closely linked with nationalist ideology and was a potent ideological force (Sheehy 1922, Holland 1979, Meaney 1991) particularly in the post-partition period. The exultation of women as mothers and the construction of female sexuality as legitimate only within the context of marriage, is likely to have increased the potential for women who did not fit this role to be stigmatised and punished. Furthermore the Catholic tradition did not recognise the right of individual conscience but sought to impose control from without. The embodiment of statutory dictates with Catholic sentiment was thus of paramount importance to the Catholic Church. It is against this background of an unstable political State, an underdeveloped economy and a strong and determined Church, that the construction and regulation of femininity and female sexuality in the new Irish State must be considered.

[9] Within the Protestant tradition marital conjugality was deemed more desirable than chastity and the avoidance of eroticism and sensuality through engagement in marital relationships was emphasised. The married Protestant Clergy recommended control of sexuality from within the family with husbands and fathers identified as moral guardians. (See O'Dowd 1987)

# Chapter Four: Evil Literature and Contraception

## Introduction

The earlier chapters in this thesis, demonstrate that within Western Christian thought, sexuality has been characterised as an innate, instinctual force requiring regulation. In the Roman Catholic tradition, sexual expression is sanctioned only within the context of heterosexual marriage, and the cult of Mariology has defined marital motherhood as the sexual ideal to which Catholic women should aspire. This exultation of women as mothers and the construction of female sexuality as legitimate only within the context of marriage, gave rise in the early years of the new State, to a Church campaign against contraception. Contraceptives were constructed as tools of religious and cultural colonisation, while the publications which disseminated information about them, were defined as the vehicles of modern vice. This chapter traces the discourses on contraception and evil literature, which ensued during the first two decades of the new State. Evident in the discourse is the problematisation of contraception in Catholic discourse and the orchestrated efforts of Catholic philanthropists to effect the criminalisation of contraception through the banning of its advertisement and sale. A striking element of the Catholic philanthropic and indeed the political discourses on contraception is the emphasis on the regulation of working-class and in particular, female sexual activity.

## The Discursive Context: The Circulation of Evil Literature and Contraceptives

There is a range of evidence to suggest that crisis pregnancy was common among Irish women in the new State and that they actively sought to control their fertility by whatever means were available to them.[1] The figures provided in table 4.1 indicate that infanticide, abandonment and concealment of birth were not uncommon. The extent of infanticide can be gauged by comparing the murder rate of infants under the age of one with the corresponding rate for persons of all ages over one. In 1927

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[1] Horgan (1990) reveals that the first edition of the publication "Peig", an autobiography of a woman who lived on the Blasket Islands of the West Kerry Coast between the nineteen-twenties and nineteen-fifties, contains details of the Island women's use of bees wax to fashion a contraceptive device.

two thirds of the total number of murder victims were aged one year or less while in 1928 the number of murder victims under the age of one was greater than the number aged over one (See Garda Síochána Annual Report 1997:92). The difficulty of detecting such crimes would further suggest that these figures are not an accurate estimate of the situation which prevailed in the first two decades of the new State. An Irish judge commenting on concealment of birth and infanticide in 1929 estimated that only one in every fifty cases of infanticide came before the courts. He concluded that there was "*a wholesale slaughter of these innocents going on through the country.*"(See Rose 1976 cited in Jackson 1987:211).

**Table 4.1: Indictable Offences Against The Person 1927-1941**[2]

| Year | Offence | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | **Murder of Infants under 2** | | | **Abandonment of Child under 2** | | | **Concealment of Birth** | | |
| | No. Crimes known to police | Persons Proceeded Against | | No. Crimes known to police | Persons Proceeded Against | | No. Crimes known to police | Persons Proceeded Against | |
| | | Male | Female | | Male | Female | | Male | Female |
| 1927 | 19 | 4 | 11 | 12 | 0 | 7 | 41 | 1 | 21 |
| 1928 | 10 | 1 | 5 | 14 | 2 | 7 | 49 | 0 | 31 |
| 1929 | 13 | 0 | 10 | 10 | 1 | 2 | 50 | 1 | 32 |
| 1930 | 10 | 0 | 10 | 11 | 1 | 2 | 48 | 3 | 26 |
| 1931 | 7 | 0 | 2 | 8 | 1 | 6 | 58 | 1 | 38 |
| 1932 | 4 | 0 | 0 | 8 | 1 | 7 | 38 | 2 | 20 |
| 1933 | 10 | 0 | 5 | 6 | 0 | 0 | 38 | 5 | 19 |
| 1934 | 4 | 0 | 6 | 10 | 0 | 1 | 38 | 8 | 23 |
| 1935 | 9 | 0 | 5 | 17 | 0 | 2 | 29 | 1 | 16 |
| 1936 | 6 | 0 | 4 | 17 | 0 | 4 | 44 | 5 | 21 |
| 1937 | 6 | 1 | 3 | 6 | 0 | 1 | 32 | 1 | 23 |
| 1938 | 5 | 0 | 2 | 10 | 1 | 5 | 34 | 2 | 11 |
| 1939 | 5 | 0 | 2 | 6 | 0 | 2 | 36 | 0 | 15 |
| 1940 | 5 | 0 | 1 | 13 | 1 | 3 | 36 | 2 | 13 |
| 1941 | 2 | 0 | 0 | 18 | 1 | 9 | 33 | 2 | 22 |

[2] The first published Garda Crime Statistics were those for the year 1927.

That women resorted to such desperate measures to control their fertility suggests that contraception was not widely available. Commenting on the availability of birth control, literature the report of the Committee on Evil Literature published in 1926 concluded, *"the propaganda has now assumed the character of a widespread dissemination of knowledge propagated to free vice of one of its most powerful restraints. The effect upon general morality must ultimately be very bad*" (Report of the Committee on Evil Literature 1926:15).

It would appear that information on birth control was most easily available in urban centres with the authors of the report expressing concern at the danger which this information posed for the working-classes. The 1926 report claimed that publications containing birth control information were "*on sale and the cheaper pamphlets of the propaganda are purchasable in the poorer districts of Dublin.*" (Report of the Committee on Evil Literature 1926:15). Senator Comyn made similar claims during the Second Stage of the Seanad debate on the Censorship of Publications Bill 1928. Comyn claimed that a cheap almanac he had purchased from a Dublin street trader, contained a number of full-page advertisements of contraceptive products and addresses of where they could be accessed. Interestingly, the 1926 report made no mention of contraceptive literature circulating in middle-class areas, presumably because this was seen to represent less of a danger. There is evidence however to suggest that contraceptive use among the middle-classes was not uncommon. Figures provided by the Minister for Justice to the Committee on Evil Literature reveal that there was quite a demand for books on birth control. He claimed that 500 copies a week of a publication entitled 'A Manual of Birth Control' were ordered by mail while 100 copies were ordered through booksellers (See Adams 1968: 57). Furthermore Senator Geogarthy claimed during the Second Stage of the Seanad debate on the Censorship Bill of Publications Bill (1928), that English companies circulated contraception literature to women who had recently given birth. The names and addresses of the women were gleaned from the birth announcement notice in the newspapers. The practice of announcing the birth of a child was very much a middle-class one, hence it can be assumed that it was middle-class women who were being solicited by the suppliers of contraception (Seanad Debates Vol. 12:87)

In the Catholic philanthropic discourses of the twenties and thirties any publication including information on contraception was classified as 'evil literature'. Such information was largely contained in English publications available in the Free State.[3] It is noteworthy however, that circulation figures for the English weeklies, which were the primary target of the Evil Literature campaigners, declined steadily between 1919 and the early twenties. This was attested to by Charles Eason, a member of the Eason's newsagents firm, who in evidence to the Committee on Evil Literature in June 1926, pointed to *"a large falling-off"* in the sales of the *News of the World, John Bull* and *The Sporting Times* (See Adams 1968:28). The new Irish State inherited a range of British legislative measures, which applied to the area of indecent or obscene literature.[4] Despite such seemingly extensive legislative provision, only two prosecutions regarding the circulation of objectionable literature had been made in the State between 1921 and 1926 (See evidence of Assistant Secretary to Department of Justice to Committee in Adams 1968). This however was a reflection of the narrow judicial interpretation of what constituted obscenity or indecency rather than an indication of unanimous satisfaction with the standard of the publications circulating in the country during the ninteen-twenties. Practice among the Customs and Postal services was to return any advertisements for contraception found coming through the post. The postal authorities however had no legislative basis for confiscating such advertisements unless they were in themselves indecent in either word or illustration. Similarly, contraceptives found coming into the country through the post and orders for contraceptives found being sent abroad, were returned to senders. The experience of the Department of Justice was that English suppliers to whom goods had been returned by the Irish Customs Service had in all cases agreed not to send contraceptives to Ireland again. However a

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[3] The publications which caused greatest offense to the Catholic Truth Society were listed in a pamphlet "The Problem of Undesirable Printed Matter" which was prepared for the Committee on Evil Literature (1926). The list and the circulation figures for the publications are included in Appendix 1.

[4] These were as follows: Obscene Publications Act, 1857; Indecent Advertisements Act, 1880; Dublin Police Act, 1842 (Section 14); Towns Improvement (Ireland) Act, 1854 (Sec. 72); Post Office Act, 1908 (Sections 16, 17, & 63); Customs Consolidation Act, 1876 (Section 42)

spokesman for the Department of Justice in his evidence to the Committee on Evil Literature (1926) acknowledged that this Departmental practice was vulnerable to legal challenge (See evidence of Assistant Secretary to Department of Justice to Committee as detailed in Adams 1968).

## Framing the Issue: Catholic Philanthropic Discourses on Evil Literature and Contraception

Concern with literature, plays and films considered to be contrary to Catholic morals had been clearly articulated prior to the inception of the new State. The Irish Vigilance Association, founded in 1911, began a campaign in November 1919 to establish a branch of the organisation in every principal town of the country. Cardinal Logue publicly supported this project. The conflation of religion and nationalism is again evident in the rallying cry of the Vigilance Association who appealed to the public to "*help them destroy the insidious workings at present on foot in the attempt to kill their religion and nationality*" (*Irish Catholic Directory and Almanac* 1920:516). As early as 1922 the Vigilance Association called for censorship of film and stage and recommended that

> *All films and performances which are used for "propaganda purposes" alien to Catholic and Irish ideals must be turned down. I refer to pictures or performances bearing on the "Eugenic," the Unmarried Mothers," "Birth Control" and other movements, which in a pagan country like England are tolerated, and even encouraged.* (Irish Catholic Directory and Almanac 1922:548)

By the mid-twenties Ecclesiastical concern began to focus more specifically on evil literature and in particular on English newspapers circulating in Ireland. The Archbishop of Dublin in his 1923 Lenten Pasotral, requested Irish newsvendors not to sell corrupt publications (*Irish Catholic Directory and Almanac* 1924:557). Frequent appeals advocating the expression of strong public opposition to evil literature, films or productions were made by the Bishops throughout the twenties (*Irish Catholic Directory and Almanac* 1925:561; 1926:558/583). In 1924 the Bishop of Galway threatened to lead a campaign through the shops of the city to remove evil literature. The establishment of branches of the Catholic Truth Society

in all parishes was advocated in the Lenten Pastorals of 1925 as was the promotion of Irish language literature for young people (*Irish Catholic Directory and Almanac* 1926:558/559/560). The anti-national influence of foreign newspapers and the cinema was alluded to as much as the moral danger, which they represented to the young. Preaching in 1927, The Bishop of Ardagh declared that "*in many respects the danger to our national characteristics was greater now than ever*" and identified the foreign press, cinema and radio as" *new and powerful agencies of anti-nationalism and perhaps of denationalisation*" (*Irish Catholic Directory and Almanac* 1928:605). Also evident in the discourses of the Hierarchy was their expectation that the Government would take legislative action to counteract the importation of what they deemed to be evil literature (*Irish Catholic Directory and Almanac* 1928:605). An expectation, which was made abundantly clear both prior to the establishment of the Committee on Evil literature in 1926 and during the period of its deliberation. The extent to which the Hierarchy publicised their position in this regard is evident in the forthright cautions issued to the Government in the 1928 Lenten Pastorals of the Archbishop of Dublin and the Bishop of Galway in which they called for the immediate introduction of the promised censorship bill (*Irish Catholic Directory and Almanac* 1929:566/567;1929:580). The Maynooth Synod of the same year saw further Ecclesiastical campaigning against evil literature with the Bishops issuing a statement urging the faithful to purchase at least one Catholic periodical, magazine or newspaper each week. Similar exhortations regarding the purchase of Catholic literature were made in the Lenten Pastorals of 1930. The Archbishop of Tuam played the nationalist card, arguing that "*if it is a patriotic duty to support home manufacture why should our Press be excepted, especially as it is well written and certainly as entertaining as the best of what is imported*" (*Irish Catholic Directory and Almanac* 1931:585). Dr. Fogarty of Killaloe alluded to the religious destruction wrought by evil literature. He declared bad books and papers to be "*poison to the soul*" and claimed that "*the greatest scandal-giver on earth was the author of dirty and irreligious literature; for he killed souls not by units, but by multitudes*" (*Irish Catholic Directory and Almanac* 1931:586). Religious duty was appealed to by Archbishop Harty of Cashel who reminded his congregation that "*in the decrees of the National Synod at Maynooth the faithful are asked to... refrain from the use of all obscene pictures, journals, and books*" (*Irish Catholic Directory and Almanac* 1931:590). That the censorship legislation introduced in 1929 did not

satisfy the Hierarchy is clearly evident in their pronouncements from the early thirties onwards.[5] Gilmartin, the Archbishop of Tuam claimed in 1933 that "*despite the constant efforts of the Censorship there is still too much of such "literature" circulating in Ireland*" (Irish Catholic Directory an Almanac 1934:606). The inadequate censorship of books was also denounced by Gilmartin and Harty who warned the managers of public libraries that they were responsible before God for the character of the books they stocked (*Irish Catholic Directory and Almanac* 1934:580/583). The Bishop of Kildare and Leighlin adopted another angle on evil literature. He appeared to believe that the world press was largely in the control of those "*whose avowed object is to banish all knowledge of the Creator and His laws from the minds of His creatures and to substitute pleasure as the God before whom every knee must bend.*" (*Irish Catholic Directory and Almanac* 1934:585). These examples point to the scale of Ecclesiastical concern regarding evil literature and indeed to the lengths to which they believed censorship should extend. The organisation of a Catholic Press Exhibition in Belfast in November 1936 is further testament to the ongoing Catholic concern with evil literature. Dr.Mageen, in his address at the opening of the exhibition, claimed that the anti-Catholic Press was directing a frontal attack against the "*dignity of the individual, the sanctity of the home, and the safety and security of the state. Immorality and atheism were the high explosives with which the anti-Catholic Press hoped to reduce the fabric of Christian civilisation to ruins.*" (*Irish Catholic Directory and Almanac* 1937:635). Mageen claimed that with some writers sex was an obsession and claimed that literature of such a nature was a danger particularly to the young "*whose imaginations were active and whose passions were easily aroused.*" (*Irish Catholic Directory and Almanac* 1937:635).

The implications of evil literature for the incitement of immorality were often associated with warnings regarding the danger which heightened sexuality posed to national wellbeing. Fr. Devane[6] (1926) in his call for a legislative ban on English

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[5] The Censorship of Publications Act 1929 prohibited all literature, which contained information regarding sex or contraception.

[6] Devane was a Jesuit priest who was to the fore in a range of campaigns relating to issues of sexual morality.

newspapers, also drew on the ideology of Catholic nationalism, and the threat posed to it by the foreign press. He drew attention to the efforts of the Government to "*Gaelicize the nation's youth*"(1926:11) and the "*powerful negativing influence in the shape of extern journals*" (1926:11), and suggested that the Government should be forceful in banning such contra Gaelic influences

> *In the question of compulsory Irish, the Government forced the pace and made the people follow. Will they show equal grit and courage in dealing with the not alone de-Gaelicizing, but also the demoralizing, literary garbage that is dumped upon us week after week?*

Here again, an effort is made to establish a link between a certain standard of morality and a notion of Irishness. Indeed Devane appeared to believe that the symbolic import of sexual morality as an emblem of cultural identity was equal to that generated by the fostering of a national language. It is noteworthy however that the concern expressed in the Clerical literature, regarding declining standards of sexual morality, appears to be primarily associated with standards among the working-class and the young. Devane (1926:456) in his identification of the dangers of the foreign press, claimed that "*From some experience of dealing with the working classes at close range, I am strongly and sadly convinced of the great sale of objectionable papers among them. It is unnecessary to give reasons for this. I simply state a fact.*" Devane's concern about the dangers of evil literature to the young was framed in a paternalistic appeal for their protection. Again his concern was for "*.. the 'plain people' of this country,*" (Devane 1926c: 590), whom he suggested had "*a right to demand that the Government should protect the young, not only against exploitation by the money-lender, the bookmaker, and the dope dealer, but also against traffickers in moral poison, whether they be writers, publishers or vendors.*" (Devane 1926c: 590). The greatest concern of the Catholic lobby however was the circulation of information on birth control.

**Birth control**

Contraceptive use was framed in the Ecclesiastical/Clerical discourses as a threat to Catholicism and national integrity. Devane (1925:187) argued that a Catholic State could not

*.. afford to ignore the new moral and national menace in the movement for the propagation of scientific immorality, or Birth control, as it is euphemistically entitled by intellectual degenerates. Books dealing with this nauseating subject are being sold by seemingly respectable Irish booksellers, and are being advertised unblushingly in a pretentious Irish high-brow magazine. Legislation should be at once introduced making it illegal to advertise, sell, or transmit through the post literature or anything connected with this diabolical attempt to undermine the morality and to attack the life of the nation, since this campaign must be considered not only immoral but anti-social in the fullest sense by a State that has any sincere pretensions to be described as truly Christian.*

Cleary (1931:4), another Catholic priest writing in the *Irish Ecclesiastical Record,* strongly criticised the thirteen Church of Ireland Bishops for their support of Resolution 15 of the Lambeth Conference (1930) [7]which advocated birth-control in certain circumstances. He was virulent in his censuring of the Bishops and rejected any suggestion that their small number of thirteen could have had little impact on the overall decision taken by the Conference. Cleary (1931:4) emphasised the fact that the Irish Bishops did not in any way show opposition to the resolution

*..it is well to point out the fact that two Irish Bishops, viz., the Bishops of Cork and Derry, were on the Committee on Marriage and Sex that drew up the famous Resolution 15 advocating birth-prevention. There are only thirteen Protestant Bishops in Ireland and all thirteen signed the Report of the Conference, and none of them has so far repudiated the findings of the Conference. On the other hand, one at least of their number has publicly defended his action in voting in favour of birth-prevention.*

In his denounciation of Resolution 15, Cleary provides a clear indication of the Catholic view of sexuality. Sexual activity, which was not open to the potential for procreation was deemed to be evil, lustful, immoral and unclean. Childbirth was

identified as a duty with non-procreative sexual activity defined as unnatural lust (Cleary 1931:1). Cleary (1931:5) declared contraception to be intrinsically evil and identified the birth control issue as one of serious division between the Catholic and Protestant Churches

> *Here we come to the dividing line between Catholic teaching and Protestant compromise. For us no set of circumstances can ever arise in which, even in the interests of common humanity, birth-prevention is ever lawful.*

O'Neill (1931:227-234) another priest writing in the same publication, penned a commentary on the encyclical *Casti Connubii* (1931). He also highlighted the primacy of the procreative function in marriage and denounced extra-marital sexual activity, contraceptive use, sterilization and abortion. This antipathy to contraceptive information fuelled a campaign for the enhancement of censorship legislation in the new Free State.

## Regulating Evil Literature and Contraception: Catholic Philanthropic Discourse and Social Control

A steady campaign against 'evil' literature was waged in Ireland from 1911 onwards when the Irish Vigilance Association was founded. The aim of this organisation was to encourage newsagents to sign a pledge stating that they would not sell objectionable newspapers. An effort was also made to generate public interest on the topic through a campaign of letters to the press, the distribution of promotional handbills etc. Vigilance Committees were established in various parts of the country and efforts were made to secure members. The Association was organised primarily by members of the Catholic Dominican Order and a publication edited by the order, *The Irish Rosary*, provided a forum for the ideas of the Vigilance Association. The propaganda of the *Irish Rosary* was seasoned with a blend of Catholic and nationalistic sentiment with battle cries of the following type being common:

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[7] The Lambeth Conference was a meeting of Church of England and Church of Ireland Bishops at which a decision was taken to sanction the use of limited birth control by Church members.

*Happily the evil publications against which the fight is being waged are not the product of Irish brains, nor the output of Irish hands. They are foreign to every ideal and aspiration of the clean-minded Celt, and mostly inspired by hatred of the Catholic Faith and Christian morality.* (Editorial of *Irish Rosary*, February 1913, cited in Adams 1968:16)

The Vigilance Association, by its own admission was not very successful[8] in limiting the circulation of what they considered to be evil literature. Adams (1968) however, is of the opinion that in the early twenties the views which inspired the Vigilance Association had a reasonably wide currency. He does not however provide any concrete evidence to support this claim. Rather he bases this opinion on an assumption that a predominantly Catholic community, with a low educational level, could not but be dismayed at the English gutter press and anxious to avail of the opportunity which independence afforded, to address the matter. It is noteworthy however, that circulation figures for the English weeklies, which were the primary target of the evil literature campaigners, declined steadily between 1919 and the early twenties (See Adams 1968:28). This decline could be read as support for some form of censorship of English newspapers. It is also likely however that Ecclesiastical denouncements of Evil literature throughout the period would have impacted on purchasing trends. Adams (1968) suggests that the Lenten Pastorals of the Catholic Hierarchy in 1924 provided an impetus to those concerned with Evil literature to seek legislative reform to address the issue. The need to generate public pressure for such reform was acknowledged by the Hierarchy and by Clerical commentators such as Devane who addressed the topic in a contribution to the *Irish Ecclesiastical Record* in 1925. Devane decried the limited interest of the laity in the topic, and their refusal to boycott the offending literature

*Personally, I can speak of several years' experience in vigilance work in relation to literature, and our great difficulty was to get anyone, outside ourselves, interested.* (1926b:459)... *"I am only too well, in fact painfully,*

[8] This is stated in the evidence provided by the organisation to the Committee on Evil Literature, 1926. The minutes of the evidence are held in the library in Dáil Éireann, however, a recent request by a member of the Oireachtas to view the minutes revealed that they could not be located in the library.

*aware of the multitudinous appeals made by the Bishops and clergy, and by missioners all over the country. There is usually a weak response for a few weeks, and then at the street corner, on the street, at the church doors, this filthy stuff is thrust under the people's noses, and they are pestered to buy. There is, I venture to conclude, only one effective and practical way of dealing with the presence of the unclean press, and that is by drastic legislation of a prohibitive character* (Devane 1926b:463)

Such sentiments would suggest a lack of general support for the legislation called for by the Catholic moral reform lobby. There is evidence that Devane very consciously sought to generate public opinion on the issue of indecent literature and to harness this force to lobby for political action. That this was a pragmatic tactic of the Clergy is evident in Devane's (1925:183) assertion that

*The Bishops in their Pastorals have been striving to stir the Catholic lay conscience and to awaken the people to a sense of duty by vigorous denunciations of the cross-Channel unclean press.*

The language used here is very informative, suggesting that the Bishops were battling with an apathetic public who appeared to have little concern with the topic. The word '*striving*' suggests the notion of struggle, while the use of the word '*awaken*' implies a Catholic lay conscience which was largely unconcerned with the issue. Mention of '*a sense of duty*' is also interesting and indicates a view that Catholics have a responsibility to seek to influence legislation in accordance with Catholic dictates. That Devane was a political pragmatist, who saw not only the molding of public opinion, but the organisation of Catholic public action, as the duty of the Clergy is in no doubt. He overtly claimed that

*Public opinion in all this matter must begin with the clergy, who are the natural molders of opinion where morality is concerned. The sooner public opinion is organized accordingly, and the sooner expression is given to a public demand for legislation, through resolutions passed by Clerical conferences, confraternities, Sodalities, Young Men's Societies, etc., the*

*sooner shall we be able to grapple with this slippery problem. The value and efficacy of the proposed legislation will depend on the volume of pressure brought to bear on the legislature, and this in turn on our zeal, and on our interest in the suppression of indecent literature.* (Devane 1925:192).

It is noteworthy however, that while Devane (1925:183) highlighted the need for Catholic public opinion to be informed and organized, he asserted that only "*generalized reference to a wide-spread evil*" was suitable for public circulation, and identified Clerical journals as the appropriate place for more "*explicit*" discussion of such issues. Thus while Catholics were to be organized in support of legislative change, they were not to be given the information which might assist them to assess the situation in question and comment on the proposed response. This limited interest among the Catholic laity was considered particularly problematic by Devane (1926a:357), as he anticipated a degree of resistance from literary circles to any laws relating to censorship

*...the Government needs an informed public opinion to facilitate its efforts in introducing legislation, and to help towards countering in advance a certain opposition which cannot be burked, and which must be faced.*

In an effort to discredit this opposition, Devane (1926c:587) defined it as being generated by a deviant, minority group

*Liberty is nowadays so allied to license, that one may at times suspect that when latitudinarians cry loud-mouthed for liberty they are simply demanding license, and thinking that by much noise they can enforce their will. Decency or indecency should be judged by the standard of ordinary clean-living citizens – of the 'plain people,' not by that of erotic bohemians, nor of 'unconventional (sic) highbrows.*

Devane's writings on the evil literature topic were accompanied by direct action. He and a fellow member of the Priests Social Guild, Fr. Flannagan, made a deputation to the Minister for Justice, Kevin O' Higgins in May 1925 to outline their views on reform (See Devane 1925). The Vigilance Association also made a deputation to the

minister early in 1925 and reported that they had been received sympathetically and that the Government appreciated the importance of the association's work (See entry for January 19th in Irish Catholic Directory and Almanac 1926). The Catholic Truth Society of Ireland (CTS) were also involved in the campaign and established a sub-committee to address the issue (Adams 1968). This latter organisation had as its aim the dissemination of cheap wholesome Catholic literature among Catholics with a view to improving the religious understanding of the uneducated and to challenging the spread of pernicious, immoral publications. Included among the fourteen strong sub committee were two members of the Dáil, Prof. William Magennis (Conradh na Gaedheal) and Prof. Michael Tierney (Conradh na Gaehaeal). These developments were followed by efforts to arouse public opinion in the form of letters and articles in the press and in right-wing Catholic journals (Adams 1968). Catholic organisations were encouraged to lobby the Minister for justice for legislative action. Adams suggests that this campaign aroused no controversy, most likely because it targeted the English newspapers and made no reference to modern novels, hence the hackles of the writing fraternity were not ruffled.

The push for legislative action was driven on by the CTS sub-committee's development of a proposal to establish a censor board which would ban imported publications defined by it to be 'silly' or dangerous. Mr. James Geoghegan, a CTS member, worked this proposal into a draft Bill, which proposed a system for licensing booksellers and newsagents. A Department of Justice appointed 'Controller of Printed Matter' was also recommended in Geoghegan's draft Bill. This 'Controller' was to enforce a system of penalties against anyone selling material found to be immoral or dangerous. In late summer 1925, copies of the draft Bill were circulated to the Minister for Justice and to the Hierarchy (Adams 1968). However a letter from Doherty, the Bishop of Galway, to O'Higgins the Minister for Justice in February 1926, indicated that many of the Bishops had found fault with Geoghegan's Bill, fearing it to be overly legalistic. Doherty expressed the Bishops' wish for a "*real and effective check on the dreadful publications and circulars* [a reference to birth control literature] *which are being distributed and of which, I have no doubt, the Committee of Enquiry will be furnished with samples*" (Cited in Adams 1968:20). Doherty's letter was dated 23 February 1926, and made reference to a January interview between O'Higgins, Doherty and the Archbishop of Tuam.

This correspondence suggests that by early 1926 the Catholic concern with evil literature had been firmly placed before the Minister for Justice and was instrumental in his establishment on February 12th 1926 of a Committee on Evil Literature. The terms of reference of the Committee were

> *To consider and report whether it is necessary or advisable in the interest of public morality to extend the existing powers of the State to prohibit or restrict the sale and circulation of printed matter.* (*Report of the Committee on Evil Literature* 1926:3)

## Discursive Resonance: Political and Statutory Responses to Evil Literature and Contraception

### The Committee on Evil Literature

All members of the Committee on Evil Literature were male, three being Catholics and two members of the Church of Ireland. The membership consisted of two Professors, Prof. R. Donovan of UCD and Prof. W.E. Thrift of Trinity, two Clergymen, Rev. J. Dempsey the parish priest of Clontarf and Rev. T.S. Stevenson a Church of Ireland minister. The remaining member was Thomas J. O' Connell, a member of the Dáil and of the Irish National Teacher's Organisation. As such the Committee was dominated by representatives of the religious and educational sectors.

An invitation was issued through the press requesting any party interested in the topic to submit a summary of relevant evidence and recommendations for addressing the issues identified. Special invitations to provide evidence were also made to a number of parties. Presumably these selected witnesses were deemed to have legitimate interest and expertise in the area, and analysis of the select list reveals a predominance of Catholic organisations, with the indomitable Fr. Devane being the only Clergyman on the list. Analysis of the list of witnesses[9], reveals that the

[9] Un-named witnesses represented the following organisations: Irish Christian Brothers; Irish Vigilance Association; Dublin Branch, Irish National Teachers' Organisation;

evidence supplied to the Committeee was predominantly from organisations or individuals with a publicly designatecd allegiance to Catholicism. It is noteworthy that while the Church of Ireland Young Men's Christian Association was included on the invited witness list, they did naot make any representation to the Committee, the only Protestant organisation represented being the Dublin Christian Citizenship Council.

The final Report of the Committee identified two key concerns, the determination of a legal definition of indecent and obsceene and the restriction of the spread of birth control literature. These concerns were further reflected in the recommendations put forward by the Committee. The Report suggested that there was unanimous agreement between witnesses regarding the need to extend the definitions of obscenity and indecency. This unanimity was reflected in the recommendation that there was a need for amendments to "*make the law applicable to matter indecent in the wider sense of that word and to matter intended to excite sensual passion.*" (*Report of the Committee on Evil Literature* 1926:18). However the report clearly recognised the difficulty of translating the sanctions of the law into actual prosecutions and hence recommended that "*in the case of the Saorstát the effective remedy is to be sought in a scheme of prevention, rather than in the application of the criminal law.*" (*Report of the Committee on Evil Literature* 1926:9). The preventative mechanism recommended in the Report was a board of censors, representing religious, educational and literary or artistic interests, the role of the board being to advise the Minister for Justice regarding any publications which were demoralising and corrupting. The Minister in turn would have the power to prohibit the circulation of the identified material through the publication of an official list

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Catholic Headmasters' Association; Catholic Writers' Guild; Dublin Christian Citizenship Council; Catholic Truth Society; Marian Sodalities of Ireland. The following named witnesses were also heard: Mr. C. Eason of Messrs. Eason & Son, Ltd.; Mr. D. Bridgmand and Mr. J.J. Hart of Irish Retail Newsagents, 'Booksellers' and Stationers' Association; Mr. J. Booth, Assistant Secretary, Department of Posts and Telegraphs; Mr. J.J. Redmond, Superintending Inspector of Customs and Excise; Mr. E. Coogan, Deputy Commissioner, Gárda Síochána ; Rev. R.S. Devane, S.J.

(Iris Oifigiúil). Anyone found selling material identified on the list would automatically be in breach of the law on indecency and obscenity.

The Report suggested that all witnesses were unanimous in the view that the indiscriminate publication and circulation of birth control information through advertisements and other forums was dangerous. The danger was seen to stem from the use of contraception *"as a means of avoiding the consequences of sexual indulgence among the unmarried"* (*Report of the Committee on Evil Literature* 1926:14). The authors of the Report appeared to be particularly concerned with the danger which contraceptive information posed for the working-classes. No such concern was expressed however regarding the contraceptive literature undoubtedly circulating in middle-class areas. This would suggest that middle-class youth were perceived to have higher standards of sexual conduct than did their working-class peers. Some of the witnesses to the Committee were however of the opinion that total prohibition of contraceptive use would be an unacceptable infringement on individual liberty. As the minutes of evidence to the Committee are not available, it is not clear who expressed this opinion. Such a view was also expressed during the subsequent political debates on the Censorship of Publications Bill, which was introduced following the Report of the Committee on Evil Literature.

The primary recommendation of the Committee was the prohibition of the indiscriminate dissemination of birth control information. A ban on advertisements relating to remedies for menstrual problems, diseases of generative organs, difficulties with sexual intercourse and for any product or procedure designed to procure abortion or miscarriage, was also recommended. In effect the Committee, advocated a blanket ban on information or discussion relating to any aspect of reproduction or sexual activity. The final recommendations of the Committee did not however include a recommendation regarding the prohibition of the sale of contraceptive devices per se.

**The Censorship Of Publications Bill**

The calling of two elections in 1927 and the murder of O' Higgins, the Minister for Justice in July 1927 delayed the legislative enactment of the Report of the Committee on Evil Literature. The new Minister for Justice, Fitzgerald-Kenny,

eventually introduced the Censorship of Publications Bill in the Dáil in August 1928. The period of political inaction was paralleled by an ongoing campaign from Catholic quarters, calling attention to the Government's sloth and advocating action (See Adams 1968:34) in terms of the production of legislation giving effect to the recommendations in the Report. A series of Dáil questions to the Minister for Justice also exerted pressure for the introduction of a bill, with the Minister's standard response being to stress the intricate nature of the legislation being drafted (See Dáil Debates Vol. 21:168; Vol. 22:813; Vol. 23:325/6; Vol. 23. 1928/9; Vol. 23:2072; Vol. 25:159/60.)

During the first reading of the Censorship of Publications Bill (1928) on July 19th 1928, it was described by the Minister for Justice as a "*difficult and complicated measure*"(Dáil Debates Vol. 25:904/5). The debate, which ensued during the second reading of the Bill, confirmed this with discussion centring on the grounds for prohibition, censorship of books versus periodicals and the role of Recognised Associations as the channels for making complaints. A striking feature of the political debate was the unanimous acceptance of the need for some form of censorship of evil literature, defined as that "*calculated to excite sexual passion or to suggest or incite to sexual immorality, or in any way to corrupt or deprave.*" (Dáil Debates Vol. 26:596). Efforts were made by some Dáil deputies to ensure that the Bill was not seen as a sectarian measure.[10] However while the Bill was not supported on religious grounds, it was advocated as a nationalist measure. Deputy Doyle (Dáil Debates Vol.26:658) declared that Ireland despite its economic and political independence from England, had remained under the yoke of English moral ideals. He argued that the Bill provided an opportunity for the dominating English influence to be controlled, and identified it as "*a step in the realisation of that intellectual autonomy which had already had its counterpart in other domains of national expansion.*" (Dáil Debates Vol.26:658). As such the increased control of sexuality and in particular female fertility effected by the Bill, was constructed as an assertion of national independence in a post-colonial context. Senator Comyn

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[10] The *Irish Times*, a daily newspaper under Protestant ownership, had presented the Bill as a sectarian measure. At issue was the ban on the prohibition of any information regarding contraception which the Protestant Churches had deemed acceptable in certain cases. For discussion of this see Adams 1968.

employed a similar discursive frame in his support of the Bill, arguing that the distribution of birth control information was *"political propaganda, and propaganda directed against the Irish race"* (Seanad Debates, Vol.12:99).

The contributions of various Deputies revealed however, that concern regarding the negative effects of evil literature was directed disproportionately toward the working-classes and towards women. The Minister in describing the role which Recognised Associations would play in bringing suspect literature to the attention of the Board of Censors, implied that it was the reading habits of the working-classes which would require monitoring. He suggested that the Recognised Associations would

> *probably contain amongst them a considerable number of social workers who will get down to the back streets and slums of our big cities and see there in small stationers' shops, and shops of that class, the kind of literature that is being sold. They will be in a position to see the literature which is doing real harm in those parts of our cities and seeing that, they will be in a position to send forward for consideration especially baneful and harmful periodicals and magazines.* (Dáil Debates Vol. 26:601).

This interpretation of the working of censorship provides strong evidence that the intention of the Bill was to facilitate a middle-class policing of working-class sexual practice. Indeed the contribution of most Deputies indicated that they understood the censorship of evil literature to be but a means to the desired end of stopping the perceived spread of sexual immorality. Sir James Craig in criticising the proposed censorship of books argued that books did little to contribute to immorality and claimed that *"sexual immorality is more prevalent amongst those who do not read books than amongst those who read them"* (Dáil Debates Vol. 26:654). Here again is the assumption that it is the uneducated, working-classes who are sexually immoral and who need to be guarded from literature, which would further entice such debauchery. Young women were further identified as a class whose reading habits required censorship. Deputy Ua Buachalla supported the extension of censorship to books on the ground that young girls had access to cheap novels. Again she implied that these girls were from the poorer classes and claimed that such

novels "*go into almost every cabin in the country*" . (Dáil Debates Vol. 26:690). Ua Buachalla recounted a story of finding a box of "*filthy novels*" in a thatched cabin in a rural part of County Meath, books, which the young woman in the house received from girls in the neighbourhood. Implicit in the story is the identification of poorer women as a group who required protection from evil literature. Mr. Goulding expressed similar concerns, claiming that he had heard Catholic girls boasting of the fact that they could get access to a particular immoral book (Dáil Debates Vol. 26:700).

The political discussion of the censorship of books relating to contraception is of particular interest, given the implications of such censorship for women's ability to control their fertility. The Minister, in his discussion of the section of the Bill which prohibited the distribution of any information relating to contraception, made it clear that contraception could not be treated as a social question. Rather he stated categorically that

> *..we are perfectly clear and perfectly definite. We will not allow, as far as it lies with us to prevent it, the free discussion of this question which entails on one side of it advocacy. We have made up our minds that it is wrong. That conclusion is for us unalterable. We consider it to be a matter of grave importance. We have decided, call it dogmatically if you like- and I believe almost all persons in this country are in agreement with us- that the question shall not be freely and openly discussed. That question shall not be advocated in any book or in any periodical which circulates in this country.* (Dáil Debates Vol. 26:608).

The Minister's proposed ban on all discussion of contraception was commended by many Deputies who alluded to the danger of contraception to the sanctity of marriage and the health of the nation. The proposal was however challenged in some quarters. Prof. Thrift, a member of the Committee on Evil Literature, argued that while he supported the view that that indiscriminate distribution of information relating to contraception was unacceptable, he did not favour a complete ban on it. Furthermore he drew a distinction between the banning of indiscriminate propaganda and the reasoned use of contraception

*on this question of birth-control I find myself in a very great difficulty in approaching it from the point of view of morality. It does not seem to me – I speak with very great diffidence on the matter- that it is one upon which I could presume to lay down a hard and fast line. I certainly would not presume to lay down and to come to a decision which would be applicable to other people...* . (Dáil Debates Vol. 26:636).

Professor Tierney also rejected the policy of automatically banning any book containing a reference to birth control and called for such books to be subject to the same censorship procedure as other suspected literature (Dáil Debates Vol. 26:648/9). Sir James Craig and Professor Alton supported Thrift and Tierney in calling for equal treatment of birth control literature and asking for an assurance that access to such literature would be provided for medical and other relevant personnel. During the Committee Stage of the Bill, Craig and Tierney also challenged the Minister to clarify whether any book which discussed birth control as an economic solution to the poverty experienced by women with large numbers of children, would be banned on the grounds of advocating birth control. Craig expressed his concern regarding

*very many instances where women every year are bearing children- who have borne a dozen- and they have no means of giving these children a proper livelihood. Therefore, there should be some control....I would be willing almost to go so far as to say that almost any method should be used in order to prevent the economic conditions that I see around me every day in connection with this problem.* Dáil Debates Vol. 26:707/8).

Fitzgerald Kenny rejected Craig's argument on the grounds that "*birth control, because a nation may become over-populated, will inevitably lead to race suicide, and the book which advocates that, no matter what the arguments it puts forward may be, no matter how it is treated, will equally come under this ban here*". (Dáil Debates Vol. 26:710).

The Seanad, with the notable exception of Sir John Keane, were supportive of the intent, if not the structure of the Censorship of Publication Bill. Keane rejected the assumption that there was a huge demand in the country for sensationalist literature regarding sex, and declared that the Bill represented an attempt by the State to introduce *"a hygiene of the mind"* (Seanad Debates:Vol.12:57). Senator Bagwell professed a similar objection to the Bill's infringement on freedom of thought and claimed that the suppression of evil literature would not result in the development of higher moral standards. He further insisted that the notion of a *"primitive virtue and primitive simplicity"* among the Irish was a fallacy (Seanad Debates:Vol.12:77-79). Keane also challenged the view that all evil literature had it's origin outside of the State and that Irish publications were inherently virtuous (Seanad Debates:Vol.12:66). In this claim he received support from Senators Geogarthy and Connolly who acknowledged that some of the Irish weeklies contained literature which was objectionable (Seanad Debates:Vol.12:66:580). There also appeared to be a commonly held view that the Censorship Bill was designed to control the literature consumed by the working-class or the less educated. Geogarthy, speaking during the Second Stage of the Bill, identified the globalizing tendencies of the Press suggesting that *"It has only two or three themes that are comprehensible to the proletariat, regardless of race and language, themes of violence and passion. ..if it is to maintain circulation,* [it] *must deal with such excitement and in this way always address the average masses, and the sub-average."* (Seanad Debates:Vol.12:88/89). Connolly, in his contribution to the Third Stage of the debate concurred with the view that it was the *"weaker and feebler minded"* who required protection from the sensationalism of the Press (Seanad Debates:Vol.12:580). The notion that the Bill was directed toward the working-classes, and in particular working-class youth, was confirmed by the Minister who declared that the Bill was not

> *a hygiene measure proposing to cleanse the minds of gentlemen going through a demoralisation period, or anything of that sort. It is concerned with the preservation of youth, of keeping away from the innocent youth those temptations that would undermine their morals and lead them into a life of crime and immorality* (Seanad Debates:Vol.12:586).

Keane's second objection to the Bill was that the inclusion of a section which dealt with the issue of contraception made it virtually impossible for anyone in public life to oppose the measure (Seanad Debates:Vol.12:55). He argued that the demand for such legislation was created by a small religiously inspired minority and declared that amongst "*those who are capable of appreciating the arguments for and against, are about equally divided. There is a large mass of the people, sixty to seventy per cent; who read so little that they are certainly indifferent as to the class of literature that may be affected by this measure.*" (Seanad Debates:Vol.12:57). This position was supported by Senator O'Farrell, who referred to the "*agitation we have seen conducted by a very small number of people who, through being very voluble and violent in their language make themselves appear legion. ..There is behind the demand for this Bill a series of so-called religious publications belonging to the different Churches circulating in this country.*" (Seanad Debates:Vol.12:105/6). O'Farrell singled out Catholic periodicals as the main campaign organs behind the agitation for the Bill. It is evident from O'Farrell's speech that some Catholic organisation, most likely the Irish Vigilance Association had circulated all politicians with a document entitled "Satan's Smut and Sin" which identified a list of publications which they believed required suppression (Seanad Debates:Vol.12:107). Keane and O'Farrell argued that the Bill was a sectarian measure. Keane suggested that the tradition of the Catholic Church was to "*prohibit and control*" while that of the Protestant Churches was to promote "*liberty of thought and the freedom of choice*" (Seanad Debates:Vol.12:69/70). The State he argued had "*no right to interfere between these two schools. I say this Bill is a distinct attempt to deprive those who wish to exercise liberty of choice of the right to do so.*" (Seanad Debates:Vol.12:69/70). Keane further contested the right of the State to act as a moral guardian and claimed that the Bill reflected a note of despair in the majority Church and declared

> *Surely, with all the moral authority it possesses and with its great power and traditions, it should have confidence in its power to control its members and direct their choice into wise and healthy channels, whereas we are drawing a picture of the nation thirsting for the purient and undesirable and calling on the State to forcibly direct their instincts.* (Seanad Debates:Vol.12:71).

Keane's third plank of opposition to the Bill lay in his belief that the use of contraception was justified in certain circumstances, primarily those governed by "*material necessity, disease and insanity.*" (Seanad Debates:Vol.12:68). Keane argued that while abstinence might be considered to be the most noble form of contraception, it was not necessarily suitable for all, particularly the poorer classes. He claimed *"There are circumstances under which the poor live that make that practice little more than an ideal, and if they are not allowed to know something about contraceptives they may be driven either into infidelity or they may imperil the lives and health of their wives.".* (Seanad Debates:Vol.12:68). Keane's statement is further proof of the fact the Bill was concerned primarily with the moral practices of the working-classes. It could also be read as an acknowledgement that the Bill would not restrict the ability of the middle-classes to access contraceptive information. Furthermore his statement reflects the assumption that male sexuality was a powerful force which needed to be satiated. Keane's acceptance of the legitimacy of contraceptive use in certain circumstances was roundly rejected by his fellow Senators, who characterised contraception as a denationalising form of race suicide from which the poor in particular required protection.

In rejecting the challenge that the contraception clause of the Censorship Bill was sectarian, Fitzgerald-Kenny appealed to what he believed to be the non sectarian character of natural law. He argued that "*Not alone is it the doctrine of the Catholic Church that birth control is against the great natural law, but the natural law is binding upon every man who comes into this world.*" (Seanad Debates:Vol.12:127:). The inevitability of the link between contraception use and race suicide was however identified by the Minister as the primary argument against contraception. He declared that

> *the nation which does not progress goes backwards, and the nation that falls off in population falls off in everything and it is undoubtedly a safe thing to say that great nations do commit race suicide...That is an evil we are not going to have in this country. It is because that evil is going to be checked I believe that the majority of the Seanad will support this Bill more than for any other reason."* (Seanad Debates:Vol.12:128/9).

Senator Comyn also disputed Keane's contention that the Censorship Bill represented an attempt to introduce moral policing, claiming that the prohibition of information on contraception was an issue of national welfare "*This is not mainly a question of morality; this is a national question, a question of race. ...I say that* [free circulation of information on contraception] *is political propaganda, and propaganda directed against the Irish race. I want to stop that. I want this House to stop it, and I want the legislature of the country to stop it.* (Seanad Debates:Vol.12:100). Comyn was particularly concerned with contraceptive information being accessed by what he described as *"the poor people, the working people"* and he claimed that such information was easily available in 3d almanacs for sale on the streets of Dublin. Senator Geogarthy also expressed concern regarding the national threat posed by contraception and argued that "*No one who has any care for a nation's welfare can for one moment countenance contraceptive practices, which are a contradiction of a nation's life.".* (Seanad Debates:Vol.12:87). The racist undertones of Geogarthy's rejection of contraception set it apart however. He warned that that the provision of contraceptive clinics in England had resulted in dependence on *"yellow, brown and black labour"*, the implication being that contraceptive use would result in the demise of the nation, which would be left "*at the mercy of other people"*. (Seanad Debates:Vol.12:92).

The Censorship of Publications Act was passed in July 1929 and introduced an effective ban on any publication containing advertisements or information on birth control. Despite this legislation the spread of birth control information remained an issue for the Catholic philanthropic lobby. This is clearly demonstrated in the evidence provided to the Carrigan Committee (1931).

**The Committee On The Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution – (Carrigan Report)**

The establishment of the Carrigan committee in June 1930 was a victory for Catholic moral reformers who had sought to have issues of public morality placed on the political agenda.[11] The task of the Carrigan Committee was to review existing

[11] The Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution was established in 1927 under the chairmanship of Justice Carrigan and reported in 1931. Oral evidence was taken from twenty-nine witnesses and written submissions were received from eight

legislation relating to sexual crime i.e. the Criminal Law Amendment Acts 1880 and 1885 and to assess the need for a more extensive legislative response to juvenile prostitution. As part of its deliberations the Committee considered the issue of contraception. The Committee chaired by Justice Carrigan, included a cleric from both the Catholic and Protestant persuasion, a surgeon, a commissioner of the Dublin Union and the matron of the Coombe Hospital. A decision not to make the findings public was taken by the Committee at its preliminary meeting. It was felt that this would facilitate the collection of evidence which would not be provided if the deliberations of the committee were to be published in the general press.

Evidence provided to the Carrigan Committee suggested that advertisements for birth control were available and included price lists to facilitate purchasing from cross-channel suppliers. Furthermore witnesses to the Committee claimed that contraceptive use was prevalent in both city, town and rural areas and that in some locations contraceptive devices were freely for sale (See Carrigan Report 1931:36/7). In response to such evidence the Carrigan Committee recommended prohibition of the sale of contraceptives. The Carrigan Report along with a Department of Justice Memorandum reviewing it was circulated to the Executive Council on October 27th 1932. The internal Department of Justice Memorandum cast aspersions on the contents of the Report and suggested that it overstated the extent of sexual immorality in the country. The political reluctance to publicly discuss issues relating to sexual morality, coupled with the doubt which existed regarding the validity of the Report, prompted the establishment of an Inter-Party Dáil Committee to consider what if any legislative format the Carrigan proposals should take.[12] The membership and proceedings of this Inter-party Dáil Committee, which was chaired by Mr. Geoghean the then Minister for Justice, were confidential and the report detailing

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organisations. A list of individuals and organisations that submitted evidence is provided in appendix 2. An internal Department of Justice review of the report claimed that it was not impartial and did not reflect the true state of affairs in the country.

[12] Details of the establishment of this Inter-Party Committee are included in a Department of Justice Memorandum to the members of the Executive Council dated November 10th 1933. The Committee directed that the heads of a Bill reflecting their report be drawn up. The heads of this Bill are attached to the November 10th memo and are available in the National Archive File S 6489A. A copy of the Bill is available in appendix 3.

their recommendations is not to be found in archival sources. The heads of a Bill reflecting their proposals (Criminal Law (Amendment) Bill, 1933) are available however and contain one significant difference to the heads put before the Dáil in the form of the Criminal Law Amendment Bill 1934 (See National Archives File S 6489A). This difference centres on the issue of contraception. The Inter-Party Dáil Committee concluded that legislative prohibition of contraception should apply only to contraceptive appliances and that medical practitioners should have the power to prescribe and supply such appliances as they deemed necessary for their patients. Importation of these appliances was to be under license granted by the Minister for Local Government and Public Health. This suggestion reflected a much more lenient attitude to the issue of contraception than that suggested by the Carrigan Committee who advocated a total prohibition of contraception. A Department of Justice memorandum to the Executive Council, dated November 10th 1933, revealed however that the Minister for Local Government and Public Health had informed the Minister for Justice that he was unable to concur with the Inter-Party Dáil Committee's proposal relating to the granting of power to physicians. He recommended instead that the heads of the Bill be altered to merely state that contraceptive appliances were to be prohibited. The Executive Council at a meeting on the 8th of December, 1933, accepted all of the proposals put forward in the 1933 draft Bill, with the sole exception of that relating to contraception (See National Archive File S 6489). It was recommended that a decision on that section be deferred to allow the Minister for Local Government and Public Health to seek authoritative advice on the matter. No evidence has been found regarding what advice the Minister received or from whom. However, Section 17 of the Criminal Law (Amendment) Bill, 1934 introduced by the Minister for Justice on June 21st 1934, prohibited all drugs and appliances which would prevent conception and made no mention of discretionary powers for physicians in the prescription of contraceptives. It was this 1934 Bill which was debated in the Dáil and Seanad.

On December 12th 1934 during the Second Reading of the Bill in the Seanad it was decided, in recognition of the delicate nature of the subject under discussion, to establish a Special Seanad Committee to examine the Bill. This consisted of nine senators, who met first on December 20th. The report of the Seanad Special Committee was published on January 23rd 1935 and recommended a complete

deletion of section 17 of the Bill, which concerned contraception. A letter sent by the Attorney General to the Minister for Justice on the same date, also referred to section 17 of the 1934 Bill. The Attorney General advised that the powers contained in section 17 along with the powers already enacted in section 16 of the Post Office Act 1908, were sufficient to enable the postal officials to withhold any package they suspected to contain contraceptives. The letter also alerted the Minister to the fact that prohibition proposed in section 17 of the 1934 act, only applied to goods imported for sale. Hence an individual found to be importing contraceptives for his own use would not be liable to prosecution (See National Archive File S 6489A). Despite this warning from the Attorney General and the opposition of some Senators to the 1934 Bill, it was passed in both houses of parliament and was enacted on February 28th 1935 as the Criminal Law Amendment Act, 1935, section 17 of which was unchanged from the 1934 Bill.

The debate which ensued in the Seanad on the Special Committee's report and the final acceptance by the Seanad of the inclusion of Section 17 of the Bill as accepted by the Dáil, suggest that there was some resistance to the total prohibition of contraception. The nature and extent of this resistance and its failure to secure the deletion of section 17 of the 1934 Bill is considered in the following section.

**The 1934 Criminal Law Amendment Bill**

**Dáil Debates**

During the Second Reading of the Criminal Law Amendment Bill (1934) in the Dáil on June 28th 1934, the Attorney General presented it as a consensual measure around which there should be little debate. The Bill was framed as a response to the increasing incidence of sexual crime against young women, however the Attorney-General stressed that legislative measures had but limited impact in such areas and identified increased parental control as the most appropriate response to declining standards of sexual morality among the young. Evident also in the Attorney General's presentation of the Bill was the suggestion that it should not be subjected to extensive public debate. He argued that the "*delicate and difficult problem*" being addressed and the prior attention given to the issue by both the Carrigan Committee and the Inter-Party Dáil Committee rendered such discussion largely unnecessary

(Dáil Debates Vol. 53:1248). He further suggested that any amendments to the Bill be tabled within two weeks and be discussed by a special committee and not in the open Dáil. There appeared to be no opposition to this suggestion, however Deputy Dr. Rowlette requested that the Carrigan Report be made available to Deputies and suggested that this might limit the number of amendments which would be made to the Bill. A Government Deputy, Mr. Fitzgerald, informed Rowlette that the Bill was very closely based on the Carrigan Report and also included amendments suggested by the Inter-Party Dáil Committee. The Attorney General agreed however to put Rowlette's request to the Minister for Justice. It would appear however from comments made by Rowlette during the Committee Stage of the of the Bill on August 1st 1934, that he did not in fact gain access to the Carrrigan Report (See Dáil Debates Vol.53:2020). During the Committee Stage, Deputy Rowlette challenged Section 17 of the Bill and denounced the total prohibition on the use of contraception. He argued that the intention of Section 17 was to prevent the use of contraceptives which facilitated "*licentious relations between unmarried people of different sexes without some of the ordinary and natural consequences following such relations*"(Dáil Debates Vol.53:2017) and suggested that it was unlikely to meet this objective. Rowlette contended that it was not possible to enforce moral principles by statute and suggested that the prohibition of contraception would not act as a deterrent to extra-marital sexual relations. He further argued that it would result in greater recourse to abortion and criminal infanticide and would drive the trade in contraceptives underground, thus rendering it more difficult to control. The second prong of Rowlette's attack on Section 17 rested on his belief that in certain cases of ill-health among "*respectable and virtuous married women*" contraceptive use should be permitted (Dáil Debates Vol.53:2020). Rowlette's concern for the well-being of women was noteworthy in that it was the only parliamentary reference to the implications for women of the prohibition of contraception. Rowlette was not however immune to the contemporary attitudes to male and female sexuality and indeed to the classification of women on the grounds of sexual respectability. He did not support the use of contraception by unmarried women or even its use by married women who whose health was not endangered by pregnancy. Furthermore he suggested that the outcome of enforced celibacy for couples in which the wife had health complications was "*grave nervous disorders*" among the women and possible "*infidelity*" among the men concerned. This suggests a view of women as unstable

and men as largely incapable of sexual continence (Dáil Debates Vol.53:2019). No other Deputy supported Rowlette's contribution and the Dáil duly passed the Bill on August 9th.

**Seanad Debates**

The Seanad, which was established under the 1922 Constitution had 60 members, half of whom were elected by the Dáil. The remainder were nominated by the President of the Executive Council with a view to increasing the representation of groups or parties not adequately represented in the Dáil. O'Sullivan described it in 1940 as *"much more truly a microcosm of the country as a whole than was the Dáil, comprising as it did representatives of the professions, commerce, agriculture, letters, organized labour, banking and the landlord interest.."* (O Sullivan, 1940:95). This may explain the more limited consensus which existed in the Seanad regarding Section 17 of the 1934 Criminal Law Amendment Bill. The Seanad did follow the lead of the Dáil in acknowledging that the subject matter of the Bill was such that it was desirable that it should receive limited public discussion. During the Second Stage Debate of the Bill in the Seanad on December 12th 1934, the various parties in the Seanad agreed that a Special Committee of nine members be established to consider the Bill. A particular consideration which informed the selection of the committee was the issue of sex equality in terms of the membership with three women (the full compliment of female senators) being included on the Committee. No female deputy had been on the Inter-Party Dáil Committee which examined the Bill. A further difference between the Seanad and Dáil Committees was the decision taken by the Seanad on January 23rd to publish the proceedings and report of the Seanad Special Committee. The report recommended the complete deletion of Section 17 of the Criminal Law Amendment Bill.

Prior to considering the response to this recommendation it is necessary to look at the wider debate which ensued on February 6th during the Report Stage of the Bill's passage through the Seanad. Some Senators believed that the Government was attempting to veto any discussion of the amendments suggested by the Special Committee. The Minister for Justice suggested to the Seanad that it was not necessary to discuss the Bill at length as it had been shaped by the Dáil Inter-Party Committee and was not therefore marred by party political concerns. Senators

Blythe, Farren Comyn, Staines, Toal and O'Connor supported the Minister's position and suggested that the Bill should be passed by the house without any discussion. Farren summed up this attitude when he declared *"in the public interest and in the interest of all concerned it would not be advisable to have a public discussion on the details of this Bill if it could be avoided."* (Seanad Debates Vol.19:1219). This position was however countered by a number of Senators including Senator S.L. Brown who had chaired the Seanad Special Committee. He argued that the Committee would have been a farce if the Seanad were not allowed to debate any of the amendments which it had made. Senator Johnson decried the Government's efforts to limit public discussion of the issues contained in the Bill and informed the house that the amendments were *"put out because discussion is not to be allowed publicly on the subject with which the bill deals. I lived for a long time in the Victorian age and the greatest blot on the Victorian age was its refusal to discuss facts when people thought there was something indecent or immoral or something else about them. Surely we ought not to do that now."* (Seanad Debates Vol.19:1223). Following this debate the Seanad agreed to consider the Special Committee's amendments to the Bill. The Special Committee's suggested amendments regarding the age of consent etc are considered in chapter 6 while the Seanad response to the suggested deletion of Section 17 is discussed here.

The Seanad debate on the Special Committee's suggested exclusion of section 17 from the 1934 Criminal Law Amendment Bill highlights the diversity of opinion which existed regarding the topic of birth control. It is noteworthy however that only a minority of Senators (10 out of 60) expressed any view during the debate on section 17. Those who disputed the deletion of section 17 did so on the grounds that such a move would not represent the widespread view of the community and would be *"destructive of the race"* (Seanad Debates Vol. 19:1248). Speaking of the criminalisation of contraception, Senator Comyn asserted *"This prohibition meets with the thorough approval of this entire community"* (Seanad Debates Vol. 19:1249). It is evident from his contributions that he perceived the prohibition of contraception to be a measure directed at the young and unmarried and hence one designed to address the issue of illicit extramarital sexual activity. This is evident in his suggestion *"the Government are quite right in depriving young people of the means and the temptation to do evil deeds."* (Seanad Debates Vol. 19:1249) Senator

Lynch, who identified himself as one of the minority on the Special Seanad Committee who was not in favour of deleting Section 17 of the Bill, was also of the opinion that the Committee's decision was not in keeping with the views of general public. He argued *"it is not an exravagant description to say that the public conscience has been shocked by the decision arrived at"* (Seanad Debates Vol. 19:1259). Senator Kathleen Browne another member of the Special Committee, also expressed her opposition to the Committee's recommendation to delete Section 17 from the 1934 Bill and rejected the argument put forward by Senator Mrs. Clarke that prohibition would render contraception even more difficult to control. Senator Mrs. Clarke prefaced her support for deletion of Section 17 with the assurance that she was *"in perfect agreement with the Church and the State in the condemnation of the use of these things* [contraceptives]. *I think they cannot be condemned too strongly"*(Seanad Debates Vol. 19:1247). She argued however that prohibition would *"drive the trading in and the use of these things into secret and illicit channels in which you will not be able to get after them"* (Seanad Debates Vol. 19:1247). Clarke also challenged the notion thatcontraceptive use was rife. She suggested that the Catholic condemnation of contraceptives would stem their circulation *"I cannot believe, however, that it is as bad as represented, because this is a Catholic country and if the laws of the Catholic Church prohibit the use of these things, well, then, I do not think we have really a terrible lot to fear."* (Seanad Debates Vol.19:1248). The suggestion that there was consensus among the public regarding the desirability of prohibiting contraception was soundly rejected by Senator Bagwell, who emphasised that there was both a need for and in some quarters an acceptance of contraceptive use. He supported Clarke's view that prohibition would render contraceptive use hard to control and claimed that respectable people were already using contraceptives. Contraceptive use was he suggested justifiable in many situations e.g. prevention of disease and the avoidance of injury to a woman's health or life. Bagwell suggested that Government should not seek to legislate for conscience and argued that *"legislation for conscience's sake can be very unpractical and mischievous"*(Seanad Debates Vol. 19:1252). Bagwell declared that he personally was not in favour of contraceptive use but believed himself to have a duty to represent the views of others outside the house who were of a different view. Furthermore he emphasized that he was not *"briefed by any section outside: nor, may I say, have I had any previous consultation with people or bodies outside. My*

*views are the views of a considerable number of decent citizens who are not extreme in any way."*(Seanad Debates Vol. 19:1251). Evident in this assertion is the suggestion that many Senators were in fact briefed on the topic of contraception by outside lobbyists, most likely Catholic philanthropic reformers. Senator Mr. Boyle strongly rejected Senator Bagwell's suggestion that the Government should not legislate for individual conscience and asserted that the Government's action in prohibiting contraception was in keeping with *"authoritative Christian teaching"* and was hence acceptable to him ((Seanad Debates Vol. 19:1255). He stressed however that reliance on such teaching was not enough to check contraceptive use and argued that propaganda and advertising had to be prevented.

Apart from Senator Bagwell, Senator Dr. St. John Gogarty was the only other outspoken supporter of the provision of some limited form of contraception. He pointed to its role in the prevention of venereal disease (VD) and of infanticide. St. John Gogarty rejected the view that contraceptive availability would give rise to racial suicide and argued *"there is a worse thing than racial suicide and that is racial syphilis."* (Seanad Debates Vol.19:1253). Of particular concern to St. John Gogarty were the VDs contracted by women which he claimed to be *"almost ineradicable diseases from the woman's point of view"* (Vol.19:1254). St. John Gogarty also suggested that it was the poor who would suffer most from the prohibition of contraception and referred to *"the dreadful alternative facing the unfortunate poor-and it is not amongst Senators or well-to-do people, but amongst the poor. The alternative to unwilling birth and bastardy in Ireland is infanticide. That is what they have confronting them."* (Seanad Debates Vol. 19:1253). Furthermore he asserted that infanticide was *"heavily on the increase"*(Seanad Debates Vol. 19:1255) and castigated the Government for their failure to publish the Carrigan Report which he believed would have provided the Deputies with the data required to adequately consider the issues at hand. Finally, St. John Gogarty pointed to the use of folk remedies to prevent conception. He argued that legislation prohibiting contraception would be impossible to enforce *"after all, it is a very easy thing to destroy the male element; any vinegar will do it; you cannot take all the cruet-stands out of the country"* (Seanad Debates Vol. 19:1254).

Senator Johnson also pronounced support for the deletion of Section 17 of the Bill. He believed that the inclusion of the contraception issue in a Bill to address sexual crime was to imply that contraceptive use was as grave an offense as sexual crime. Such a suggestion he argued was "*a libel upon hundreds and perhaps thousands of honest, God fearing, holy women. It is putting their practice in the same category as brothel-keeping and prostitution.*" (Seanad Debates Vol.19:1258). A similar point of view was put forward by Senator Foran another member of the Special Seanad Committee which examined the Bill. Foran revealed that the majority of the Committee had a similar view as Johnson and suggested that contraception was "*a matter for separate legislation, one that should not be dealt with in the incomplete and hasty way that it appears before the Oireachtas*" (Senad Debates Vol.19:1258). Evident in Johnson's contribution to the debate is the view that contraception was the concern of women as was the decision about contraceptive use. This view was also suggested in Dr. St. John's Gogarty's contributions to the debate.

Despite the Seanad Special Committee's avocation of the deletion of Section 17 and the support for this view expressed by a minority of Senators, the Seanad did not accept the recommendation. Rather it accepted the Minister for Justice's appeal to pass the Bill as the Dáil had done.

## Conclusion

### Framing

The discourses analysed in this chapter reveal that during the period from the early twenties to the-mid thirties, Ecclesiastical and Clerical concern regarding evil literature intensified and became increasingly focused on the issue of contraceptive use. Ecclesiastical/Clerical discourses, which ensued prior to and during the 1926 Commission on Evil Literature emphasised the anti-religious and denationalising impact of the foreign press. Foreign publications were portrayed as part of a wider international anti-Christian movement, which threatened both national and religious integrity. This framing of the issue also predominated in the political debate, which surrounded the 1929 Censorship of Publications Bill. The Minister for Justice defined the Bill as a measure which essentially sought to protect the nation from the threat of race suicide. Other politicians speaking in support of the measure drew on this framing device, defining the Bill as an attempt by Ireland to establish intellectual

autonomy from England and to challenge political propaganda against the Irish race. This construction of evil literature and contraception as a challenge to national integrity was replaced during the early thirties by a more specific focus on contraception as an incitement to sexual promiscuity among the unmarried. The Ecclesiastical/Clerical literature reveals a distinct move toward the location of contraception firmly within the discourse of declining moral standards and sexual sin. Contraceptive use was problematised and framed as a form of sexual aberration. A direct association was made between contraceptive availability and promiscuity, particularly among unmarried, working-class youth. This framing of the issue is reflected in the Clerical contributions to the 1934 Carrigan Report and in the framing of the 1935 Criminal Law Amendment Act, both of which were strongly influenced by the Catholic philanthropic discourse on sexuality. The association drawn between contraceptive availability, race suicide and the demise of the nation took on particular significance following the decision of the Lambeth Conference (1930) to sanction limited use of contraception. Against this background the maintenance of staunch opposition to the spread of contraception in Ireland provided a vehicle for the expression and reiteration of a separate and distinct Irish identity. Standards of sexual morality as expressed in legislative prohibition of contraception were well placed to represent not only the new State's ideological separation from its former coloniser but also its moral superiority.

**Resonance and Resistance**

The political resonance of the Catholic philanthropic framing of the contraception issue is striking. The Catholic construction of contraception as a moral/ sexual as distinct from a medical or economic issue, succeeded in establishing the parameters of political debate on the topic during the first two decades of the new State. Furthermore it automatically rendered it an issue unsuited to public discussion and both clerics and politicians acknowledged the need for private debate on the topic. Catholic reformers through persistent lobbying succeeded in putting the issue of sexual morality on the political agenda. This resulted in the Carrigan Committee, which relied almost exclusively on the evidence of Catholic moral reformers and provided the blue-print for legislative developments for the public regulation of sexuality. Despite an internal Department of Justice memorandum, which questioned the partiality of the Carrigan Report, it formed the basis of the 1934

Criminal Law Amendment Bill as mediated through the Dáil Inter-Party Committee and the Seanad Special Committee. The deference of the Fianna Fáil Government to the Catholic philanthropic lobby is evident at numerous key stages of the contraception debate. Firstly, in December 1933 the Executive Council sought 'authoritative advice' before deciding whether or not to accept the proposal for limited contraceptive availability included in the 1933 Criminal Law Amendment Bill drawn up by the Dáil Inter-Party Committee who examined the Carrigan Report. It is likely that this advice was sought from the Hiearchy as the Criminal Law Amendment Bill published in 1934 suggested a complete prohibition of contraceptives. Secondly, the Government pushed both Houses of Parliament to accept this total embargo despite the fact that both the Dáil and Seanad special committees who considered the topic, rejected it. Finally, the Minister for Justice and many members of both the Seanad and Dáil made reference during the contraception debates, to the fact that they had been heavily lobbied by Catholic moral reformers, lobbying which presumably made it difficult to express opposition to the suggestion that contraception should be prohibited. Public resistance to a total ban on contraception was however expressed by a minority of politicians. A major difficulty in challenging the ban on contraception was its construction as an issue of sexual morality and its inclusion in the 1935 Bill which also dealt with issues such as sexual assault and prostitution. Despite such difficulties, politicians in both the Dáil and Seanad contested the portrayal of contraception only as a conduit of sexual sin. During the debates on the 1935 Bill some politicians emphasised the health functions of contraception, the impracticality of its prohibition and the undesirability of legislating for individual conscience. However, these supporters of the regulated use of contraception saw it as something which should only be available to 'respectable and virtuous' married people. Furthermore, Senator Johnson's contribution to the debate suggests that many married women were indeed availing of contraceptives during the early thirties and that the inclusion of a ban on contraception in a Bill dealing with issues such as prostitution was a slur on these women. Senators Foran and St. John Gogarty also expressed concern regarding the health needs of women. However no female deputy from either House of Parliament defended the right of married or indeed any other women, to have access to contraceptives. This is interesting given that the suppression of contraception and information relating to it

and to other aspects of reproduction and sexuality, directly impinged on the lives of women.

**Construction of Female Sexuality**

The Catholic philanthropic discourses on evil literature and contraception cast some light on constructions of sexuality in the early years of the State. The definition of what constituted indecent or 'evil' literature is particularly informative. The definition employed in the 1929 Censorship of Publications Act declared anything that incited sexual passion to be indecent. Similarly Fr. Cleary's 1931 response to the Lambeth Conference decision regarding contraception categorized any sexual activity, which was not open to procreation, as evil, unnatural lust. As such only procreative, marital sexuality was sanctioned as legitimate and natural. The political debates on the 1934 Bill are also informative regarding politician's views of female and indeed male sexuality. Deputy Rowlette in the course of a Dáil debate declared that denial of contraception to a married woman in poor health would oblige sexual abstinence in the marriage. His suggestions regarding the implications of such abstinence were highly gendered. The husband, denied his normal conjugal rights, would turn to infidelity, the implication being that the active nature of male sexuality would not suffer continence. The wife on the other hand would experience grave nervous disorder, a view undoubtedly informed by assumptions regarding the inherent instability and irrationality of female sexuality and indeed of women.

The 1935 ban on contraception served to further reinforce the role of home-based mother shackled by the demands of a large family. Furthermore it is likely to have stunted not alone women's enjoyment of sexuality but most likely rendered sexual activity a dangerous undertaking. Empirical information on the rates of abortion, infanticide, abandonment and concealment in the early decades of the State, provides striking evidence of the implications of limited fertility control for women. The superior resources of middle-class women may have afforded them greater access to contraceptives imported from abroad for personal use. Working-class women undoubtedly suffered most from the contraceptive embargo. As such, female sexual independence, particularly that of working-class women was appropriated in the campaign to establish the national and ideological independence of the new Irish State. Women, such as unmarried mothers, who breached the prescribed sexual role

were defined as deviants and were severely censured. The construction of and response to extramarital pregnancy in the new State is considered in the following chapter.

# Chapter Five: The Unmarried Mother - Construction and Control

## Introduction

This chapter examines the discourses on illegitimacy which prevailed in the early years of the Irish State. The concept of the "unmarried mother" is deconstructed and the process through which Catholic philanthropists and moral reformers established themselves as the rightful authors of the 'truth' regarding illegitimacy, is considered. The relationship between these Catholic narratives and the technologies of power employed to regulate and restrict women who engaged in illicit sexual activity is analysed. The symbolic import ascribed to female sexual morality as a signifier of cultural identity within the Catholic discourses is also investigated. The chapter begins with a review of empirical data regarding the extent and nature of illegitimacy in the new State. This is followed by an overview of Catholic philanthropic and administrative discourses on illegitimacy. The chapter concludes with an analysis of the legislative and policy resonance of these discourses.

## The Discursive Context: The Extent and Nature of Illegitimacy

It is not possible to provide accurate figures for numbers of illegitimate births which took place in Ireland during the early decades of the State. Statistics are distorted by the failure of women to register their children, by marriage subsequent to conception, by emigration to England or elsewhere and by abortion or infanticide.[1] As such, the official figures are most likely a gross underestimate of the true extent of extramarital pregnancy. Notwithstanding the limitations of the official statistics, it is useful to examine them with a view to determining general trends. While the official illegitimacy figures are easy to acquire, the collection of information regarding public provision for unmarried mothers poses many difficulties for the researcher. The primary sources for such information are the reports of the Government Departments, which have been responsible for unmarried mothers at various times.

[1] Statistical evidence regarding the extent of infanticide and concealment of birth is provided in Chapter four, which considers discourses on contraception.

For the period under consideration the Department in question was the Department of Local Government and Public Health. However reports were not published every year and in some reports no details were provided regarding unmarried mothers. Changes in the way in which information was collated also pose difficulties in terms of analysing trends. An effort had been made to present the available information in a standardised form in Table 5.1, which also draws on information contained in the Statistical Abstracts published from 1927 onwards and other statutory reports which considered the issue of illegitimacy.

The statistics relating to the number of unmarried mothers in various institutions reflect the numbers resident in the institutions on a given date each year. As such they do not indicate the numbers who were admitted to or discharged from an institution in the course of the year. Some general trends can however be identified. At any given time between the mid-nineteenth-twenties and early nineteenth-thrities, approximately 1000 to 1,500 unmarried Irish women were maintained by the State in a variety of institutional settings. Up until the early 1940s the majority of these women were provided for in County Homes, institutions which in 1921 were designated for the care of the aged and infirm. The Commission on the Sick and Destitute Poor (1927) which recommended the removal of unmarried mothers from the County Homes estimated that the Board of Health would have to make provision for approximately 500 to 600 unmarried women per year. The Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (Carrigan Report) [2] which reported in 1931, did not profess an estimate of numbers of unmarried mothers, but claimed that from 1925 onwards illegitimacy had been increasing at an unprecedented rate.

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[2] The Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution was established in 1927 under the chairmanship of Justice Carrigan. A report was delivered by the Committee in 1931, however this was never published. A review of the report by a Department of Justice civil servant suggested that the report did not reflect the true state of affairs in the country and was not impartiality completed. (See File S5988 in National Archives)

**Table 5.1 Statistical Data on Illegitimacy in Ireland 1920-40**

| Year | Number Unmarried Mothers in Institutions supported by Local Authorities | Number of Illegitimate Births Registered | Illegitimate Births as % of Total Births |
|---|---|---|---|
| 1921 | | 1603 | Not Available |
| 1922 | | 1520 | Not Available |
| 1923 | | 1624 | 2.63 |
| 1924 | | 1677 | 2.65 |
| 1925 | | 1662 | 2.68 |
| 1926 | 1020 * (629 first offenders + 391 fallen more than once) | 1716 | 2.81 |
| 1927 | | 1758 | 2.93 |
| 1928 | 970 (614 first offenders + 356 fallen more than once) | 1788 | 3.02 |
| 1929 | No Information | 1853 | 3.18 |
| 1930 | No Information | 1863 | 3.19 |
| 1931 | No Information | 1925 | 3.37 |
| 1932 | No Information | 1,819 | 3.23 |
| 1933 | 494 in Special Institutions – No Information for County Homes | 2,004 | 3.49 |
| 1934 | 1148 (914 in County Homes + 234 in Special Institutions) | 2,030 | 3.51 |
| 1935 | 1322 (889 in County Homes + 433 in Special Institutions) | 1,946 | 3.34 |
| 1936 | 1281 (964 County Homes Pelletstown and Tuam + 317 in other three Special Institutions) | 1908 | 3.28 |
| 1937 | 1372 (859 in County Homes + 513 in Special Institutions) | 1813 | 3.31 |
| 1938 | 1459 (832 in County Homes +627 in Special Institutions) | 1878 | 3.30 |
| 1939 | 1476 (841 in County Homes + 635 in Special Institutions) | 1781 | 3.18 |
| 1940 | 1299 (841 in County Homes +635 in Special Institutions) | 1824 | 3.22 |

*This information is provided in the report of the Commission on the Relief of the Sick and Destitute Poor (1927)

The report defined illegitimacy as a growing evil and identified it as one of the principal reasons for women's entry into prostitution. Fr. Craven, giving evidence based on his work with the Crusade of Rescue[3], held firm views regarding the under-reporting of illegitimacy. He claimed that "*Every day it is becoming more and more evident that we do not hear of anything but a fraction of these Irish women and their children.*" (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (Carrigan Report 1931:11). To support this contention, the Committee presented evidence from a range of Catholic Rescue Homes in both the UK and Ireland. These figures highlight the fact that the official figures greatly underestimated the true extent of the illegitimacy problem. Evidence supplied to the Committee from the two largest Catholic Rescue Societies operating in the Twenty-Six counties at the time, indicated that between 1923 and 1925, the Catholic Protection and Rescue Society had dealt with 1,351 unmarried mothers, the equivalent figures for the years 1926-28 being 2,707. Similarly St. Patrick's Guild[4] claimed to have provided assistance to 834 women in the period 1923-25 and to 1,126 women during the years 1926-28 inclusive. The Liverpool Society for the Prevention of International Traffic in Women and Children provided the Carrigan Committee with evidence which suggested that Irish women constituted the vast majority of their clients, with approximately 400- 500 Irish women per annum receiving help between 1926 and 1930. The Liverpool and County Catholic Aid Society reported receiving over 30 Irish girls during the year 1928/9, while a nun who worked as a Catholic Police Court Missionary in Manchester revealed that she had dealt with 100 unmarried pregnant girls from Ireland since 1925. Figures from the Leeds Diocesan Rescue and Protection Society, revealed that help had been provided for 12 Irish girls in the year ending April 1929. The London Crusade of Rescue claimed to have assisted 105 Irish cases in 1930 and St. Pelagia's Home, also based in London, reported the reception of approximately 20 Irish girls each year. There is some evidence to suggest that these women were primarily from country areas with 21 out of the 26 Free State counties being represented in the cases received by the London Crusade in 1930. Individual institutions also tended to

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[3] This was a Catholic organization, which provided assistance to unmarried Catholic women and placed their children with Catholic families.

[4] This was another Catholic organization, which provided assistance to unmarried Catholic women.

receive women from specific parts of the country presumably because they had a contact in these areas who made referrals to their institution. The women who attended St. Pelagia's Home were in the main from counties Tipperary, Limerick and Wexford.

Professionals whose work brought them into contact with unmarried mothers, such as the Irish Women Doctors' Association, who submitted a memorandum to the Committee, also supported the view that the true rate of illegitimacy exceeded the official figure. Members of the Clergy, representing rural and urban dioceses, related evidence which further highlighted the under-representation in the official figures. Another source of evidence can be found in the practice of repatriating Irish unmarried mothers. The 1934-35 report of the Department of Local Government and Public Health noted that many applications had been received from English Public Assistance Authorities and English Rescue Societies for the repatriation of Irish unmarried mothers who had become pregnant in Ireland but went to England for their confinement. The report claimed that provision had been made for all those who were willing to return. Ellison, a probation officer of the London Court, also alludes to the situation of Irish unmarried mothers in England in a 1934 book. Commenting on the number of Irish girls she encountered, Ellison (1934:67) declared,

> *Anyone with a warm admiration for Ireland and the Irish feels saddened at the sight of so many Irish girls in Glasgow, Liverpool and London, whose lives are a disgrace both to their country and to themselves. The greater one's love of Erin, the keener one feels this reproach. Why does this scandal exist?*

Ellison recommended the establishment of an Anglo-Irish bureau, which would receive Irish unmarried women and provide safe housing for them until an appropriate plan of care was decided. If thought advisable she recommended that such a bureau should provide the girl's return fare to Ireland. Ellison (1934:68) further cautioned of the need for Irish parents to ensure decent employment for their daughters in England and highlighted the difficulties faced by girls from rural backgrounds in Ireland whom she described as "*young, charming, pliable, ignorant,*

*and often friendless."* There is evidence that the issue of pregnant, unmarried Irish girls was on the agenda of a number of English Catholic organisations, that also advocated joint action between English and Irish Catholic groups to meet the needs of such Irish girls (See Ellison 1934:76). Extramarital pregnancy among Irish women in Britain continued to be a source of comment in Irish Catholic journals during the 1950s. In 1957 an anonymous commentator (J.G.) in *Christus Rex*, a journal of Catholic sociology, drew attention to Halliday Sutherland's (1956) book *An Irish Journey,* which detailed the numbers of Irish unmarried mothers seeking help from the Crusade of Rescue in London. Writing on the same topic the following year, J.G. (1958) claimed that English social workers contemptuously referred to Irish unmarried mothers as "P.F.I's" i.e. pregnant from Ireland, and that approximately 2,000 such women were catered for by the English National Health Service on an annual basis. The Commission on Emigration and other Population Problems, which was established in 1948 and reported in 1954, again acknowledged the failure of official figures in representing the real illegitimacy rate in the country. The Commission's survey of 18 Catholic Rescue Societies in urban centres in England and Wales, revealed that for the year 1947 an estimated 250 Irish women from the Thirty-Two counties [5], had received assistance after becoming pregnant in Ireland. Information in a Department of Health memorandum to the Commission also revealed that on the 31st of March 1953, 806 unmarried mothers were maintained by the Department of Health. 318 of these were in County Homes and 488 in Special Homes. It is noteworthy however that the number of registered illegitimate births in the Twenty-Six Counties was recognized by the Commission as being small in relation to the total number of births and in relation to the illegitimacy rate for most European countries. Furthermore the sense of dismay and panic which surrounded the discussion of illegitimacy in the 1931 Carrigan report is not to be seen in the deliberations of the 1954 Emigration Commission.

[5] This refers to the entire island of Ireland i.e. the Republic and Northern Ireland.

## Framing the Issue: Catholic Philanthropic Discourses on Illegitimacy

### The Invitation to Discourse

Contributions to the *Irish Ecclesiastical Record* in the nineteenth-twenties, clearly testify to the role which Catholic Bishops, Clerics and philanthropists defined for themselves, in relation to generating interest on topics concerned with morality and molding opinion and legislation to reflect Catholic teaching. Sagart (1922:152/153) identified the need for legislative and political developments to address the issue of unmarried mothers. He asserted that

> *This whole subject is of extreme importance, concerning as it does the preservation of a strict standard of moral life in the nation, and the saving from utter ruin of the faith and morality of so many Catholic girls. As Public opinion seems to be stirring on the subject would it not be desirable that priests and others interested in the matter should have an exchange of views by means of letters to this review. .. In addition it would be very useful if Catholic lawyers, especially those numerous ones who have experience in this subject, were to give their views as to what would be beneficial.*

Mac Inerny found that his 1921 article on souperism[6] and unmarried mothers incited much comment and correspondence from the Catholic Clergy. The sample of

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[6] The term souperism originated in Ireland during the great famine of the late 1840s. It referred to alleged practice whereby Protestant charitable organisations offered assistance to the Irish Catholic victims of the famine, with a view to recruiting these Catholics to the Protestant faith. Bowen (1970:233) has argued however that claims of souperism are exaggerated and has demonstrated that only a small minority "*of ultra-Protestant proselytizing agencies*" did engage in such practice. Bowen's (1970) analysis of the role of members of the Protestant Churches during the great Irish famine, reveals that Protestant benefactors who provided charitable assistance to their Catholic neighbours did so without any attempt at proselytism. It would appear however that in the early years of the twentieth century, some members of the Irish Catholic Clergy were of the opinion that proselytism had been rife in nineteenth century Ireland (See Fr. Quigley's treatise on souperism published in a series of articles in the *Irish Ecclesiastical Record*, Vol. 20, Vol. 21 & Vol. 22. It is in

correspondents listed by Mac Inerny (1921), included; a *"venerable priest"* (p.246) in Derry, a *"zealous pastor"* (p.247) in the midlands, a *"venerable Canon"* (p.248) from *"somewhere in Ireland"* (p. 248), a *"parish priest of the dioceses of Dublin"* (p.249), a *"western priest"* (p.249), the *"Mother-General of the Sisters of the Sacred Hearts of Jesus and Mary" "from across the channel"* (p.249/250), and a *"Cross- Channel communication"* from *"Mgr. Provost Brown, Vicar- General of Southwark"* (p.254). This would suggest that the *Irish Ecclesiastical Record* had a wide circulation among Irish and indeed English religious. One discernible theme in the correspondence to Mac Inerny, is that of surprise at the extent of the 'souper' problem, and associated assertions as to the importance of bringing the issue to the attention of the Catholic Clergy and people. A Midlands correspondent wrote

> *I have read your article in the I.E. Record with tears and astonishment. ...The good people, and even the priests, have no idea of the magnitude of the abominable Souperism you so clearly point out.* (Mac Inerny 1922:247)

In a similar vein, a Canon, wrote

> *Had this Souper business been brought fully and properly before our people and priests, I am sure it would have been taken up.* (Mac Inerny 1922:248).

A further correspondence from this Canon, contained the following encouragement for publicity

> *Don't let it rest here: keep pegging at it. It should be kept before the public. Irish Catholics should not tolerate such a state of things. The limelight should be kept on the Soupers; ...* (Mac Inerny 1922: 249).

Devane (1924:57) described the Clergy as the *"guardians of the people's morals"* and clearly articulated the role of the Clergy in determining standards of morality

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the context of this understanding of souperism that the Clerical writings on unmarried mothers were located.

and public opinion. He suggested in his article on unmarried mothers, that *"some efforts to mould public opinion on intelligent lines is very necessary indeed"* (Devane, 1924:58). Devane's (1928:582) belief that there should be limited public discourse on what he considered issues of morality, is evident in a 1928 article, in which he suggested ... *"the writer wishes to focus attention once again, through this clerical journal, on matters which cannot be well discussed in the secular Press.."* . He developed this idea further elsewhere in the article, and identified what he viewed as a strong link between social problems, morality and religion, suggesting

> *There are certain social problems which have such intimate contact with morality as to be inseparable from it, so that if their solution be neglected religion must necessarily suffer.* (Devane, 1928:560)

The contributors to the debate on sexual morality legitimated their right to inform the discourse by reference to various sources of authority. When making suggestions as to appropriate Catholic service provision for lone mothers, many contributors highlighted their experience of work in the area. Glenn (1921:461), a Catholic lay philanthropist, began his article by assuring the reader that he had *"come across this problem in the course of the past few years, and...*[has] *examined the present methods of dealing with the question".* Mac Inerny (1921:141) a Jesuit priest, referred to his *"experience of eight years as chairman of a small but active Rescue committee",* while Sagart[7] (1922:147) asserted that he has based his suggestions on the advice of *"many people who have had much practical experience in dealing with this matter, and have thought much about it".* In making suggestion to legislators regarding legal reform, Devane (1925:203), however, very consciously framed his suggestions in the rhetoric of scientific objectivity and rationality, and supported them with reference to documentation from other countries considering similar problems.

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[7] An article on unmarried mothers appeared in the Irish Ecclesiastical Record in 1922 signed with the pseudonom "Sagart". Sagart is the Irish word for priest and this along with the striking similarity between Sagart's ideas and those later expressed by Devane in the same periodical, suggest that Sagart was in fact Fr. Richard Devane.

*In all that has been proposed as regards the Law, sentimentalism, national or otherwise, as well as appeals on merely religious grounds, have been studiously avoided, as in the circumstances calculated to weaken the case with the purely official of mind. The opinions of highly placed public officials, 'men of the world,' the considered judgements of brilliant lawyers, the precedents set up by other governments, the recommendations of a British Government Select committee are the chief foundations of the argument.*

**The Problematisation of Extramarital Sexuality**

The language used to describe extramarital pregnancy provides clear indication of the identification of extramarital sexual activity as sinful. Glynn in his 1921 discussion of the "*Problem*"(461) of the unmarried mother, uses a variety of terms, "*sin*" (462), "*shame*" (462) "*wrong-doing*" (463) "*immorality*"(465) "*lapse from virtue*"(465) "*fall*"(465), which firmly locate the condition in the realm of the sinful. Mac Inerny's article on the same topic in 1922, is again littered with references to "*errant girls*"(147) "*Peccant girls*"(145) and "*girls who have gone astray*"(147). Of interest, however, is the very limited consideration of the involvement of men in extramarital sexual activity and the sinfulness of their behaviour. Sagart (1922) and Devane (1924) are the only commentators to mention the need for men to be made aware of their responsibilities in relation to the situation. Furthermore, while it is acknowledged by Sagart and Devane that the man has sinned, their primary concern is to ensure that he makes financial provision for his offspring. There is no mention of loss of virtue in relation to the male and no suggestion that the male needs to be rescued and reformed, the response which was prescribed for his female counterpart. Extramarital sexual activity would thus appear to have been more acceptable among males than females.

Devane (1924:55) introduced another dimension to the discourse on extramarital sexuality when he defined it as a moral problem with implications for the entire nation. He framed the issue as one reflecting national moral standards. Mac Inerny was further concerned about the subsequent and indeed, in his estimation, more heinous sin, which was committed by single, pregnant women who availed of practical support from Protestant organisations, and subsequently assumed the Protestant

religion, or at a minimum, failed to pay due attention to their Catholic faith. Mac Inerny (1922:141) suggests that

> *..the soupers bribe her ...to violate her conscience, and to commit what she knows to be a heinous sin." ...." The pseudo-Samaritans ...force her to commit what she knows to be a series of deadly sins.*

This practice of 'souperism' is framed in the Catholic philanthropic discourse as a serious and immediate threat to the nation, with Mac Inerny (1922:261) ending his article on souperism and the unmarried mother, by identifying souperism as '*de-nationalizing*'. Here, we see the association of Catholicism and nationalism and the identification of anything, which is anti-Catholic, as axiomatically, anti-Irish. This rhetoric of nationalism and Catholicism, is used throughout the Catholic discourses on the unmarried mother.

The language and imagery employed in the description of soupers, serve to imbue the personnel of Protestant Rescue Societies with the characteristics of dangerous, predatory animals, who zealously and stealthily stalk their prey. Mac Inerny (1922:141) compared souperism to a *...huge octopus...spreading its tentacles far and wide over Ireland and Britain: over Ireland, in search of victims; over Britain, in quest of money.* Unmarried mothers had, he suggested, been *"spirited away"* (Mac Inerny1922:142) by Protestant rescue workers who "*deftly dispatch*[ed] " (Mac Inerny1922: 142) them to Protestant homes. Private maternity homes were described as "*happy hunting grounds for proselytizers"* (Mac Inerny1922:148) and it was even suggested, that Protestant workers entered Catholic maternity hospitals and "*..manage*[d] *to creep in and get hold of children a week old..*" (Mac Inerny 1922:148). The notion of a dangerous predator is further conveyed, in Mac Inerny's (1922:150) description of Protestant visitors to the Workhouses as "*proselytizing prowlers".* Similarly Mac Inerny's (1922) use of the words "*sundry illicit practices"* (p.148),"*protestant propaganda"* (p.150) and *"Pernicious form of propaganda"* (p.151), to describe the work of Protestant organisations and his description of the conversion of Catholics to Protestantism as "*their perversion"* (151), conveys the idea that Protestants were a zealous, dangerous group, engaged in deviant and abnormal activity. That Catholicism and national identity were considered synonymous in the ideology of the Clerical discourse is evident in the

following appeal made by Mac Inerny (1921:154). Evident also, is the ideology of cultural superiority.

> *Catholic Dublin, so generous and wonderful in its faith and fervour, is yet the seat and citadel of the foul hydra of proselytism, whose specific work is the degrading and denationalizing of one of the finest peoples in the modern world. Can no effective means be devised for the slaying of the hydra?*

## Constructing Sexualities: Catholic Philanthropic Discourses on the Unmarried Mother

The concern expressed in the Clerical literature, regarding declining standards of sexual morality appears to be primarily associated with standards among the working- class and the young. Devane's emphasis on the morality of the young is evident in his advocation (1924:60) of raising the legal age of consent to eighteen. In justifying this action he pointed to the gullibility and simplicity of young women. Young women from working-class backgrounds were identified (Devane 1924:68) as being in particular moral danger and hence as being in need of increased protection.

> *To help us to think clearly, we must remember we do not seek protection for those who do not need it, but for those who do. We do not ask that the daughter of the well-to-do man, who leaves a secondary school at seventeen and then lives under her father's roof until marriage, should be protected by law, though of necessity, if the law passes, she must be. But we demand that the innocent... silly girl, who is forced to go out to make a living in conditions dangerous to her virtue, whether she be a domestic, or farm hand, or shop assistant, should be safeguarded against her own inexperience and the insinuating advances of dangerous men*

This concentration on the protection of working-class girls is interesting. Devane was of the opinion, that adequate protection was afforded to young middle-class women and it would appear that he sought to extend the standard of morality, which

he believed to prevail among this latter group, to their working-class counterparts. The role which Catholic philanthropists played in efforts to colonise aspects of working-class behaviour, particularly that of young working-class women becomes clear when one examines the way in which this group constructed the social category of the unmarried mother in the early nineteen-twenties and nineteen-thirties.

The categorisations of unmarried women casts some light on the views of femininity and female sexuality which abounded in Catholic philanthropic discourse of the time. Two key categorisations can be identified, namely the definition of the unmarried mother as either a gullible victim or a depraved defective. The first constructs a view of the unmarried woman as silly, gullible and lacking in moral strength. Glynn (1921:463) described the unmarried woman, as belonging to a particular...*class of girl*" [who is a] "*fool*" - "*it is only the frail, ignorant girl, often mentally deficient, and always weak-willed, who finds herself pregnant.*"

Mac Inerny (1922) employs a similar construction referring to unmarried pregnant women as "*unfortunate girls*" (140) or "*hapless unmarried mothers*" (155). Sagart (1922:145) invested the term unmarried mother with the same meaning, using it to refer to "*girls who 'get into trouble,' not habitually or by way of livelihood, but through weakness, credulity, or folly.*" This construction of the unmarried mother portrays a view of women as passive beings lacking in intelligence and devoid of sexual agency. Extramarital pregnancy is not seen as the possible outcome of a conscious and rational decision to engage in sexual activity for reasons of desire and pleasure. Implicit in this view of women as gullible and open to sexual exploitation, is a construction of male sexuality as active and aggressive. Thus while various aspects of women's behaviour i.e. attendance at dances, their consumption of alcohol and their dress, are identified as factors which contribute to moral danger, the sexual activity which is the tangible expression of this danger, is framed as an outcome of male desire and male agency. The language used by the Catholic philanthropists to describe men, who fathered illegitimate children, portrayed them as a group guided by passion and determined to entice women into sexual activity. Sagart (1922:146) spoke of the "*seducer*", while Gleeson and White (1922), two male members of St. Patrick's Guild, a Catholic Rescue Society, in a letter responding to Sagart's article, referred to "*the male delinquent*". Devane (1924) spoke of "*the seduction of the*

*designing blackguard"* (p.60) and the *"insinuating advances of dangerous men"* and *"clever blackguards"* (p.63). This discourse of active male sexuality is clearly articulated in the episcopal statements on sexual immorality which abounded during the late nineteenth-twenties and early-thirties. The Bishop of Achonry's Lenten Pastoral of 1929, clearly reflects this notion of the sexually predatory male and the hapless female victim, suggesting as it does that

> *One needs not a lively imagination to realize the possibilities arising from promiscuous mingling of the sexes under conditions so favourable for the machinations of wily corruptors from far and near, who swoop down on their innocent prey with the greedy rapacity of Harpies.* (Quoted in Devane 1931:178)

Some members of the judiciary and the legal profession also cast the unmarried mother as a victim. Justice Johnson responding to a woman charged with infanticide in 1931, assured the defendant that he would *"take into account all the circumstances in the case – the fact that you have been betrayed, that you suffer, have suffered, and must continue to suffer;"* (cited in Devane 1931:179). Similarly Mr. Corrigan, Senior State Counsel, hearing an infanticide case, referred to the women involved in such cases as *"unfortunate girls"* (cited in Devane 1931:178). This again suggested that the women were viewed as objects of pity, who, had been taken advantage of, more so than objects of contempt who had committed murder.

The narrative strategy of male sexual aggression and female asexuality and vulnerability served to legitimise a role for Catholic religious and laity with regard to the rescue and reform of unmarried mothers. The passivity of the woman in the story of seduction and abandonment absolved her from complete condemnation and indicated the possibility of redemption. Integral to the narrative strategy of seduction is that of the inherent respectability and goodness of the woman seduced. Glynn (1921:463), referring to unmarried women, asserted *" This girl is not bad, and if taken up at once and properly handled, will lead a virtuous life thence forward"*. Mac Inerny (1922:253) in a similar vein, claimed that his experience of rescue work indicated that

*...there is a notable element of goodness in these weak and wayward creatures, who are usually more sinned against than sinning. In general, to speak of these unfortunate 'girls in trouble' – even of the relapsing ones – as if they were confirmed in evil, is to be guilty of uttering rather wild nonsense.*

This notion of an innate goodness in women was used in the philanthropic discourse to justify rescue work. Sagart (1922:150) asserted that the expansion of Catholic rescue services would ensure that

*These poor creatures, victims of folly rather than of depravity, and easily reclaimable, would be rescued from further harm, and their children would be saved from the danger of Proselytism.*

Mac Inerny (1924:144) employed an identical discursive strategy, suggesting that unmarried mothers could be "*uplifted and restored,* [and that] "*the faith of their children can be perfectly safeguarded*". This identification of the potential for reform in errant women, appeared to have been used to elicit Catholic support, both financial and practical, for work with unmarried mothers.

Motherhood itself was identified in the Clerical literature as a rehabilitative tool, the suggestion being that the natural maternal instinct elicited following childbirth, would ensure that women would refrain from further sinfulness. Glynn (1921:463) employed this notion of maternal instinct to support his call for mother and baby hostels

*When her baby is born, mother and child must be kept together for a year if possible, so that the maternal instinct may be fully developed, and the responsibilities of motherhood fully realised. The mother will then be willing to make sacrifices to rear her child, and her love for the child will be a powerful deterrent to further wrong-doing.*

The ideological construction of women as passive and sexually vulnerable, but inherently maternal, could not however accommodate all women. Thus a distinction was clearly made between unmarried mothers who had one child and women who

had more than one illegitimate offspring. This latter group were categorized as prostitutes in the philanthropic discourse.[8] Another significant feature of the classification of unmarried mothers in the Catholic philanthropic discourses of the twenties and thirties is the extent to which these classifications reflected cleavages based on assumptions regarding class. The nature of these assumptions can best be examined through an analysis of the pronouncements of Catholic reformers and social workers regarding appropriate responses to the issue of the unmarried mother.

## Regulating the Unmarried Mother: Catholic Philanthropic Discourses and Social Control

The Catholic philanthropic discourse regarding the unmarried mother exhorted action on two fronts, those of legislative development and charitable work. The legislative developments were clearly articulated by Devane (Sagart) in his campaign for the raising of the age of consent, the regulation of maternity homes, the introduction of affiliation orders, and the legitimation of illegitimate children following the subsequent marriage of their parents. Devane appeared to be a spokesperson for a wider group of Catholic social workers who were concerned with the issue of the unmarried mother. The numerous articles he wrote in the *Irish Ecclesiastical Record* during the nineteenth-twenties (1922, 1924, 1928) allow the researcher to piece together a picture of the campaign which ensued to encourage the Government to make legislative changes on the issues identified. Frequent references are made by Devane of his involvement in deputations, which visited the Minister for Justice. Notes of such visits are recorded in various archival files of the Departments of Justice and the Department of the Taoiseach. References to correspondence and visitations from Catholic lobbyists are also to be found in Dáil Debates such as those on the Affiliation Order Bill, which ensued between 1929 and 1930 (Dáil Debates 1299, Vol. 32). Devane's (1928:582) belief that the Clergy and lay Catholic reformers should inform such legislation is evident in a 1928 article, where he suggests that the action of such groups "*..may help to hasten on the solution of these pressing problems, so far as it can be attained by legislation and the State*". The impact of this Catholic lobby for legislative change will be

[8] The Catholic Construction of prostitution is considered in chapter six.

considered later in the chapter through analysis of parliamentary debates on the Illegitimate Children (Affiliation Order) Act (1930 and the Legitimacy Act (1931). Of interest here is the fact that the Catholic philanthropists sought to employ the law as a mechanism for the increased surveillance of women's sexual activity, particularly that of working-class women.

Apart from calls for increased legal surveillance, the literature reviewed for this work contains numerous exhortations to the paucity of service provision for Catholic unmarried mothers and to the danger which this presented in terms of opportunities for proselytism. Mac Inerny (1922:143) castigated the response of Irish society to unmarried mothers, arguing that *"It seems quite clear that the policy of hounding un-fortunate girls from their native district in the absence of proper Catholic institutions to receive them, is fraught with disaster."* He decried the neglect of Catholic rescue work in Ireland as did Sagart (1922:146) who, acknowledging the souperist threat, declared that *"it is imperatively necessary, therefore, to lend a helping hand to these Catholic girls.."*. There is evidence however that a certain amount of Catholic philanthropic work was being undertaken with unmarried mothers. Sagart in his 1922 article on the topic claimed that there were at least six Catholic organizations in Dublin engaged in rescue work. These organizations arranged quiet lodgings for women prior to and after the birth and made arrangements for the subsequent fostering of the children who at times remained with the foster parents or were later placed in orphanages. Where possible the costs involved were defrayed through the collection of money from the girl and her parents and sometimes from the child's father. Charitable contributions were used to fund any outstanding costs. Sagart, who gathered figures from four societies, provides an estimate of the extent of this service. The figures reveal that during 1921 the organisations in question had provided assistance to 292 women. Correspondence to the *Irish Ecclesiastical Record* from P.Gleeson and R.J. White (1922), two members of St. Patrick's Guild, a Dublin rescue society, revealed that the guild founded in 1910, had dealt with over a thousand cases since its inception. The correspondents stressed that the guild worked in an unostentatious manner and reported that they had dealt with 306 unmarried women in 1921 and had referred another 80 cases to the Dublin Union or other societies. The policy described by Sagart of seeking maintenance from the individual woman and her parents was also adhered to

by the guild, which in 1921 recouped £2,444 of their total expenditure of £5,000, by this means. These Catholic Rescue Homes were run by lay Catholics volunteers and operated with little publicity. However the articles by Clerics on the issue suggest that they were aware of the work and played a key role in referring women from different parts of the country to the rescue organisations. Sagart (1922) commenting on their work claimed that the Rescue Societies were crippled by lack of funds with only one being in receipt of a Local Government Board Grant.

The information provided about the working of St. Patrick's Guild provides an insight into the extent to which the class background of the unmarried mother determined the response of Catholic organisations to her situation. The correspondents from the Guild reported that it provided a service for certain categories of women only, namely *"average cases, i.e., girls whose characters up to the time of their lapse have been good - abnormal cases require 'Institutional Treatment'"*(Gleeson & White 1922). This distinction between institutional provision, which entailed longer periods of detention in prescribed institutions and what Devane described as the individual system of care provided by the rescue organisations, permeated the discussion on appropriate responses to unmarried mothers. Devane (1922:148) expressed grave reservations about the establishment of any type of large-scale institutional provision, arguing that in such institutions *"there is no grading of cases according to age, degrees of guilt, and social station..The public would soon come to regard such a Home as a better-class kind of Union 'single nursery ward,' or Magdalene Asylum."* Mac Inerney (1922) was of the opinion that it would be neither desirable nor necessary for the majority of Irish unmarried mothers to be maintained in Rescue Homes for a long period after their confinement. Rather he suggested that they may need to be spend a few months in the home prior to the birth to avoid scandal and that they should remain only for as long as was necessary to ensure the health of the infant. Such a policy was necessary he argued to ensure that their absence was not noted. However, he favoured a different course of action for working-class women

> *...girls drawn from slum tenements, where privacy is almost impossible, girls who come from a rather low stratum of society, and are rude and ignorant- it*

*seems to me that, for their own good, all these might well be detained for a year or more in a Rescue Home.* (Mac Inerny 1922:258)

The concern with class differentiated responses was also expressed by Monsignor Brown, a correspondent to Mac Inerney (1922). Brown (cited in Mac Inerny 1922:254/5) argued that from his experience of rescue work in England "*Homes, to be successful, must be graded for classes*" as more refined women would not consort with the lower classes. It is evident that middle-class women were perceived to require only limited attention from rescue agencies while their working-class counterparts were defined as being in need of a more extreme response. This identification of working-class women as being in need of greater periods of 'reformation' suggests a particular problematization and stigmatization of working-class women's sexuality. Mac Inerny's comments mirror the assumptions made throughout the Catholic philanthropic discourse regarding the greater moral protection afforded to the middle-class woman. In this regard moral protection could be conflated with moral control and the containment of female sexuality. The middle-class family and the social and economic conditions of the middle-class female, facilitated moral control. The working-class woman, residing in cramped living conditions with many siblings and obliged to enter the public world of employment at an early age, was seen to be outside the realm of familial control and hence her sexuality was construed as a social danger. Marriage or employment in domestic settings were seen as suitable mechanism for the regulation of the working-class-woman as both provided a patriarchal, familial milieu in which her sexuality was rendered less dangerous. Even the unmarried mother from the higher classes did not escape the attention of the Catholic philanthropists, with Devane (1924:180) insisting that any assistance provided to the unmarried mother should be accompanied by a clear reminder of her moral failing

*To help towards the reformation of the girl it is not only very desirable, but in a sense necessary, that she should be deeply impressed with her sin, so that, with the royal sinner, her sin should, in the future, be always before her. The merely natural shame and disgrace will soon pass away when the child is placed at nurse; the only real deterrent will be to bring the spiritual side of her fall before the girl, and impress her in no superficial way with the guilt of*

*her sin, and leave her with an abiding memory and sorrow. Provision should therefore be made in the County Maternity Homes, or through charitable organiszations dealing with illegitimates, or through the suggested trustees mentioned above, that the girl should, after her 'trouble', have a few days of retreat in which she and some others like her should be gathered together and made to think deeply on their sin, and to realize what a woman had done when she has lost her virtue and her honour. If this were done we should, in many cases, be relieved of the sad spectacle of recurring falls which happen because these girls have never deeply thought on or realized their position before God. The natural shame having passed away, and the burden of the child having been removed, they feel themselves once again themselves and the opportunity for teaching a great lesson and leaving a lasting impression, with all that is thereby implied as regards prevention, has passed.*

**Conflicting Discourses**

Analysis of contributions to the Catholic philanthropic discourse of the ninetenth-twenties and thrities, reveals the existence of a clearly articulated Catholic discourse regarding sexual morality. What is also evident however is the existence of numerous sub discourses, which represent resistance to the dominant narrative. Various sites of resistance can be identified, including resistance from within the Clergy and the laity and from unmarried mothers themselves. A diversity of opinion as regards the appropriate response to unmarried mothers is evident among Catholic moral reformers. While there was agreement as to the desirability of Catholic philanthropic action and as to the need for a class differentiated response, conflicting discourses appear to have existed with regard to the method through which this response could be effected. Glynn (1921) a lay Catholic, proposed the establishment of a national "*hostel*" and associated "*workrooms*", which would facilitate women nursing their children for a year, while also earning a living. He envisaged that this institution would be under the patronage of the Bishops and funded by an annual diocesan collection. Lay management was recommended and it was suggested that the "*Lady Superintendent should be a well-trained social worker of good position..*" (Glynn 1921:466). Mac Inerny (1922), a cleric, rejected Glynn's proposal on the grounds that

*The herding together of scores or hundreds of girls who have gone astray, the almost inevitable mingling of old-timers with the young and inexperienced, would scarcely lead to beneficial results.*

In contrast, he argued for the establishment of a system of small diocesan Rescue Homes and the formation of localised rescue committees "*with an active priest at their head..*" (Mac Inerny 1922:155). Again, Mac Inerny envisaged that the homes would be funded by diocesan collections but unlike Glynn, he envisaged a system of smaller religiously managed institutions and proposed that "*A good -sized house, with two or three nuns in charge, might suffice for a beginning*" (Mac Inerny 1922:146). He discounted the view that providing such a service would be "*putting a premium on illegitimacy*" arguing instead that failure to provide such homes "*simply places a premium on proselytism and prostitution*" (Mac Inerny 1922:144/5 & 143/4). It is interesting that Mac Inerny (1922:144), a Catholic priest accepted that a certain amount of illegitimacy was inevitable "*So long as human nature endures, a certain percentage of illegitimacy will exist, even in holy Ireland*". Sagart (1922) in contrast, strongly rejected the establishment of any form of rescue institution, recommending an expansion of the existing system of Rescue Societies. His opposition to the institutional system, was based on the belief that it would minimize the seriousness of extramarital pregnancy in the eyes of the public and would promote a normalization of the experience

*...the prominence of such Homes before the public eye would have a deteriorating moral effect. Their existence would be for girls still innocent a constant reminder of the frequency with which their sisters fall.* (1922:147)

Sagart was adamant that the existence and scale of extramarital pregnancy, should be kept from public knowledge and that rescue work should have a low profile. To openly offer help to unmarried women, would he believed, suggest a level of acceptance" *a certain indulgent attitude towards moral lapses, would be calculated to lower the high ideals of our people, and is, therefore, to be avoided, except in the very last extremity*" (Sagart 1922: 147). This interpretation is supported by Sagart's (1922:148) later assertion, that the institutional approach is also undesirable because

it would group girls with similar experiences together and would result in the feeling that

> *...they are "all in the same boat' and are inevitably led to 'compare notes' and talk of their experiences. Each will thus have borne in on her mind the impression that her case is not extraordinary, and that many other girls of seemingly unblemished reputation are no better than herself. There will be a strong tendency for the less guilty to sink to the level of the most guilty.*

Finally, the difficulty of maintaining secrecy and the subsequent damage to a girls reputation if this secrecy was breached, were identified by Sagart (1922:148) as further disadvantages of the institutional approach. Even amongst those who were in agreement regarding the desirability of having some type of formal institution, debate ensued as to whether such institutions should be under lay or religious management. Glynn (1921:466) in his article suggested that girls would be slow to avail of a facility run by nuns. The atmosphere and routine of a convent would, be claimed, be unsuitable for girls who would have to return to assume employment in modern society. Interestingly, he also suggests that "*ladies who are mothers themselves or who have been engaged in rescue work in the city are more calculated to gain the confidence of the girls than Sisters, who, from the very nature of their vows, are rather a standing reproach to the girls under their supervision.*" (Glynn 1921:466). Mac Inerny (1992:258) discounted such objections however, suggesting that

> *From every point of view – moral, religious and financial – it seems to me that Nuns ought to be preferred. Nuns would have prestige, influence, and authority; they would command public confidence, such as lay-matrons could scarcely hope to gain. The influence of Nuns over the mothers and their children would be vastly more salutary than the influence of lay-matrons. Besides, the Nuns would probably give their services gratuitously; whereas a lay-matron, with two or three lay-assistants, would probably cost something like £600 a year.*

The contradictory approaches suggested by the various commentators, testify to the existence of multiple, contradictory discourses. The fact however that the solution put forward by Sagart, and later taken up by Devane, was not challenged by any subsequent contributor to the debate, would suggest that certain commentators became prominent in defining what the dominant discourse in relation to any given issue would be. Clerical commentators from outside Ireland also registered their protest at certain practices of the Irish Clergy in their dealing with unmarried mothers. Correspondence received by Mac Inerny (1922:250) from the Mother-General of an order of nuns involved in rescue work in England, contained an implicit criticism of the failure of the Irish Church to provide for unmarried mothers

> *Mother-General read your interesting article in this month's I.E. Record on the rescue of unmarried mothers and their babies, and would like to know if there is a possibility of our Order being accepted for that work in Ireland. We have two homes in England for such cases.... Both have been very successful, and are doing good work. Although, with few exceptions, our Sisters are all Irish, and unfortunately, a number of the poor girls received into the Highgate and Liverpool Homes are Irish, we have no convent in Ireland.* (Cited in Mac Inerny 1922: 250)

Mgr. Brown, a Catholic priest working in Southwark, England, made his opinion on the same practice quite explicit. He congratulated Mac Inerny on his

> *... courageous attack up on expulsion from Ireland, or at least from the provinces, of girls who are to have a child, or even only fallen. It may be an excellent means of keeping down the figures of Irish illegitimacy, but it leads to great losses to the Church. Ireland should bear its own burden, and not 'fob off' the cases on to England and Scotland.* (Cited in Mac Inerny 1922: 255)

Resistance to practices within the Church is also evidenced by correspondence to Mac Inerny from a Western priest commenting on a case of extra-marital pregnancy. This cleric criticised the severity with which unmarried mothers were treated

> *...I know after twenty-five years on the mission, that we Irish missionary clergy are too savage on the victims. This case arose through saving a fellow 'on the run'; and, knowing the girl during the four years I was in the parish, I can only say she was a devout Sodality girl.* (Cited in Mac Inerny 1922:249)

Similarly Mgr. Brown of Southwark, in the correspondence mentioned previously, resists the way in which Protestant rescue organisations have been portrayed in Mac Inerny's article. In so doing, he poses a challenge to the dominant discourse of sourperism which prevailed in the Clerical literature of the time

> *Not all the non-Catholic Homes are out to proselytize. I have it from the head of a large organization that they have plenty of non-Catholic applicants, and only receive Catholics at their earnest request, because they cannot get admitted elsewhere. They would refer all Catholics to us if we could take them...*(Cited in Mac Inerny 1922: 254)

Another source of resistance to the dominant discourses on morality propounded in the Clerical literature was found in the words and actions of women. Unmarried mothers appear to have resisted the severity of the provision made for them by voluntary organisations and displayed agency in the making of choices between the limited options available to them. Mgr. Brown, corresponding with MacInerny (1922:254) pointed to the fact that many of the English facilities run by nuns for unmarried women, were *"of such a character as regards seclusion that many will not go to them at all"*. Correspondence received by Devane from an experienced Irish magistrate, suggested that Irish unmarried women were making similar choices. The magistrate reported that some women offenders, before him in the courts, had '*begged*' (1924:185) not to be sent to Homes. The offenders in question here were most likely prostitutes with the homes being rejected being Magdalene Asylums. This appeal by the women reflects a rejection of the punitive reformation practices of the Magdalene institutions.

Having outlined the nature of the Catholic philanthropic discourse and the various sub-discourses within it, the remainder of this chapter considers the extent to which the Catholic discourse impacted on legislative and policy developments regarding

the unmarried mother. It will be argued that the conceptualisation of female working-class sexuality, which informed the practices of Catholic philanthropic organizations, infiltrated both the policy and practice of statutory provision for the unmarried mother.

## Discursive Resonance: Political and Statutory Responses to Illegitimacy

Four primary sources are available to the researcher investigating administrative attitudes to the unmarried mother in the first two decades of the new State. The Report of the Commission on the Poor Law (1927) provides an insight into the treatment of unmarried mothers in the former workhouses, which were reconstituted as County Homes after 1921. It also casts some light on administrative attitudes, with the minutes of evidence provided by two senior civil servants in the Department of Local Government and Public Health, being particularly informative. The Report of the Committee on the Criminal Law Amendment Law Amendment Acts (1880-85) and Juvenile Prostitution, which reported in 1931 under the chairmanship of William Carrigan, documents the continued input which Catholic philanthropists had on policy discussions. The report, which was not published due to the reservations of civil servants within the Department of Justice regarding its partiality, contains a commentary on the effectiveness of the Affiliation Orders Act introduced in 1930. The yearly reports of the Department of Health and Local Government contain some details regarding unmarried mothers being maintained in State institutions or in voluntary sector institutions supported by the State. The annual reports also include data from the Inspectors of Boarded out Children, this latter category being in the main the offspring of unmarried mothers. Finally the Report of the Commission on Emigration and other Population Problems (1954) contains some information which facilitates an analysis of the longer term policy impact of Catholic discourses on the unmarried mother.

### The Commission On The Relief Of The Sick And Destitute Poor

This Commission which was appointed in March 1925 and reported in 1927, was charged with making recommendations regarding the provision of relief to the sick and destitute poor. The poor law system was inherited by the Irish Government

upon independence with the poor house institutions being re-designated as County Homes, whose aim was the provision of accommodation and care to aged or the chronically ill. Amongst other things, the terms of reference of the Commission obliged them to review the legal and administrative issues surrounding the provision of relief to the unmarried mother and her child. Fr. Devane in an article to the *Irish Ecclesiastical Record* in February 1924 had called for such a review. The Commission consisted of nine men and one woman, Senator Wyse-Power. Four of the men were politicians, three being TDs and one a Senator. Two Clergymen representing the Catholic and Protestant persuasion were included along with Sir Joseph Glynn a Catholic social worker, who had contributed an article on the subject of the unmarried mother to the *Irish Ecclesiastical record* in 1921 and Justice Carrigan who acted as chairman. The remaining member, Mr. O Siochrú was a Catholic writer.

The identification of unmarried mothers as a specific group in the terms of reference of the Commission, indicates they had acquired the status of a specific class and had been categorized as a social problem and a political issue. The Commission's (1927:68) claim that it had received a *"large amount of evidence"* on the topic and had given it *"much thought"* would further suggest the problematization of extra-marital pregnancy. Evidence was taken from approximately 186 witnesses, which included Local Authority administrators, representatives of a range of medical facilities, workers from various charitable organisations and members of the Clergy. However minutes of evidence were published for only two days, May 27th 1925 when Mr. Thomas McArdle, an officer of the Department of Local Government and Public Health was giving evidence and June 2nd 1925, when Dr. Stephenson the Principal Medical Officer in the same department was before the Commission. The testimonies of these civil servants provide an invaluable insight into administrative attitudes toward unmarried mothers. Their evidence suggests that the Department of Health and Local Government categorized unmarried mothers as members of the undeserving poor, their priority being to reduce the financial burden, which the unmarried mother and her child represented to the State. The administrative framing of extra marital pregnancy as a financial as distinct from a moral issue is evident, as is the absence of any coherent Government policy regarding the appropriate response to unmarried mothers. The primary consideration of the Department was the fiscal

implications of various policy strategies which, as will be shown in the later discussion of the policy and practice which emerged, were moulded by Catholic religious and voluntary organisations.

Both civil service witnesses were questioned regarding Local Authority practices in relation to unmarried women. The minutes show that they were unclear about many aspects of Local Authority practice and indicate regional variations in statutory responses. McArdle, under examination by Sir Joseph Glynn, declared that

> *The whole question of unmarried mothers is one of the most difficult problems we have got to deal with. We have not thought out any settled policy, but, we think it is unwise to congregate them in large numbers in big institutions where the first offender would be associating with hardened cases.* (Commission on the Relief of the Destitute Sick and Poor: Minutes of Evidence, P.14/15 – R27/2)

McArdle reported that to his knowledge only three homes existed specifically for unmarried mothers, and these received only first offenders with a rare exception sometimes being made for a woman on her second offence. In districts not provided for by such a home all unmarried women were received in the County Homes. Further information provided by McArdle pointed to the fact that the practical organisation of the three institutions funded by local authorities but run by orders of nuns, were completely under the control of the latter with the local authorities exerting no influence in terms of policy approach. McArdle declared himself ignorant of what, if any scheme, was being employed by such nuns to reclaim or reform the women in their charge, but he accepted Glynn's suggestion that training should be provided such as to render the unmarried women employable. It would thus appear that the criteria employed by the Catholic charities for the classification of unmarried women was adhered to by the Department of Health and Local Government who also appeared to favour a policy of segregation of women on first and subsequent pregnancies. Of interest also is the degree to which the Government had ceded control to the nuns who managed the special State endowed institutions for unmarried mothers. Under questioning from Senator Wyse Power and the

Chairman of the Commission, McArdle claimed that he did not know how long women remained in these special institutions or at what age mother and child were separated. He suggested that the special institutions did not have a standard form of practice but asserted that his department had responsibility for the institutions and that as such the information being sought should be available from someone within the department.

As regards provision for illegitimate children, McArdle stated that his department was of the opinion that an unmarried mother should not be allowed to have her child placed to nurse by the Local Authorities such as to facilitate her seeking employment. The consequence of such a policy was long periods of confinement of unmarried women and their children in the County Homes with McArdle acknowledging that it was possible that some women had been in the institutions for up to four years. Any mother who took employment was no longer eligible for relief and hence her child would have to leave the institution. McArdle reported that a nursing-out policy was pursued by some county Boards of Health but argued that this was unwise as it relieved the mother of responsibility. He accepted however that the mother's engagement in employment may be acceptable if such a course would facilitate her rehabilitation. It is clear from McArdle's evidence that the Department of Health and Local Government framed the unmarried mother as a financial as distinct from a moral issue, the primary concern being to force the woman to assume financial responsibility for her child. This view is further supported by the evidence provided by Dr. Stephenson, the department's Principal Medical Officer, who declared that it would be very desirable to have a law introduced which would allow all mothers to seek support from the father of the child. McArdle and Stephenson's assertion that the removal from the County Homes of all unmarried mothers would considerably improve the atmosphere of the Homes further highlight the administrative classification of the unmarried as undeserving.

The pervasive nature of the distinction between the innocent unmarried mother and the dangerous hardened woman, is very much in evidence in a discussion which ensued between McArdle and O'Siochrú's. McArdle agreed with O'Siochrú's classification of unmarried mothers into *"unfortunate girls"* and *"hardened"* women *"who come mostly from towns, and the lanes in towns"*. (Commission on the Relief

of the Destitute Sick and Poor: Minutes of Evidence, P.21 – R27/2). He also accepted O'Siochrú's view that the two classes should be kept separate (Commission on the Relief of the Destitute Sick and Poor: Minutes of Evidence, P.21 – R27/2). O'Siochrú suggested that boarding out the child of the second class of unmarried mother at public expense and letting the mother free would constitute a social danger. The construction of the unmarried woman with more than one child as a wilful offender and a social danger clearly indicates the view that expressive female sexuality was a threatening force which had to be controlled. McArdle agreed and accepted O'Siochrú view that such women should be kept in the institution for a period while women who were not wilful offenders should be treated more kindly and an effort made to rehabilitate them and provide for their child. McArdle responded that while the Department had considered the whole matter it found it difficult to work out a way of solving the problem given that the "*opinions of social workers differ very considerably, and we find great difficulty in deciding on any settled means of dealing with it.*" (Commission on the Relief of the Destitute Sick and Poor: Minutes of Evidence, P.21 – R27/2). This exchange between O'Siochrú and McArdle is informative on many levels. Firstly, it points to the extent to which the members of the Commission sought to enforce their own opinions as distinct from taking the role of neutral information gathers. Secondly, it very clearly exhibits the way in which the discursive framing of the unmarried mother issue and the construction of discursive classifications, impacted upon policy and practice. Finally the evidence of the two civil servants would suggest that the Department of Local Government and Public Health was keenly aware of the views which Catholic social workers held regarding unmarried mothers. Furthermore it would appear that cognisance was given to these views in the course of departmental deliberations regarding policy responses to the issue. The recommendations made by the Commission in its report further suggest that the Catholic philanthropic discourse was highly influential in shaping administrative attitudes toward the unmarried mother.

**Responding to Illegitimacy**

The Commission (1927:68) categorized unmarried mothers into two groups, "*...(1) those who may be considered amenable to reform, and (2) those who for one reason or another are regarded as less hopeful cases*". The use of the word reform suggests

a view of the unmarried mother as somehow deviant, as does the Commission's (1927:68) recommendation that

> *The treatment or care of the first class must necessarily be in the nature of a moral upbuilding and, while requiring firmness and discipline, must be characterised by and blended with a certain amount of individual charity and sympathy which can only be given when a true estimate of the character of each girl or young woman has been made by those in charge.*

This framing of the problem suggests that extramarital pregnancy was viewed not as a social problem, but rather as one of individual moral laxity and limited self-discipline. Hence it was the character of the woman and not her social or economic circumstances which was considered to be in need of attention.

The Commission identified voluntary organisations and Rescue Societies as best suited to the provision of the benevolent control they believed necessary for the reform of the unmarried woman. Furthermore, the Commission (1927:68) recommended that arrangements between the local Boards of Health and the voluntary agencies, should be largely unregulated and advocated that the Boards *"should be allowed an almost complete discretion in the matter of dealing with and paying for this class through the agency of Rescue Societies and other voluntary organisations."* The acceptance of such organisations as the appropriate providers of care was most likely based on a belief in their approach and a recognition of its cost effectiveness, a criteria which was central to the recommendations made by the Commission.

It was recommended that the second class of unmarried women and their children, namely the *"less hopeful cases"* be provided for in institutions which the Commission recommended should be located close to the larger County Homes. The institutions operating at the time in Pelletstown in Dublin and in Kilrush in Clare were deemed to be providing an appropriate service, which might be replicated in any new institutions. It would appear that the Commission envisaged the establishment of an extensive system of such institutions as evidenced by their comment that unless it was decided to locate an institution in each Board of Health,

they were not in a position to recommend where they should be located. It was further recommended that these institutions should have a "*probationary department and a maternity department*" (1927:69) to ensure that the unmarried women had no reason to enter the County Home. The function of the maternity department is obvious, however the purpose of the probationary department is unclear. Was it to provide accommodation for pregnant women who may have been charged with some offence by the courts? The discussion in the following paragraph may provide some answers. Here the Commission (1927:69) considers the need for statutory power which would facilitate an institution to detain a woman if such detention was deemed necessary for her "*protection*" . It is recommended that

> *..if an unmarried woman who applies for relief during pregnancy or after giving birth to a child is willing, when applying for assistance, to undertake to remain for a period not exceeding one year there should be power to retain her for that period, in the case of a first admission. In the case of admission for a second time, there should be power to retain for a period of two years. On third or subsequent admissions the Board should have power to retain for such period as they think fit, having considered the recommendation of the Superior of Matron of the Home. All cases whose maximum period of residence is indeterminate should be reviewed annually.* (Commission on the Relief of the Sick and Destitute Poor 1927:69)

The Commission (1927:69) went to pains to clarify that they viewed detention as a beneficial as distinct from a penal measure

> *The term of detention we recommend is not an irreducible period and is not intended to be in any sense penal. It is primarily for the benefit of the woman and her child,...* "

The sincerity of this assertion is however drawn into question by the Commission's subsequent construction of the unmarried mother as a social danger and the categorization of extramarital sexuality as a force requiring control :

> *The object of our recommendations is to regulate control according to individual requirements, or in the more degraded cases to segregate those who have become sources of evil, danger and expense to the community.* (Commission on the Relief of the Sick and Destitute Poor 1927:69)

The regulatory role of the institution was not to be forfeited even after the discharge of the woman. Rather the Commission recommended that the relevant Superior or Matron should seek a suitable employment for the woman concerned and should continue to provide supervision for her. Thus the mechanisms of power recommended for the control of the unmarried mother were classification, segregation, incarceration and surveillance. Furthermore the statutory powers of detention recommended by the Commission were staggering in their extent. That compulsory incarceration was seen as an appropriate response to women who defied the socio-sexual norm of the time, speaks volumes about the antipathy to the notion of any kind of illicit or unregulated sexual activity. It also raises questions about the status of women's citizenship rights. Detention for an action, which was not criminal, was a blatant denial of the right to liberty. It would appear that citizenship rights were accorded only to some women, namely those who conformed to the dominant socio-sexual norms. Furthermore there was no suggestion that detention should be a response to males found to be engaged in extramarital sexual intercourse. Rather it was recommended that a facility for seeking an affiliation order be provided which would enable the woman to claim maintenance against the father of her child. Hence only a financial penalty was envisaged for men, while detention was envisaged for women.

The primacy of fiscal considerations in the determination of policy regarding the unmarried mother is again evident in the Commission's recommendation that financial independence be the primary criterion governing the discharge of unmarried mothers from institutional setting. Discharge was to be provisional on the ability of the woman to make financial provision for the maintenance of her child either in the institution or in a family to which it was boarded out. The Commission also recommended the continuation of the system of boarding out children, even though it recognised that at times the motivation for taking a child was the financial gain, however small, for the host family. In relation to the control of children under

the Board of Health, the Commission recommended that the Boards responsibility for such children be extended to cover children up to the age of eighteen as distinct from fifteen. This legislative change was considered particularly important in relation to ensuring adequate protection for girls. Here again we see women and in particular women from the poorer classes, being identified as being at greater moral risk than their male counterparts.

The Commission also made recommendations which it viewed as contributing to the prevention of extra-marital pregnancy. These recommendations were legislative in orientation and related to the introduction of affiliation orders, the raising of the age of consent to eighteen or nineteen and the regulation of maternity homes. What is striking about these recommendations is their resemblance to those put forward by Fr. Devane in two articles on unmarried mothers in the January and February issues of the 1924 *Irish Ecclesiastical Record*. Fr. Devane who gave evidence to the Commission in November 1925, undoubtedly reiterated the suggestions he made for the reform of legislation in his 1924 articles and it would appear that his views were highly influential in terms of shaping the Commission's recommendations regarding required legislative change.

The Commission recommended the introduction of legislation, which would allow the mother or the Board of Health to file for an affiliation order against the putative father and suggested that such proceedings should be held in Camera. These recommendations regarding affiliation orders and the legal processing of it were identical to those voiced by Devane in 1924. Furthermore the Commission's assertion that the District Justice should be empowered to make provision for young women to be accompanied to court by a suitable female companion, was again a reiteration of a suggestion made by Devane in the 1924 articles. Such recommendations suggest a degree of concern for women filing for such orders. The holding of such courts in Camera, may also of course, be read as a desire to keep such proceedings from the knowledge of the public. The reporting of court cases which related to issues of sexual morality was seen as undesirable by some of the Clerical commentators to the *Irish Ecclesiastical Record* and it is possible that avoidance of scandal was also at the root of the Commission's suggestions in this regard. Indeed as will be seen in the discussion of legal developments below, the in

Camera suggestion was the subject of heated debate in the Dáil during the consideration of the 1930 Affiliation Orders Act. Debate, which can be seen as a conflict between legal and Catholic philanthropic discourses. In the Commission's recommendation regarding the raising of the age of consent from sixteen to eighteen or nineteen, one again sees a reiteration of the arguments made by 'Sagart' in 1922 and Devane in 1924. In justifying the raising of the age, the Commission utilised the discourse of female gullibility and male sexual aggression which was resonant of that employed by the Catholic philanthropists of the day:

> *..the age of 16 is entirely too young for many girls to have full knowledge of and realise the consequence of an act that may be brought about by thoughtlessness and the seductive pleadings of the male partner in guilt, and as the object of the law was no doubt to fix the age at which in most cases it was likely that consent would not be given without full knowledge and realisation of all the consequences, we submit that the age should at least be raised to 18, if not 19.* (Commission on the Relief of the Sick and Destitute Poor 1927:72)

The suggestion made by the Commission (1927:73) regarding the annual licensing of all maternity homes by the local authority, was akin to that proposed by Sagart and Devane in their nineteen-twenties commentaries in the *Irish Ecclesiastical Record*. The Commission's recommendations regarding Board of Health subvention for unmarried mothers in Rescue Societies and Voluntary agencies, and the development of a network of institutions for the category of mothers less amenable to reform, were also reflective of the Catholic philanthropic ideas which abounded in the nineteen-twenties. The remainder of this chapter traces the legislative and policy developments regarding extra marital pregnancy, which emerged during the nineteen-twenties and nineteen-thirties and considers the extent to which they were influenced by the Catholic discourse.

**Legislating for Illegitimacy**

The period 1930 to 1935 saw the emergence of a range of Acts, which sought to introduce a legal regulation of illegitimacy. Such legislation had been called for by Catholic philanthropists and recommended by the Commission on the Sick and

Destitute Poor (1927). The Illegitimate Children (Affiliation Orders) Act, 1930, empowered the unmarried mother to seek financial support for her child from its natural father. A Department of Justice Memorandum (S 5931) prepared on the Bill indicated that representations regarding the need for such legislation had been made since 1923. Particular mention was made of Fr. Devane's strong advocation of such legislation. The memorandum states that the Bill offered "*a remedy for the less well-to-do*" such as "*girls of the domestic servant class who get into difficulty*" girls who without some financial contribution to the upkeep of their child might "*drift into the prostitute class in a spirit of despair induced by the hardships they suffer.*" (S 5931). The Legitimacy Act, 1931 provided for the legitimisation of illegitimate children following the subsequent marriage of their parents and granted such children inheritance rights. The practice of private maternity homes was the focus of the Registration of Maternity Homes Act, 1934, which also sought to regulate the boarding out of illegitimate children and to address the issues of infant mortality and 'baby-farming' as they related to the illegitimate child. Of interest here is the extent to which the impetus for and indeed the structure of these three pieces of legislation was informed by the Catholic philanthropic discourse regarding the unmarried mother. Analysis of the Dáil Debates which deal with the development of these Acts is informative in relation to the characterisation by politicians, of the unmarried woman and their identification of the extent to which their views on the issue had been influenced by Catholic social workers.

A flavour of some political views regarding unmarried mothers was provided by Mr. Kennedy who in the discussion of the Affiliation Order Bill[9], classified the vast

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[9] Evidence supplied to the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (1931) suggested that the Illegitimate Children (Affiliation Orders) Act introduced in 1930 was not successful in "*diminishing the seduction of girls" (p. 35)* because the procedure to deal with defaulters was complex and cumbersome. Payment from defaulters was reclaimed as a civil debt which entailed considerable delay and expense and obstructed the effective operation of the act. Furthermore it encouraged defendants to become defaulters. Another stumbling block was the necessity for the woman's story to be corroborated. No direction was given in the Act regarding what type of corroboration was required. It was also possible for defendants to discredit the woman's name when giving evidence and many men left the country or declared themselves insolvent if a charge was brought against them (M.P.R.H. 1941).

majority of unmarried mothers as amoral, pathological members of the working-classes:

> *You might divide the mothers into two classes. You have the middle-class mothers with whom social workers and nuns in cities come into contact. In the other case, you have the mothers who comprise the vast majority of mothers of illegitimate children in the Free State. Among the latter type you have a small percentage of mothers who themselves are illegitimate, who come of an illegitimate stock, and who observe no moral code whatever, but are bred in the art of blackmail.* (Dáil Debates Vol.33: 185)

Dr. Ward, while asserting that most unmarried women were "*more sinned against than sinning*" cautioned that "*the male section of the population will require some protection under the terms of the Bill.*" (Dáil Debates Vol. 32:524). Ward was referring to the danger of some unmarried women using the bill to blackmail men who to avoid the publicity of a court case would settle out of court, even if they were not the natural fathers of the children. This danger was primarily one which he believed would be faced by wealthy men in positions of power. Dr. Ward thus suggested that the bill should make a distinction between the first time offender and women who had more than one illegitimate child. He claimed that it did not seem right to approve of a system where a woman could succeed in getting a number of affiliation orders. He suggested instead that additional legislation should be introduced which would make provision for "*the detention in some institution of this class of a mother who becomes a repeated offender and who really is a danger to the community*" (Dáil Debates, Vol.33, 131). Of concern to Deputy Little was not the danger which the unmarried mother represented to the community but rather the disgrace which she brought to the reputation of the Irish in England. Little denounced the practice of unmarried Irish women going to England for their confinement, claiming that it was "*telling very much against the reputation of the Irish people in England. We pose as a people of very great virtue, and social workers in England know perfectly well that a good deal of that is hypocrisy. We allow our illegitimate children to be cast upon the world in England and, as a State,*

*we take no steps to see that a check is put upon this evil"* (Dáil Debates Vol.33, 137). Little's contribution very clearly constructs female sexual virtue as an emblem of national identity. Control of female sexuality was thus required to uphold the integrity of 'Irishness'. Little believed that Irish women returning to the country without their children should still be allowed to seek an affiliation order to contribute to the upkeep of the child. His motivation in making this suggestion was however to reduce English disquiet regarding Irish unmarried women and their offspring. As such, it was the image of the nation as distinct from the welfare of the woman or child, which was his concern. The debate which ensued over the issue of whether affiliation order cases should be held in camera highlighted the extent to which the discourse of Catholic social workers had influenced the opinions of politicians. Little, who favoured the in Camera provision, based his opinion on the advice he had received from Catholic social workers

> *This is an amendment which has created a good deal of interest amongst people who have a real experience of institutions where these women are looked after. Where the questions were put to them they said it would be infinitely better to have cases of this sort tried in camera than to have them tried in public, because it is only the hardened sinners, people who have completely lost their self-respect, who will come into a public court in cases like this. ... There is no one who can be so unhuman as a legal theorist, and one must necessarily take cognisance of people who are dealing in a practical way from day to day with this problem.* (Dáil Debates Vol.33: 176)

Deputy Murphy, who also favoured the in camera clause claimed that he had *"been greatly impressed by the views of social workers and the nuns who run the Magdalene Asylum. They seem to be unanimous that these cases should be heard in camera."* (Dáil Debates Vol.33: 184). Similarly Deputy Law acknowledged Catholic philanthropists as the legitimate source of knowledge in regard to issues dealing with unmarried mothers:

> *The people who are the best judges of the psychology of the unmarried mother are surely the people whose duties bring them into contact with them,*

*such as social workers, the clergy and certain religious orders like nuns."* (Dáil Debates Vol.33:184)

Deputies Fahy and MacEntee also spoke in favour of the in camera clause with both expressing their acceptance of the views of social workers on the matter. The latter skilfully called attention to the discursive battle to define the truth about the unmarried mother

> *On the one side, you have heard the lawyers, practically unanimous, against the amendment, while on the other side I think you have social workers, practically unanimous, in favour of the amendment. I ask the House which of these has the more intimate association with, and knowledge of the persons affected by this Bill? ...I think the House ought to be determined in its judgement by the experience and desire of those engaged in social work who want this amendment to be accepted.* (Dáil Debates Vol.33:193/4)

The majority of the House concurred with MacEntee's suggestion and the in camera amendment was accepted by a vote of 64 to 55. Hence it would appear that the definition of unmarried motherhood constructed by Catholic philanthropists was significant in shaping political attitudes. Furthermore these Catholic social workers operated a very effective campaign of propaganda which ensured that their views were well known amongst individual politicians. The effectiveness of Catholic moral reform groups is again evidenced in the Dáil debate of the Legitimacy Bill. The Bill was introduced in December 1929 by Deputy Little, an opposition TD as a private members Bill. Supporters of the Bill castigated the Government for their inaction in relation to the issue. Deputy Fahy claimed that the Bill was introduced by his party because of *"the neglect of the Government to bring in legislation in* (sic) *a matter on which representations have been made to them for years."* (Dáil Debates Vol. 34: 252). Deputy O'Connell made a similar claim suggesting that *"this is a matter that has been agitated in this country for some time"* (Dáil Debates Vol. 34:253). Mr. Fitzgerald-Kenny, the Minister for Justice defending his position, asserted that he was in the process of having the heads of a similar Bill prepared and informed the house that he had previously given a commitment to do so, to a deputation from the bench of Irish Bishops. Evident in these exchanges is the desire

of both the opposition and the Government to emphasise their commitment to legislation, which was in harmony with Catholic teaching, the substance of the Legitimacy Bill being in consonance with Canon Law.

An element of the debate regarding the Registration of Maternity Homes Bill (1934) throws light on the views held by the Department of Local Government and Public Health, regarding the extent of illegitimacy in the early 1930's. Dr. Ward the Parliamentary Secretary to the Department who introduced the second reading of the Bill, was asked by Deputy Minch if there was a great increase in illegitimacy and if this was the reason for the Bill. Minch appeared to be of the opinion that illegitimacy was increasing dramatically, a view being propagated by Catholic philanthropists at the time, and challenged the Parliamentary Secretary to acknowledge the situation

> *..there must be some reason for this Bill, outside the ordinary cases that, unfortunately, occur. Is there a very great increase in illegitimacy? If so, is the Parliamentary Secretary prepared to face the country and to make the facts public so that the public conscience will be awakened, and that this question will be looked upon, as it was many years ago, as a crime, instead of being hidden and passed over?* (Dáil Debates Vol.50: 1217)

Ward in response denied that there was any known increase in illegitimacy and reiterated that the impetus for the Bill was the high rate of infant mortality among illegitimate children. This response would suggest a degree of administrative resistance to the discourse of increasing immorality and illegitimacy being espoused by the Catholic Bishops, Clergy and Catholic moral reformers. To what extent however did the Catholic definition of illegitimacy and the Catholic construction of the unmarried mother impact upon policy and practice in the early decades of the State?



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## Philanthropy, State Policy and the Unmarried Mother

### Service Provision

During the nineteenth-twenties and thrities, service provision was made for the unmarried mother by the former workhouses re-designated as County Homes in 1922, by State sponsored but religious controlled institutions established specifically for unmarried mothers and by Rescue Societies operating on a denominational basis. County Homes were in operation in all counties, while the specialist institutions were Pelletstown in Dublin (established pre 1921), Tuam in Galway, Bessborough (estb.1922) in Cork, Sean Ross Abbey in Roscrea, and Manor House in Westmeath (estb.1935). These latter three institutions were under the control of the Sisters of the Order of the Sacred Hearts of Jesus and Mary. The first two institutions while also being under the management of religious organisations were originally established under the auspices of the Boards of Guardians, which had existed prior to 1922. Smaller Rescue Homes were operated by voluntary and religious groups and were located primarily in Dublin.

Analysis of the commentaries regarding unmarried mothers, which appear in the reports of the Department of Local Government and Public Health published during the first three decades of the State, clearly indicate that extra-marital pregnancy was indeed problematised in the discourse of administrators. The categorisation of the unmarried into two classes, namely first time mothers and mothers who had more than one child, was prevalent in administrative circles. References are made throughout the reports to 'first offenders' and to those who 'lapse a second time'. Such language connotes extra marital sexual activity as at best sinful and at worst, criminal. Fitzgerald-Kenny, one of the Inspectors of Boarded Out Children, in her annual reports, made a clear distinction between the young unmarried mother and the older mother who may have several illegitimate offspring. She viewed the first time mother as an irresponsible and wild character but one who keenly felt the shame of her pregnancy and was susceptible to rehabilitation. This distinction between women on their first pregnancy and those who had subsequent pregnancies was the key factor determining the type of service provision accessed by the unmarried mother. The five special institutions only accepted 'first offenders'. The County Homes admitted all unmarried mothers irrespective of the number of children they

had. The 1928-29 report of the Department of Local Government and Public Health revealed that 70% of mothers of first-born children were still provided for in County Homes where they could not be separated from other inmates. The practice of accommodating first time mothers with those who had more than one child was denounced in the report and it was argued that special provision for first time mothers in designated institutions would be in the interest not only to the mothers but also of the public. The undesirability of mixing the two categories of unmarried mothers was again alluded to in the Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (1931). The Report claimed that the County Homes were stretched beyond capacity in an effort to provide for unmarried mothers and hence were obliged to adopt the objectionable practise of mixing the two categories of women. Despite such recommendations it would appear that in 1941, seven local authority areas, namely Limerick, Kerry, Roscommon, Wicklow, West Cork, Louth and Longford continued to send all unmarried mothers to the County Home irrespective of age or circumstance (M.P.R.H. 1941). The degree of stigma experienced by unmarried mothers availing of the public health service in the late nineteen-twenties and early nineteen-thirties is suggested in a Report by the Secretary of the Galway Board of Health (Devane 1931). The Galway Report stated that respectable, married women from the working-classes refused to use the maternity unit within the County Home because of the number of unmarried mothers who were admitted to it. It further denounced the cost which the support of illegitimate children imposed on the local authority and urged that legislation should be introduced which would permit the compulsory committal of 'second offenders' to Magdalene Asylums or similar institutions for a term of years. Despite the body of recommendations denouncing the practice of accommodating unmarried women in the County Homes, the statutory authorities never took the initiative in terms of developing services for this group. A 1951 White Paper on County Homes which reviewed the services provided by the institutions contained yet another acknowledgement that the County Home was not a suitable environment for unmarried mothers and their children and advocated the establishment of special homes for them. It suggested however, that public assistance authorities should be asked to place these homes under the care of organisations, which specialised in working with the unmarried mother (See Department of Health and Social Welfare Report 1951-52:62 – K.60/4). Such

organisations, which were denominational in nature, had pioneered specialist provision for the unmarried mother from the early twenties onwards.

The provision that developed for first time offenders in the five special institutions throughout the country is characterised by the establishment of the Bessborough institution in Cork in 1922. Analysis of this service provides an insight into they way in which voluntary religious organisations, stepping into the breach left by the statutory authorities, came to determine and dominate service provision for the unmarried mother. The Bessborough institution emerged as a direct result of MacInerny's article on souperism which appeared in the *Irish Ecclesiastical Record* in 1921. An English order of nuns who read the article wrote to inform him that they operated two Homes in England for unmarried women. Most of the nuns in the Order were Irish as were many of their clients hence, they offered to send some nuns to establish a similar Home in Ireland. MacInerny made this offer to the Irish Ecclesiastical authorities and immediately received the offer of premises for the proposed Home from the Bishop of Cork. Hence Bessborough was established. In 1934 a maternity wing was added to the institution at a cost of £13,600, which was funded by the State Sweepstakes fund.[10] The Department of Local Government and Public Health report for 1922-2 reveals that the new home was eagerly used by the Poor Law Authorities in Cork and adjoining counties, which suggests that there was a dearth of similar provision. Women also entered the special institutions independent of the Local Authority, presumably paying for their own confinement. Two other institutions were subsequently established by the same order of nuns, namely Sean Ross Abbey in Roscrea and Manor House in Westmeath. A description of the nature of these institutions in 1941 conveys a sense of the atmosphere, which prevailed in them

> *Come into one of these Homes. Here is a typical one: a great building, brick faced, surrounded by neat gardens. The atmosphere is not easy to assimilate. Inside are bright, many-windowed rooms, long passages and shining paint-work, cleanliness, impersonality. In the maternity ward a girls is asleep, clenched hand lying across the pink coverlet, nearby a day-old baby, still*

[10] This was a lottery, the proceeds from which were used to fund aspects of the health system.

*dark –blooded and crumpled looking. Several women in another ward sit up in bed knitting or sewing, down the staircase girls carry the wide, two-handled laundry baskets and the full graceful skirts of the Sisters sway over the parquet, their cornettes like white sails. All this can give but little clue to the undercurrents of this ordered life...But wait. Two women cross a quadrangle, talking, as if its space alone gave them privacy. Through an open door the recreation room is seen – gaunt as a mission hall; long wooden settles, a piano, a few old pictures on the walls. "Oh! they dance here sometimes" the voice of authority puts in. One realises that recreation as 'the refreshment of the mind and body after toil' can have little place here. Reading facilities are negligible. On further inquiry it seems that no attempt is made to train the unmarried mother, not only in pre-natal and post-natal care of her child, but in domestic science and nursing so that she can more readily find work in the outside world. In short, these institutions have a very long way to go* (M.P.R.H. 1941:83/4).

Successive Department of Local Government and Public Health reports indicated that specialist institutions were the preferred administrative response for unmarried women on their first pregnancy. It was believed that they developed the women's character and hence reduced the likelihood of a further pregnancy. It was also believed that such homes prevented infanticide in that they provided women with a means of escaping the shame associated with extramarital pregnancy and dissuaded them from courses of action, which might endanger the infant.

The third category of provision for unmarried mothers was small Rescue Homes, which were operated by lay adherents to either the Catholic or Protestant faith. MacInerney (1922) suggested that there were half a dozen Protestant Rescue Homes in operation in the Dublin area in 1922 and in 1933 a small Catholic Rescue Home was established in Mountjoy Square in Dublin. Other groups involved in this work included the Regina Coeli organized by the Legion of Mary, the Catholic Rescue and Protection Society, The Protestant Nursery Rescue and Aid Society, the Rotunda Girl's Aid and the Society for the Care of Destitute Catholic Children. These Rescue Societies catered for much smaller numbers of women and a priority for the societies

was the placing of infants in foster homes of the appropriate denomination, as soon as possible after the birth. As such, women did not remain for long periods in the rescue society homes. The clientele of these smaller institutions, about which there is limited information, appears to have transcended class boundaries. [11] It would appear that these homes catered primarily for women on their first pregnancy who were able to pay a fee for their maintenance at the homes. The estimated fee in 1941 was £70, which would have been well beyond the means of the working-classes (M.P.R.H. 1941). Some societies however accepted selected destitute cases and a description of the services provided by the Rescue Societies suggests that many of them catered for working-class women

> *These hostels do commendable work but there is no use in pretending that they do not badly need improvement, supervision and co-ordination. They are liable to be miserably comfortless. Far too little is done when these women leave the hostels or the institutions to keep in touch with them. Often the 'rescued' women are to be seen later at a street corner selling matches or a sprig of heather. Some merge into the less reputable professions of the city; sooner or later they reach the courts or the institutions again.* (M.P.R.H. 1941).

In the Mountjoy Square Catholic Rescue Home, women were accepted for significant periods of their confinement and were transferred to the Rotunda hospital for the birth. The policy of this home was to try and keep the mothers for at least six months after the birth, during which time they were provided with some useful occupation and where needed they were taught general housekeeping skills. On leaving the women were provided with assistance in finding a suitable situation and were encouraged to maintain contact with children who were fostered with suitable Catholic families through St.Patrick's Guild. The Dietetic Hospital at Temple Hill, Blackrock, Co. Dublin was also organised by lay Catholics and provided institutional care for sick infants referred from Mountjoy Square. It is noteworthy that a

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[11] The author endeavoured to elicit information regarding these institutions, however she was refused access to the records of the organisations which are still in operation and was unable to find archival information.

reference to the Mountjoy Home in the Department of Local Government and Public Health report of 1933-34, pointed to the fact that of the thirty seven births to mothers in the home during its first eight months, only one infant had died. This infant mortality rate was vastly superior to that recorded for the larger institutions for unmarried mothers and suggests that the quality of provision of these private homes and of the foster care organised, was significantly better. The Mountjoy Square Home was also utilised by the Catholic Protection and Rescue Society who acted as a referral agency for pregnant women and subsequently arranged foster care for their children. Frequent references are made in the Department of Local Government and Public Health reports from the mid thirties to the useful contribution which such societies could make by assisting unmarried women to find suitable foster families near their places of employment.

**Institutional Practices**

There appeared to be a relatively uniform policy adopted in institutions for unmarried mothers, which were established by religious orders. The Department of Local Government and Public Health reports 1922-25 and 1928-29 provide a vignette of the policy in operation in Bessborough. This institution which was under the supervision of the Sisters of the Sacred Hearts of Jesus and Mary, was intended for young mothers who "*had fallen for the first time and who are likely to be influenced towards a useful and respectable life.*" (Department of Health and Local Government Report 1928-29:113). Bessborough accepted women who were maintained by the local authorities and also took some private cases or cases sent through Rescue Societies. The type of service provided to women within such institutions was described as "*timely sympathetic help*" which allowed the unmarried mothers to be "*protected from degrading influences and enabled to regain her footing in the world.*" (Department of Health and Local Government Report 1928-29:113). The women were "retained" for a period of approximately two years during which time they were trained in useful occupations, including housework, needlework, dairying and poultry management (M.P.R.H. 1941; Report of Commission on Emigration and other Population Matters (1954)). Religious and moral instruction was also identified as a crucial component of their training, one which received special attention. The description of Bessborough provided in the Department of Health and Local Government Report 1928-29, referred to the

women's stay in the institution as their period of 'detention'. M.P.R.H. an anonymous contributor to the *Bell* in 1941, claimed that while residence in the special institutions was in theory voluntary, the institutions accepted no responsibility for the infants of women who would not remain in residence, thus in practice, women had limited options. The women were also monitored after their discharge, with a ladie's committee associated with the institution taking responsibility for trying to find suitable situations for the women and for keeping in contact with them. Finally the report made reference to whether or not the women became pregnant again, suggesting that the results were very gratifying there being only two or three exceptions.

Details provided in the Department's report for 1933-34, suggest that similar practices were in place in the Pelletstown institution in Dublin. The report revealed that of the 92 mothers dealt with in 1933, 58 were placed in employment, while 33 returned to relatives. The reports from the Inspectors of Boarded-out Children, which appear in the Annual Department of Local Government and Public Health reports, suggest that it was considered beneficial to encourage mothers who left institutions and took employment, to make a contribution towards the maintenance of their child. Anneenee Fitzgerald-Kenny in her report for the year 1928-29 argued

> *In my experience, the shutting away of their offspring from the mothers with no claim upon them for its subsequent support is the surest and most direct road to a second fall. An unmarried mother, if she is to be saved and regain her self-respect, should feel responsibility for her child – feel that she is no longer an irresponsible girl, but a mother with her child to help, even by a small sum from her earnings.* (The Department of Local Government and Public Health report 1928-29:216)

This view was redolent of that expressed in the Catholic philanthropic discourses on the topic. Such discourses identified motherhood as a redeeming force for wayward women. A. Lister the second Inspector of Boarded-out Children, acknowledged that while the policy of allowing women to leave institutions and take employment was commendable, the sum they could contribute to the upkeep of their children was negligible, given that most were employed as domestic servants and earned scant

wages. Their engagement in domestic work would suggest that the women in question were drawn from working-class backgrounds. Lister did however, point to the fact that not all women were suitable for discharge and detailed the situation in Enniscorthy County Home, where over 80 unmarried women and their children were in residence. She suggested that certain women "*cannot be allowed to take their discharge, even if employment were provided for them, since they would inevitably return to the County Homes with a second illegitimate child.*" (The Department of Local Government and Public Health report 1928-29:217). It would thus appear that some women were virtually incarcerated in institutions on the decision of Matrons who deemed them to be incapable of sexual continence. Fitzgerald-Kenny (Departmental Report 1933-34) was also concerned with this category of unmarried mother whom she described as devoid of moral standards regarding their own behaviour but yet concerned about their children for whom they sought institutional provision, often in Industrial Schools. In her estimation this category accounted for over 53 percent of unmarried mothers and she appealed for an urgent check on the conditions which allowed extramarital pregnancy to occur. Lack of parental control, cheap romantic fiction, the cinema, all night dances in unsupervised premises and dangerous friendships, were all identified as causes of lapse from virtue. This list of 'causes' is a replica of that identified in Catholic discourses of the time.

There is some evidence to suggest that by the mid-1930s, administrative attitudes toward the unmarried mother may have become somewhat less censorious. Fitzgerald-Kenny in her 1933-34 report acknowledged the stigma experienced by unmarried woman when they sought employment and the contempt in which their employers often held them. She advocated a more supportive attitude to such women:

> *It seems increasingly evident that all unmarried mothers need advice and assistance and this should be extended to those who do not come to private or public charities; but who are struggling alone in misery and loneliness without asking assistance from any one.* (Department of Local Government and Public Health Report 1933-34:325)

This understanding attitude was however circumscribed by Fitzgerald-Kenny's assertion that Pope Pius X1's warning regarding the provision of assistance to the unmarried should be observed. Pius had issued the following caveat

> *..not infrequently nowadays it happens that through a certain inversion of the true order of things, ready and bountiful assistance is provided for the unmarried mother and her illegitimate offspring (who, of course , must be helped in order to avoid a greater evil) which is denied to legitimate mothers or given sparingly or almost grudgingly.* (Quoted in Department of Local Government and Public Health Report 1933-34:325).

Fitzgerald- Kenny was obviously accepting of the Pope's authority to issue instruction on this topic and presumably advocated his view that support for unmarried mothers should be characterised by reticent benevolence. Given that the majority of services for unmarried mothers were provided by Catholic organisations it is likely that Pius's edict was influential in moulding the philosophy of service provision which prevailed. In the mid-1930's administrative concern was expressed about certain aspects of this service provision. The type of training provided in the special institutions was deemed inadequate and it was recommended (1934-5) that more structured instruction be provided. It was considered desirable that women should be made ready for employment, ideally in a domestic setting which would reduce the potential for sexual liaison which might give rise to further pregnancy. Furthermore it was suggested that women should not remain for more than two years in the special homes as difficulties may arise in relation to their return to independent living.

**Provision for Children**

The Department of Local Government and Public Health identified the retention of illegitimate children in the special homes and in the County Homes as problematic. Commentaries in the Department's annual reports suggest that in many cases children were left in the care of the institutions following the discharge of their mothers, most often because of a difficulty in finding foster parents to whom the children could be boarded out. Details regarding Pelletstown, an institution funded by the Dublin local authorities, revealed that the average annual number of residents

between 1925-27 was 400, 120 of which were mothers and the remainder children. The corresponding figures for the same institution a decade later reveal that the pattern of children being left behind in the institution continued. In March 1937 there were 167 mothers and a staggering 568 children resident in Pelletstown. A breakdown of residents in the institution in Tuam, which was funded by the Galway Board of Health, reveals a similar picture. Departmental reports again highlight a significant imbalance in the number of mothers and children, which stood at 47 and 191 respectively in 1934 and at 35 and 201 in 1937. These figures would suggest that in many cases mothers did not take their babies with them when they left the institutions. The problematic nature of this practice was alluded to in the 1941-42 report, with Pelletstown and Tuam being identified as institutions which had high number of children over the age of two, whose mothers had departed. The report for that year and the subsequent year advocated the boarding out or nursing out of the older children. Concern over the issue continued to grow however and in 1943 a circular letter was sent from the Department of Health and Local Government to Local Authorities, directing them to extend the boarding out system to all eligible children in institutions for unmarried mothers. It was also recommended that local authorities who paid a low allowance for boarding out should consider increasing the payment in a bid to ensure a sufficient supply of suitable foster parents. The Departmental report of the following year (1944-45) again advocated an active system of boarding out and suggested that districts who had difficulty securing suitable foster parents in their own area should board children out to parents in neighbouring districts. Despite the Department's prompting, the problem of children remaining in institutions continued with 1,014 children and 614 mothers being maintained by local authorities in institutions on March 31st 1949. Figures provided in the Report of the Commission on Emigration and other Population Problems suggest that the number of illegitimate children in institutional care increased, with the Public Assistance Authorities maintaining 806 unmarried mothers in institutional settings on March 31st 1953, the corresponding figure for children being 1,213.

The quality of care provided for children of unmarried mothers appears to have been a cause for administrative comment if not action. Throughout the twenties the infant mortality rate for illegitimate infants was significantly higher than the rate for legitimate infants, who themselves had a very high rate of death in the first year of

life. The 1927 report of the Department of Local Government and Public Health acknowledged the 'regrettably' high infant mortality rate recorded in the State and suggested that deaths among illegitimate infants significantly influenced the overall figure. In 1928 the infant mortality rate for illegitimate infants was 307 per 1,000, while the corresponding figure for the following year was 295 per 1,000. This latter figure meant that five out of every 17 illegitimate children died in their first year of life with more than half dying in the first two months after birth. The annual report of the Department of Health and Local Government in 1929-30 observed that such high mortality rates among illegitimate infants were a reflection of congenital debility "*ante natal conditions and the plight of the mothers*" (Department of Health and Local Government 1929-30:4), while the 1934-35 report concluded

> *This mortality rate is out of all proportion to the corresponding rate in respect of legitimate infants and calls for investigation as to its causes and as to what measures should be taken to effect a reduction in this abnormal mortality.* (Department of Local Government and Public Health Report 1934-35: 97)

The following year an illegitimate infant mortality rate of 260 per 1000 was reported. This contrasted with a general infant mortality rate of 68 per 1000 and elicited a defensive comment from the departmental administrators who sought to underline the action they were taking to address the very obvious problem which existed

> *The provision of suitable homes for unmarried mothers, in connection with which arrangements can be made for the care of the infants for a certain period by the mothers, and later the provision of suitable foster-mothers, in an attempt to solve the problem of reducing this high infant mortality, is being encouraged.* (Department of Local Government and Public Health Report 1935-36:87)

The introduction of the Registration of Maternity Homes Act, 1934, which came into law on May 1934, constituted a further attempt to regulate child welfare by monitoring standards in any institution providing maternity services. This act had

been recommended by the Commission on the Relief of the Sick and Destitute Poor and one of its key aims was to ensure that any arrangements made for the boarding out of infants were subject to inspection. The extent to which inspection took place however is not clear and given the laxity of local authorities in inspecting boarded-out children, it is to be expected that little immediate improvement was effected through the passing of the act. The commitment of the Department to the welfare of illegitimate children must be seriously questioned given that from 1936 onwards they failed to even publish the mortality rate for illegitimate infants in the annual departmental report. As such it is impossible to monitor the extent to which an improvement was effected in relation to the welfare of the illegitimate child.

## Conclusion

### Framing

In the Catholic philanthropic discourses considered in this chapter extramarital pregnancy was framed as a problem. The discursive frame shifted at various stages, being influenced by the objective of the discourse and the audience being targeted. In the Clerical journals directed primarily toward priests and other religious, extramarital pregnancy was framed as a problem of souperism. The illegitimate child was identified as being in danger of being lost to the true faith. Protestant rescue organisations were constructed as devious and avid agents of prosleytism. This framing of the issue was designed to elicit Clerical interest in the provision of Catholic rescue services to assist unmarried women and to safeguard their religious faith and that of their offspring. A different framing of the issue is evident in discourses directed toward politicians, legislators and policymakers. In this discourse the unmarried mother was framed as a danger to public order and public morals and was categorised as a drain on State resources. This framing of the problem was designed to elicit legislative responses, which would attribute financial responsibility to the fathers of illegitimate children and would provide statutory assistance to Catholic organisations assisting unmarried mothers, who would pose a moral affront to other clients of the County Homes. Another framing device employed in the Catholic philanthropic discourse was that of extramarital pregnancy as a denationalising force. This discursive construct was presented in two ways. Firstly, unmarried pregnant women who fled to England were seen to detract from

the international image of Ireland. Secondly, the unmarried mother was constructed as a danger to well ordered family life, which was identified as the core of Irish society.

The Clerical commentators employed a variety of devices to legitimize their own framing of the issue. Devane, by identifying extramarital pregnancy as a moral problem and a sin, located it within the realm of the Church. Furthermore the commentators highlighted their experience of rescue work to assert their expertise and hence their right to define the problem and the appropriate response it required. The comments of politicians during the debates on the Illegitimate Children (Affiliation Orders) Act 1930 and the Regulation of Maternity Homes Act, 1934, indicate that Catholic social workers were widely recognised as experts in the determination of appropriate responses to unmarried mothers. It would thus appear that the Catholic discourse was disseminated to a variety of audiences, including clerics, administrators and politicians. Furthermore, the recommendations of the Commission on the Poor Law again acknowledged Catholic philanthropists working with unmarried women as experts in the area and fully recommended that the public response to the issue should be orchestrated by them.

**Construction of Female Sexuality**

During the nineteenth-twenties and early nineteenth-thirties, Catholic philanthropic discourses defined and constructed the unmarried mother as a member of the working-class who was either gullible and weak willed and hence in need of protection, or a social danger who required control. These constructions of the unmarried mother were largely accepted by administrators and legislators who sanctioned financial support for religious organisations providing services to such women. The narratives contained in the Catholic discourses were constructed around a range of dichotomies, which had implications for the representation and understanding of femininity and female sexuality at a wider level. The ideal Catholic woman was obedient, rational and passionless, expressing her sexuality only in the context of an asexual, dutiful marital motherhood. This legitimate Catholic mother was located in the private sphere of family, fostering a home characterised by decency, morality and purity. The unmarried mother was the antithesis, a foolish, irrational creature, contaminated by the corruption, danger and

immorality of the public sphere which she entered in search of employment or entertainment. The safe haven of the private, domestic sphere is contrasted with the threat of the disruptive public space. Furthermore it is the working-class woman who is seen to dwell in this public arena and the unmarried mother is constructed primarily as a working-class subject.

A further classification is established between different categories of unmarried mother. The first time offender is represented as a gullible, silly girl who was taken advantage of by a conniving male. Thus the woman's sexual agency is denied and the male's is emphasised. Furthermore, the potential for redemption is established by recourse to the rhetoric of true motherhood. The Catholic reformers suggested that the normal woman would be disciplined by the natural devotion of mother to child and would desist from further sexual impropriety. Kunzel (1993) suggests that a similar narrative was employed by American evangelical reformers at the turn of the century to legitimise work with unmarried mothers. The woman who has a second fall however was categorised not as foolish but as unnatural, unruly and undisciplined and hence as a dangerous other who required control. Smart (1982) has suggested that women's bodies have traditionally been characterised as unruly and impulsive, and hence as a potential source of disruption to social order. Constructing the feminine subject as unstable, legitimates the introduction of mechanisms for her regulation. The relegation of woman to the private sphere allegedly protects her from the forces which might excite this unruly feminine potential. Furthermore the vesting of power in private patriarchs within the domestic sphere and in public patriarchs such as priests, social reformers and indeed legislators, encouraged female compliance with ascribed gender and sexual status. A variety of mechanisms operated to ensure such compliance.

**Social Control**

During the 1930s the aims of the Catholic philanthropic campaign were realised in the passing of a body of legislation including the Illegitimate Children (Affiliation Orders) Act 1930, the Legitimacy Act, 1931 and the Regulation of Maternity Homes Act, 1934. These sanctions represented an extension of bio-power in Irish society and served to harness private acts and bring them into line with public order. Birthing and parenting practices were increasingly subjected to surveillance and

regulation. The Maternity Homes Act constituted a social control apparatus for the surveillance and regulation of birth, particularly among single women. The Affiliation Orders Act and the Legitimacy Act both sought to restore the normative Christian family structure of dual parentage.

A number of institutions also emerged in the new State, which through a variety of practices, created an extensive network for the surveillance, regulation and indeed reformation of unmarried mothers. The County Homes, reconstituted from the former Work Houses and the more specialised Mother and Baby homes established by female religious orders ensured that unmarried mothers were segregated from respectable pregnant women and were provided with the disciplinary regime required for their moral reformation. Central to this regime, were practices designed to instil in inmates an acceptance of their position in the class and gender order. This is evidenced by the focus on the preparation of women only for domestic work and in their placement in menial domestic positions subsequent to their discharge from the institutions. As such the social control apparatuses which operated in these institutions would appear to be targeted specifically at the re-domestication of working-class women. Furthermore their regulatory function extended beyond the physical confines of the institutions themselves with the ladies committee's of such institutions endeavouring to provide ongoing surveillance of former inmates. As such the techniques of power which operated to control extramarital pregnancy, were both gendered and classed. Only unmarried women were subject to reformatory practices, no equivalent endeavour was considered necessary for the fathers of 'illegitimate' children. The mechanisms of power in question were also gendered, in the sense that they were largely orchestrated and operated by women. Furthermore the reform efforts of both statutory and voluntary institutions were class specific being directed primarily at working-class women.

Apart from the legal and institutional practices orchestrated in the new State for the regulation of the unmarried mother, a range of supplementary, informal, normative practices also contributed to the regulation of the sexual behaviour of young women. These included the mechanisms of surveillance employed by parents, priests and teachers, mechanisms which arguably became more formalised in the early decades of the new State through the Clerical and hierarchical advocation of campaigns for

modesty in dress, for temperance, for avoidance of evil literature etc. This extension of the mechanisms for the control and regulation of working-class, female sexuality can be understood by reference to the symbolic significance attributed to female sexual propriety during the period.

**Symbolism and Imagery**

The analysis of Catholic philanthropic discourses in this chapter, clearly reveals the construction of Irish women as boundary-guards between Ireland and England, with female sexuality employed as a signifier of national difference. The resonance of the Catholic discourse regarding female sexuality was largely premised on the association of standards of female sexual behaviour with the status of the nation. In the Catholic philanthropic discourses the purity and virtue of Irish womanhood was equated with the moral standing of the nation. The loyal, morally upright, unsullied maiden was used to symbolise the proud, new, virgin State, which had risen from the ashes of the formerly exploited, degraded, and ravaged colony. The virtue of Irish women was equated in the Catholic discourse with their religious ascription as Roman Catholics. Similarly, the Irish State was differentiated from its former coloniser by reference to religious affiliation. Extramarital sexuality thus posed a challenge to the symbolic identity of Irish womanhood and Irish nationhood. The construction of the 'soupers' in the discourse on extramarital pregnancy is also symbolically significant representing as it does, the aggressive, marauding force of religious colonisation. In the context of the cultural symbolism of religion in the new State, the pregnant female body came to represent a vehicle for cultural colonisation.

**Resistance**

Catholic discourses were undoubtedly highly influential in shaping attitudes and responses to unmarried mothers in the early years of the new State. This chapter does however indicate there was some limited resistance to the ideas of the Church. The Catholic philanthropic discourses themselves, while being largely homogenous in terms of their framing of extramarital pregnancy, did exhibit a number of contradictory sub-discourses. Devane was highly resistant to the suggestions put forward by Glynn and MacInerney regarding the provision of diocesean institutions for unmarried mothers. There is also evidence of resistance from Devane and

MacInerney, both priests, to suggestions that lay personnel would be suitable managers of establishments for unmarried mothers. Devane's suggestions as to what constituted an appropriate response to the issue appears however to have been dominant. He spearheaded deputations to the Minister for Justice seeking legislative changes and addressed Government commissions and committees such as the Inter-Departmental Committee of Inquiry Regarding Venereal Disease (1926), The Poor Law Commission (1929) and The Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (1931). Contradictory discourses were also evident regarding the souper issue. The Irish commentators berated the Protestant rescue organisations, arguing that their motivation in helping unmarried mothers reflected a desire to increase the ranks of the Protestant faith. This view was however strongly contested by an English cleric who wrote to Devane informing him that Protestant agencies would gladly refer Catholic girls to a service of their own denomination if such a facility existed. A similar claim was made by an individual who worked in one of the Protestant organisations condemned in the Irish Catholic discourses. However, the narrative of souperism continued unabated in the Catholic philanthropic discourses on extramarital pregnancy.

The women who were the subjects of the discourse also exhibited resistance. Firstly, extramarital pregnancy in itself may be read as the outcome of a challenge to prescribed norms of female sexual behaviour. It must however be acknowledged, that in some cases women's engagement in extramarital sexual activity may not have been voluntary but rather a consequence of sexual exploitation. Furthermore, there is some evidence in the Catholic philanthropic discourses examined that some unmarried mothers resisted entering religious run institutions, which they viewed as places of punitive incarceration. The evidence available regarding the number of women who did enter mother and baby homes and those who fled to England, would suggest that resistance was indeed difficult. Bordo's (1993) caution regarding the limited potential of the body as a site for resistance to bio-power would appear to be pertinent. She argues that normative power in relation to contemporary cultural portrayals of appropriate body image is very powerful. To resist the normative construction of appropriate female sexuality in the new State must also have been a difficult task.

# Chapter Six: The Prostitute – Construction and Control

## Introduction

This chapter traces discourses on prostitution, sexual crime and VD, which emerged in Ireland in the nineteen-twenties and nineteen-thirties and examines the technologies of power suggested for the surveillance and control of the prostitute. The discourses prevalent in the fields of Catholic philanthropy, public health, criminal justice and parliamentary politics are considered. Analysis of these discursive fields reveals contested definitions of prostitution, with representatives of the medical, legal and Catholic philanthropic discourses all seeking to legitimize their version of the truth. Within the Catholic philanthropic discourse the prostitute was constructed as a betrayed and destitute unmarried mother, an exploited 'imbecile' or a sexual deviant threatening both public health and public order. The protection of young women from sexual exploitation which would result in their 'fall' and subsequent decline into prostitution was advocated, as was the suppression of the brothel system and the active moral reclamation of such women at an early stage of their 'career'. It will be argued throughout the chapter that central to the discourse around prostitution was the employment of sexual standards, particularly standards of female sexual behaviour, as symbols of national identity. The discourses on prostitution will also be examined with a view to revealing the distinctive sexual identities bestowed on male and female actors.

The chapter begins with a review of empirical evidence regarding the extent and nature of prostitution and VD. This is followed by an overview of Catholic philanthropic, medical and criminal justice discourses on these topics as revealed in clerical writings and statutory reports. Finally, the legislative and policy resonance of such discourses is considered.

## The Discursive Context: The Extent and Nature of Prostitution and Venereal Disease

In the new Irish State prostitution was a highly contested issue. A myriad of contradictory discourses prevailed and dissension permeated all aspects of the subject. The question of the extent of prostitution was itself disputed. Two primary sources of information are available to researchers of the topic. The first consists of official statistics regarding the number of proceedings taken by Police against women convicted of soliciting and the numbers of prisoners classified as prostitutes. Table 6.1 below indicates the number of proceedings taken by Police against prostitutes.

**Table 6.1 Police Proceedings For Prostitution (Soliciting etc)[1] 1927 To 1938**

| Year | Total | Male | Female |
|---|---|---|---|
| 1927 | 627 | 0 | 627 |
| 1928 | 634 | 5 | 629 |
| 1929 | 600 | 0 | 600 |
| 1930 | 457 | 0 | 457 |
| 1931 | 327 | 0 | 327 |
| 1932 | 273 | 0 | 273 |
| 1933 | 247 | 0 | 247 |
| 1934 | 307 | 0 | 307 |
| 1935 | 196 | 1 | 195 |
| 1936 | 143 | 0 | 143 |
| 1937 | 61 | 1 | 60 |
| 1938 | 57 | 0 | 57 |
| 1939 | 68 | 0 | 68 |
| 1940 | 63 | 0 | 63 |
| 1941 | 80 | 0 | 80 |

[1] The information in this table is compiled from the Statistical Abstracts published by the Irish Government from 1927 onwards.

The figures reveal that prosecutions for prostitution almost exclusively concerned women and that the rate of prosecutions declined sharply from the late twenties onwards, being considerably reduced by the early forties. Certain factors however, limit the potential of such figures to provide a clear picture of the actual number of women involved in prostitution. Firstly, it is likely that some women working in prostitution evaded prosecution. Secondly, many of the prosecutions may have been taken against the same individuals. Evidence provided to the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (1931) (hereafter referred to as the Carrigan Report), highlighted the constant round of fines being paid by common prostitutes or their managers. This led the authors of the Report to conclude that the system of fines constituted a form of licensing of prostitution. The Governor of Mountjoy Prison, Dublin, informed the committee that in the six month period from January 1929 to June of the same year, 67 women in the class of common prostitute had been sent to gaol for failing to pay fines for solicitation. One of this group had been convicted for solicitation ten times during the six month period, others had been convicted between five and eight times, while several had a total of over one hundred such convictions against them (Carrigan Report 1931:32). Similar difficulties exist in interpreting statistics regarding the number of women imprisoned for involvement in prostitution. Many prosecutions did not result in convictions and women on their first conviction were never imprisoned. Figures provided to the Inter-Departmental Ad-hoc Committee on the Suppression of Prostitution (1949: NA File 72/94A), reveal that between 1939 and 1946, rates of imprisonment for soliciting grew steadily, peaking in 1945 when 72 women were incarcerated (See Table 6.2).

**Table 6.2 Numbers of Women Imprisoned for Soliciting for the Years 1939 to 1946[2].**

| Year | 1939 | 1940 | 1941 | 1942 | 1943 | 1944 | 1945 | 1946 |
|---|---|---|---|---|---|---|---|---|
| Numbers | 28 | 36 | 46 | 53 | 48 | 52 | 72 | 55 |

[2] The figures are sourced from prison reports and are provided in Hayes Memo (1947:2 in NA File 72/94A)

Hayes, the Department of Justice official who compiled the report for the Inter-Departmental Ad-hoc Committee (1949) was of the opinion that while figures for imprisonment were increasing, they in no way represented the true extent of prostitution in the country. Drawing on crime statistics provided by the governor of Mountjoy, Hayes concluded with regard to numbers of prostitutes, that there had been a "*very great increase in numbers in recent years – 100 in 1931 and, at the minimum, 150 in 1939 and 210 in 1945.*" (Hayes Memo in NA File 72/94A, p.8). Hayes interpretation of the situation would appear to be at odds with the Department of Justice figures for proceedings against prostitutes, which decreased significantly in the period 1931 to 1945. As such it is difficult to discern the extent to which official figures regarding prostitution reflect changes in policing and prosecution policy or actual trends in the practice of prostitution itself. Analysis of qualitative sources of data provides some clarification.

The Committee of Inquiry Regarding Venereal Disease (1926), the Carrigan Committee (1931) and the Inter-Departmental Ad-hoc Committee on the Suppression of Prostitution (1949) (See Hayes Memorandum in NA File 72/94A), provide key information regarding prostitution in the early decades of the state. The commissioning of three reports would suggest that prostitution was an issue of concern, however none of the reports was published, there being a desire to limit public discussion on the issue.[3] The writings of Frank Duff, a Catholic moral reformer, furnish the researcher with detailed information regarding the conditions of women involved in prostitution in the early decades of the new State. Duff founded the Legion of Mary Organisation in 1921 and one of its key areas of work was the reform of prostitutes working in the Dublin red light district then known as Monto.[4] Monto[5] had a long history as the most notorious

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[3] The efforts made, particularly by the Catholic sources, to keep discussion of prostitution and VD out of the public domain are discussed later in the chapter.

[4] Frank Duff established the Legion of Mary in Dublin in 1921, with a view to cultivating the spiritual life of Catholics through devotion to Our Lady. It emphasised personal piety and a commitment to challenging the spiritual apathy of others, particularly the marginalized. The Legion, which had both male

brothel zone in Dublin, being described by a Dublin magistrate in 1901 as "*one of the most dreadful dens of immorality in Europe*" (See Finegan 1978:5). Finegan (1978) suggests that at it's peak between 1860 and 1900, Monto which in physical terms consisted of only a quarter of a square mile, was home to at least 1,600 prostitutes. So well known was Monto that it was mentioned in the tenth edition of the *Encyclopaedia Britannica* in a footnote on an article on world prostitution, which claimed that "*Dublin furnishes an exception to the usual practice in the United Kingdom. In that city police permit open 'houses', confined to one street, but carried on more publicly than even in the south of Europe or Algeria.*" (See Finegan 1978:6). Evidence is also available to suggest that prostitution was not limited to Dublin. William Logan, a moral reformer concerned with prostitution who toured Ireland in 1842, claimed that in 1868 the Police had knowledge of 132 brothels in Dublin and claimed that in 1841 there were 85 regular brothels in Cork City in which resided 356 prostitutes (See Finegan 1978:9). The Dublin brothel area served as a hiding place for members of the Dublin Branch of the I.R.A. during the War of Independence and for anti-treaty irregulars during the Civil War in 1922. The end of the Civil War in 1923 saw increasing violence in Monto, which became home to many of the Irregulars who were released from jail and for members of their former enemy, the Free State Army which was being decommissioned. During the period of the early twenties Monto was thus not only a centre of prostitution but also of crime, being the headquarters of those involved in armed robberies, approximately forty of which occurred each month in Dublin alone (Finegan 1978:16). The abusive criminal world in which Dublin prostitution was located is suggested in a report compiled by General Murphy, the Garda Commissioner involved in the 1925 raid on Monto:

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and female members, operated through small localized units, usually corresponding with Parish boundaries. It is now a worldwide Catholic organisation.

[5] The Monto area was named after Montgomery Street, a location close to the current O'Connell Street in Dublin's city centre. The name gradually came to refer to the area of one quarter of a square mile east of O'Connell Street, which housed many brothels.

*In the raid fifty pawn tickets were found on one person, all presumably stolen property which was pawned. Evidence which cannot be produced in Court shows that in some cases these women are stripped naked and flogged by their Managers on suspicion of not giving up all their money. Stout is sold to these Managers at 3/- per bottle and shebeened there at a profit* (Cited in Hayes Memorandum on Suppression of Prostitution (1947:5) File 72/94A)

Duff's (1961) description of the conditions which prevailed in Monto conveys a similar picture of women who were in many cases addicted to alcohol and methylated spirits and in practically all cases, at the mercy of violent managers. The moral implications of prostitution and the failure of the clergy to counter it were also alluded to in Murphy's report. Speaking of the Dublin brothels he claimed that *"The existence of such places is a blot on the reputation of a Catholic City. The parochial clergy despair of reforming them and do not visit such areas."*(Cited in Hayes Memorandum on Suppression of Prostitution (1947:5) File 72/94A*)* The inability of the Police to suppress prostitution or their unwillingness to do so was also identified by a number of sources. Finegan's (1978) work contains evidence that some members of the Dublin Metropolitan Police used to blackmail prostitutes charged with soliciting by not processing the charge in return for sexual favours.

The initial Memorandum prepared by Hayes for the Department of Justice Inter-Departmental Ad-hoc Committee (1949), suggested that prior to 1922, prostitution in Dublin was largely confined to Monto and operated with little interference from the Police authorities. Duff however, in his evidence to a later meeting of this committee contested Hayes's description of the pre 1922 situation. Duff claimed that prostitution was not limited to the activity in the Monto brothels and suggested that the O' Connell Street area was notorious for the large numbers of street girls who paraded there each night. He estimated their number to be in the region of 1,400. Duff's evidence to the Committee of Inquiry regarding Venereal Disease provides a further indication of the extent of prostitution in the new State. He reported that prior to the commencement of the Legion of Mary work in 1922, there were 200 women working in the open brothel

system and suggested that between 1922 and 1924, the Legion's Sancta Maria Hostel provided religious retreats for 231prositutes. The situation was improved somewhat in 1924 when a joint effort by the Legion and the Police succeeded in closing the most obvious of the Monto brothels, it did not however end prostitution in the City.[6] The problem of juvenile prostitution was discussed in the 1931 Carrigan Report, which alluded to the practice of prostitution in many private houses, flats and lodging houses in Dublin and suggested that prostitution was also evident in country towns. Police evidence provided to the committee estimated that in Dublin in 1930, less than 100 women could be classified as common prostitutes. No estimate was provided however as to the number of women engaged in what was described as covert prostitution. This referred to women who did not work in known brothels but conducted business in a variety of residential settings. Increasing rates of VD among women known to be prostitutes was also a cause of concern. In the year ending 30th September 1939, 35% of know prostitutes admitted to Mountjoy were suffering from VD. The corresponding figure for 1945 was 60% (Hayes Memo in File 72/94A, p. 2)

Reliable statistical evidence on the extent of VD among the wider civil population was not available to the Inter-Departmental Committee of Inquiry Regarding Venereal Disease which was established in December 1924. The Committee, which reported in February 1926 was initiated by the Minister for Local Government and Public Health. The stigma associated with VD, the subsequent reluctance of those infected to seek treatment and the similar reticence of doctors to enter VD as the cause of death in death

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[6] In February 1924 a mission was being provided in the Parish in which the Monto area was located. The Legion of Mary workers requested Fr. Devane, one of the Jesuits giving the mission, to co-operate with them in encouraging the women and other personnel from Monto to repent their ways and attend the mission. The owners and managers of the brothels were asked to close their establishments and the women working in them were invited to go to the Santa Maria hostel run by the Legion for street girls. At the culmination of two weeks of such religious campaigning a surprise nocturnal Police raid was made on the brothels that had remained open and the owners, workers and customers were all arrested. The customers and workers were released the following morning while the owners and managers of the brothels were prosecuted. 'Respectable' poor families who were living in tenement accommodation were moved into former brothel premises to ensure that they did not re-open.

certificates, meant that statistical information gave little indication of the extent of the problem. Furthermore the collection of statistical information was extremely limited during the years of the civil war troubles. That a committee was established to consider the issue is testament to the gravity with which the issue was viewed and indeed the limited figures available suggest that VD constituted a serious public health problem. Department of Local Government and Public Health (See Table 6.3 below) records provide details of in-patient visits to treatment centres and the costs thereof. The figures prior to 1945 only relate to patients attending the Dublin treatment centres. No account is taken of those attending the other approved VD treatment schemes around the country, or of those attending a physician. It is also possible that some people were paying for private treatment in various institutions. Furthermore the stigma and ignorance which surrounded the disease were likely to have resulted in many people not seeking any treatment. Returns from the two VD Clinics operating in Dublin in 1925, reveal that in the first four years after independence (1921 to 1925), there was a significant increase in the numbers of people seeking treatment (See Table 6.4). More comprehensive figures are available regarding the VD rate among the army population. An order issued early in 1923 required a weekly, compulsory medical examination of all soldiers, the findings of which brought another order in February 1925, which saw the establishment of Prophylactic Treatment Centres in all barracks in the Dublin metropolitan area. All soldiers exposed to infection were obliged to receive treatment to ensure that no disease was acquired. Army hospital statistics revealed that between 1st October 1923 and 30th September 1925, 825 soldiers received inpatient treatment for VD. The army figures also cast light on the incidence and spread of VD among the female civilian population in the early twenties as soldiers who contracted VD were obliged to identify the place and source of infection. Major Carroll, the Chief Sanitary Officer of the army reported to the Inter Department Committee of Inquiry Regarding Venereal Disease in October 1925. His report revealed, contrary to previous assumptions, that VD was not confined to large urban centres. Rather it suggested that every parish in the country had a number of women infected with VD and that prostitutes constituted the source of infection of soldiers in only 10% of cases. The public health implications of this

**Table 6.3 Treatment Rates For Venereal Disease In Dublin Treatment Centres 1921 To 1944**[7]

| Year | Number of Patients | Out Patient Attendances | In Patient Days | Sample Testing | Cost |
|---|---|---|---|---|---|
| 1921 | | 14,361 | 8,132 | 3,966 | |
| 1922 | | | | | |
| 1923 | | | | | 5,514 |
| 1924 | | | | | 5,372 |
| 1925 | 3,174 | 25,991 | 7,591 | 6,714 | 6,136 |
| 1926 | | 29,315 | 7,993 | 6,133 | 6,541 |
| 1927 | 3,156 | 26,598 | 8,833 | 5,699 | 6,445 |
| 1928 | 2,636 | 31,427 | 9,257 | 6,930 | 6,414 |
| 1929 | 2,796 | 34,376 | 9,741 | 6,132 | 6,999 |
| 1930 | 2,626 | 34,193 | 10,253 | | 7,641 |
| 1931 | 2,403 | 34,882 | 8,995 | | 7,199 |
| 1932 | 2,394 | 37,052 | 10,499 | | 7,695 |
| 1933 | 2,567 | 38,189 | 10,306 | | |
| 1934 | 2,490 | 40,086 | 10,487 | | 8,186 |
| 1935 | 2,403 | 35,441 | 10,758 | | 8,385 |
| 1936 | 2,215 | 29,333 | 9,840 | | |
| 1937 | 2,022 | 26,679 | 8,495 | | 7,988 |
| 1938 | 1,935 | 24,088 | 10,485 | | 7,964 |
| 1939 | 2,046 | 22,210 | 11,777 | | 8,427 |
| 1940 | 2,234 | 23,899 | 9,031 | | 8,229 |
| 1941 | 2,554 | 30,733 | 8,672 | | 8,036 |
| 1942 | 3,083 | 36,920 | 12,064 | | 8,344 |
| 1943 | 3,296 | 36,201 | 12,992 | | 10,023 |
| 1944 | 3,785 | 37,910 | 11,227 | | 10,826 |

[7] These figures are extrapolated from Department of Local Government and Public Health Annual Reports which are available in the National Library. The blank cells represent an absence of data in the Reports.

situation were not lost on the Inter-Departmental committee who decried the fact that approved schemes for the diagnosis, treatment and prevention of VD were in operation in only three counties outside of Dublin.

**Table 6.4 Numbers Presenting For Treatment in Dublin Venereal Disease Clinics in 1921/2 and 1924/5** [8]

| **Hospital** | **Dr. Stevens Hospital** | | **Sir. Patrick Dun's Hospital** | |
|---|---|---|---|---|
| **Year** | **1921/2** | **1924/5** | **1921/2** | **1924/5** |
| Out-Patient Attendance | 10,624 | 19,531 | 3,737 | 6,545 |
| In-Patient Days | 7,679 | 6,516 | 503 | 1,075 |

Despite the unrivalled generosity of state support[9] of the service, take-up from those infected with VD, particularly women, and from those in a position to provide services under the approved schemes, was minimal. Against this background of increasing rates of disease and limited service use and service provision, the Inter-Departmental Committee of Inquiry Regarding Venereal Disease, established at the end of 1924 had as its terms of reference

[8] These figures are provided in the Report of the Inter-Department Committee of Inquiry regarding Venereal Disease (1926).

[9] The apathy of local councils in establishing such schemes is noteworthy given the relative generosity of central funding available for them. Provision had been made in 1917 for such schemes to be 75% grant aided under Section 148 of the Public Health (Ireland) Act, (1878), a subsidy which was continued by the national Government from the 1st of April 1922. State assistance was also provided to local medical practitioners dealing with patients with VD. Free supplies of treatment drugs were available to doctors who were qualified to administer the treatment and free analysis of samples for the diagnosis of VD were provided. Furthermore all services both in-patient and outpatient, were free to the patient.

*To make inquiries as to the steps, if any, which are desirable to secure that the extent of Venereal Disease may be diminished.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease, 1926:3)

The original and the edited versions of this Report provide the researcher on sexuality with a wealth of information regarding prevailing discourses of sexuality. They point forcibly to the power struggles which ensued over the framing of VD and prostitution as discursive issues.[10] Similar battles to name the 'truth' regarding prostitution and VD surround the Carrigan Report (1931) and the submissions to the Inter-Departmental Ad-Hoc Committee on the Suppression of Prostitution (1949). Analysis of these discursive struggles draws into question the assumption that the new Irish State was characterised by widespread acceptance of Catholic standards of sexual morality. The following section will examine the discourses on prostitution and VD, which prevailed in the new State.

## Framing the Issues: Catholic Philanthropic Discourses on Prostitution and Venereal Disease

### The Invitation to Discourse

Discussion of prostitution within the Irish Catholic press occurred in the context of discussion of the unmarried mother question, with the term prostitution being avoided and replaced by a variety of euphemisms. Prostitution and VD were identified as issues requiring urgent attention in the form of legislative developments and statutory endowment of Catholic charitable initiatives surrounding prostitution. As early as 1922, Mac Inerny (1922:143) categorized the prostitute as a "*source of moral pestilence to the public*" while two years later, Devane (924b:1980/1) identified prostitution as a "*vile traffic*" and defined it as "*a grave social evil*". That Devane was in consultation with the Government regarding the need for legislative reform to address the issue of prostitution is certain. In a 1926 article he declared

[10] These reports are available in file S 4183, National Archives.

*It is now two and a-half years since the whole problem of the protection of girls by the raising of the age of consent, justice to unmarried mothers through affiliation orders, and the complex problem of prostitution was brought before the notice of the Government. Promises were then lavishly given, hopes raised, and yet, nothing has been done. The English and Northern Ireland Governments have both moved very considerably in these matters; our own Government remains where it was.* (Devane 1926b:465).

Devane (1924:a) was also involved in the organisation of a Catholic lobby, which campaigned for an increase of the age of sexual consent. Devane believed that such a measure would result in reduced rates of extramarital pregnancy and prostitution among young women. He reported in 1924 on a recent deputation he and some other Catholic social workers had made to Minister for Home Affairs, Mr. Kevin O' Higgins. The latter advised of the need for public interest to be raised on the age of consent issue and warned that legislation could not run in advance of public demand. The tenacity of Devane as a political campaigner is evidenced in an article he wrote seven years later in 1931. In it he again reiterated his call for the raising of the legal age of consent to a minimum of 18 and ideally to 21. This 1931 article also included a restatement of the case for removing the clause which permitted men to claim that they believed the girl they seduced to be over the age of consent. It also called for an extension of the time period in which a girl could take a case against a seducer to at least one year after the event.

To legitimise these calls for increased legal protection of young women Devane employed the familiar discourse of declining moral standards:

*The principle that the greater the liberty given the greater the need of protection for girls must hold with us also. Since the War much liberty and not a little licence has crept in. Unchaperoned dancing by mere children, the multiplication of commercialized dance-halls, even in remote rural districts,*

*motor joy-rides, mixed bathing and promiscuous dressing and undressing on our beaches, the 'mushy' and 'sex-appeal' film, with its intense emotional stimulus to the hyper-emotional imaginative growing girl, vulgar fashions appealing to the 'animal man', and all the other forms of latter-day licence, all imply the need for a far more extended protection for girls to –day than was hitherto necessary.* (Devane 1931b:32/33)

Devane was strongly of the view that Irish young women were afforded too much liberty and laid blame for this at the feet of Irish parents. He contrasted the strict control exercised by parents in the Latin countries over the leisure activities of young women with the more lax approach he believed to pertain in England and Ireland:

*Irish Catholic parents under Anglo-Saxon influence allow their girls not merely liberty, but licence;... If one were to try to introduce French ways in this matter, I wonder with what epithets should the suggestion be received, not merely by our silly light-headed youth, but even by grave and serious-minded Irish parents.* (Devane 1931b:32)

This comment highlights Devane's dissatisfaction with the degree of freedom which Irish parents allowed their daughters, freedom, which he believed, contributed to extramarital pregnancy and prostitution. Mogadham (1994) has identified a similar framing of the decadence induced by modern western influences in her analysis of Middle Eastern fundamentalist nationalist movements. Kandiyoti's (1988) concept of public patriarchy is also useful in conceptualising Devane's problematisation of standards of female behaviour. His call for extended protection for young women represents a demand for public patriarchy in the guise of statutory regulation of activities, which were previously subject to parental regulation.

**The Problematisation of Prostitution**

In the Catholic philanthropic discourses examined, prostitution was deemed to be highly problematic with two distinct constructions of the prostitute emerging. In the first the prostitute is categorised as an economically destitute unmarried mother entrapped by the shame of her predicament. This understanding of prostitution informed the calls made by Catholic reformers for support to the unmarried girl. Glynn (1921:465) suggested that the *"girl who is left to take the consequences* [of extramarital pregnancy] *will probably sink into a life of immorality"* while Mac Inerny (1922:144) argued that the failure to provide Catholic homes for the unmarried mother placed *"a premium on proselytism and prostitution"*. The second construction of the prostitute in Catholic discourses portrays her as a deviant and a moral hazard requiring strict legal control. The criteria for classifying women engaged in prostitution into these categories, was the number of illegitimate children they had and the level of their repentance for their moral lapse. A clear distinction was drawn between women who had one child outside of marriage and the *"hardened women"* in the Union, who sneered at the shame of unmarried mothers (Glynn 1921:463).[11] These Union women were perceived as prostitutes and were categorized by Glenn (1921:463) as a morally depraved group who, *"by their vile example, destroy all their* [unmarried mothers] *decency and self-respect"*. Women, who persistently flouted the prescribed sexual norm, were defined as mentally deficient or morally perverse. Sagart (1922) drew a similar distinction between *fairly good girls, whose fall is not publicly known,* (p.148) and girls *"of a persistently light conduct, whether this be the result of mental deficiency or evil training, or some moral perversity, girls, in fact, hardly distinguishable from many of the inmates of Magdalene*

[11] Unmarried mothers who were destitute were entitled to support in the Workhouse provided by the local Poor Law Union. Following independence in 1921, the Workhouses were re-designated as County Homes and were to provide accommodation only to the destitute aged and infirm. In practice the County Homes continued as repositories for unmarried mothers, however an effort was made to provide alternative accommodation in special institutions for first time unmarried mothers. Unmarried women with more than one child were not accepted in such institutions and were obliged to remain in the County Homes.

*Asylums*,..(p.149). Devane 1924, employed similar criteria on which to base his classification of women who engaged in extramarital sexual activity. The first category he identified was characterised by the young woman, i.e. under twenty one, who following extra marital pregnancy, was left without support and self respect, and fell into prostitution.

> *The closing chapter in the life of the girl who has been seduced, and finds herself abandoned by her friends, and cast aside on the world without a penny, is, in her distressing despair, to throw all restraint aside, and having lost her respect to fling shame to the winds and take up sin as a profession.* (Devane 1924:180)

Devane thus made a clear association between extramarital pregnancy and a subsequent involvement in prostitution. The second category of woman Devane (1924:183) described, was the "*semi-imbecile and the mentally deficient.*" He viewed such women as being intellectually incapable and saw their involvement in prostitution as an issue of exploitation rather than a reflection of choice:

> *It is well know that the ranks of the unfortunates are largely filled from such as these who have become mothers, and afterwards have almost automatically drifted on to the streets. They are declared 'incorrigible', and branded as 'old offenders', and sent to prison again and again, as if they were normally responsible, whereas they really need the protection of the law, as they are unable to protect themselves.* (Devane 1924:183).

The third category identified by Devane (1924:184) were women " *over twenty-one, and of normal mentality, who, through some perversity of nature, take up this life by preference*". Here a discourse of abnormality and perversity is employed to explain the sexual agency of women working as prostitutes. This discourse of abnormality complements and strengthens the discourse of the normal, natural, or true woman, charactertised by sexual passivity and inherent goodness.

This construction of the prostitute as sexually perverse was clearly articulated in the evidence provided by Devane and Duff to the Inter –Departmental Committee of Inquiry Regarding Venereal Disease (1926). In their evidence they sought to frame VD as an issue of declining standards of sexual morality as distinct from a public health issue. Furthermore they identified the prostitute as the primary cause of VD and argued that the brothel system, which had operated in Dublin until early 1924, was the main source of contamination. Duff's efforts to focus the Committee's attention on prostitution is evidenced by his contention that

> *Behind all Venereal Disease the prostitute lies hidden somewhere. As a sufficient cause for any volume of disease that may exist, I do not think we have need to go beyond the professional.... I think that we would only run the risk of losing the track by talking of "amateurs." I think, for the purposes of this Committee, prostitution and the cause of the disease work out at one and the same thing.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease, 1926:37)

The reports furnished by Devane and Duff to the Committee defined VD, and in consequence illicit sexual activity, as an issue of concern for limited groups such as the lowly prostitute and the soldier. Furthermore they portrayed VD and prostitution as problems which prevailed almost solely in Dublin. Commenting on this issue Devane asserted "*Dublin seems to me to be the G.H.Q. of Venereal Disease as it is of the prostitute and the brothel, or till lately has been*" (Inter-Departmental Committee of Inquiry Regarding Venereal Disease, 1926:35). As such the prostitute was constructed by Devane as the embodiment of the disruption spawned by the conditions of urban modernity (Wills 1996). Devane's evidence further suggests that the original source of the disease was the British soldiers stationed in Ireland and in particular the Black and Tan Regiment who traveled around the country in the period immediately prior to independence:

> *In the past few years we have had wave after wave of men passing over the country.... It will be found that, in many cases, the girls who acted as camp followers to Black and Tans, etc., were the same who pursued the Free State troops, conveying in not a few cases infection.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease, 1926:34)

Here an attempt is made to ascribe the origin of immorality to an external English source and to construct a minority of perverse women as its carriers. The image of the inherently pure Irish was thus maintained even in the face of documented evidence of the nation-wide prevalence of VD.[12] The construction of the prostitute as an affront to the Christian identity of the nation was used to legitimise the Catholic philanthropic demand for statutory regulation of sexual behaviour. This Catholic philanthropic framing of prostitution as an issue of sexual morality points to the need to analyse the construction and representation of femininity and sexuality in the discourse on prostitution.

## Constructing Sexualities: Catholic Philanthropic Discourses on Prostitution

At the heart of the Catholic philanthropic discourses on prostitution which prevailed in the new State was an understanding of female sexuality as volatile and unstable. Devane's call for an increased age of consent was informed by his view that young women are over-emotional and unable to make rational sexual choices. Devane (1931b:34) referred to the "*...abnormally emotional nature of the growing-girl ...*" and described adolescence as

[12] Evidence supplied to the Committee of Inquiry Regarding Venereal Disease by the Chief Sanitary Officer of the Army suggested that in only 10% of cases were prostitutes the source of contamination of army personnel.

*the time when her inordinate and at times uncontrollable desire for admiration leads her unconsciously into very grave danger, the significance of which she does not by any means appreciate.* (Devane 1931b:37)

He thus concluded that setting the legal age of protection at the low age of 16 served to

*...withdraw protection just when protection is most needed, not only against others, but also as regards herself and her own turbulent emotionalism and instability.* (Devane 1931b:37)

Devane thus presented the adolescent girl as the victim of unruly emotions, which robbed her of reason. This framing of female sexuality as unruly had parallels in earlier English philanthropic discourses on prostitution (Laqueur 1987, Smart 1992). Devane (1931:34) sought to justify his definition of the situation by making recourse to 'experts' with experience in dealing with adolescent girls:

*On this subject, so little known to men, I consulted several women who had, each, many years experience of dealing intimately with growing girls of different kinds, in orphanage, industrial school, secondary school, sodality and Good Shepherd Convent. All agreed that danger was greatest at 16 or thereabouts, when the girl was a seething mass of emotion, the significance of which she scarcely dimly realized.*

It is noteworthy however, that the women he consulted were most likely all members of Catholic religious orders! Not content with legitimising his definition of female sexuality by recourse to 'experts', Devane (1931b:34) sought to discredit parents knowledge of their adolescent daughters:

*...even educated and observant fathers of families, except those who have made a study of adolescent psychology, cannot appreciate the tumultuous upheavals of the growing girl's emotional nature, and as a consequence her instability and*

*abnormality. Many women, even intelligent mothers, do not understand this condition, and do not make, as a consequence, sufficient allowance for the conduct of their 'difficult' growing girls.*

Implicit in Devane's discussion of adolescent female sexuality is his identification of religious 'experts' as distinct from parents as the legitimate possessors of the truth regarding sexuality. Of note also is the omission of any discussion of emotional or sexual turbulence among male adolescents. Hence it is female sexuality which is problematised and defined as in need of control. Despite promoting this discourse of female sexual instability, Devane continued to deny the existence of an active female sexuality. This is evidenced by the distinction he drew between 'normal' adolescent girls and 'abnormal' girls who invited sexual activity. This latter group was discussed by Devane in the context of his refutation of the argument that raising the age of consent could result in some men being charged with sexual crimes in cases where the female voluntarily entered into or indeed initiated the sexual activity. Devane (1931b:29) responded to the argument by asking "*Are the vast majority of our growing girls to be deprived of protection because a small element is brazen and provocative?* Here sexual desire is ascribed to only a minority of women who are atypical of their sex. Such a categorisation of female sexuality reflects the traditional virgin/whore dichotomy, which has prevailed in wider Catholic teaching (See Chapter Two).

The desexualisation of 'normal' women is complemented in Devane's discussion of measures to combat prostitution by the reiteration of the active, sexually predatory nature of the male. Devane rejected the legal clause under which charges of unlawful sexual knowledge of a minor could be dropped, if the male claimed that he had reasonable ground to believe the woman to be over the age of consent. In making this argument Devane (1931b:29) portrayed the male as a sexually aggressive being who would

*...roam the streets and frequent dance-halls for the purpose of seducing young girls and do so with relative impunity, taking shelter behind this proviso when at last discovered*

The dichotomy established in the Catholic philanthropic discourses between the sexually passive woman and the sexually aggressive male is also reflected in the moral import assigned to the extramarital sexual transgressions of males and females. Engagement in illicit sexual activity was seen as no more than a minor moral offence for men, if indeed it was an offence at all. Conversely, female chastity was deemed more important than the maintenance of life itself. This anomaly is clearly reflected in Devane's (1931b:29) denunciation of what he saw as the failure of the law to give adequate protection to women's virtue:

*There is another tradition that must also be broken. It is the adequate protection the English law gives to all minors where property is concerned, and the denial to girl minors of such protection where virtue, more valuable than property or even life itself, is in question.*

It would thus appear that sexual continence was defined as a priority, primarily if not exclusively, for women. The elevation of female chastity in Catholic teaching served to further problematise prostitutes, who in the Irish Catholic philanthropic discourses were denounced not only for their own sexual transgressions but also for their role in inciting men to engage in illicit sexual activity. The discourse of male sexual desire and the role of prostitutes in its incitement, is evident in Devane's description of his experiences of prostitution in Limerick City

*Things were healthy in the city until some young and well dressed prostitutes appeared and immediately men flocked from all sides. On one occasion, a girl came to me for protection. She was from County Kerry, was suspected of being "loose", and was followed by a number of men who solicited her frequently throughout the day. Sometimes a band of young domestics broke restraint and*

*went "on the streets," and immediately young and old men flocked to them. When they were got away in one manner or another, then things went back to normal.* (Devane cited in evidence to Inter-Departmental Committee on Venereal Disease 1926:34).

Duff in his evidence to the Inter-Departmental Committee on Venereal Disease also constructed the prostitute as an evil, predatory, temptress, describing men as her innocent victims. He spoke of the *"prostitute lying in wait in cities to tempt men"*, and the girls who *"go out on the streets to seek their prey"* (Duff in evidence to the Inter-Departmental Committee on Venereal Disease 1926:37/38). These discourses suggest an underlying fear of what was clearly perceived as the disruptive and indeed dangerous force represented by unregulated female sexuality. Mahood (1990) in her analysis of the control of prostitution in nineteenth century Glasgow identifies similar concerns regarding dangerosity as an impetus for philanthropic and statutory measures to address prostitution. In contrast however, male sexual activity as represented by the employment of prostitutes is not constructed as either a dangerous or indeed particularly problematic phenomenon. In the Catholic discourses reviewed, male extra marital sexual activity is excused by reference to the essential active sexuality of men who *"naturally enough, ... fall victims to the girls"* (Duff in evidence to the Inter-Departmental Committee on Venereal Disease 1926:37/38). Duff's essentialist understanding of male sexuality as irrepressible is further suggested by his apparent espousal of the idea that a prostitute class was necessary to protect 'respectable' women. He suggests that *"It is probable that solicitation on the streets will never be completely prevented...there will always be some* [prostitutes] *left who will meet the needs of the man with utterly depraved appetites "* (Duff in evidence to the Inter-Departmental Committee on Venereal Disease 1926:38). This acceptance of the inevitability of men's need for the services of prostitutes is again evident in Devane's recommendation to the 1926 Committee on Venereal Disease. He suggested that the communication of VD should be made an offence and argued that this would *"have the effect of frightening infected men to the degree of making them transfer their attentions from respectable girls to prostitutes."* (Devane in Inter-Departmental Committee on Venereal Disease

1926:39). In these statements there is a tacit acceptance that men cannot remain sexually continent, that sexual behaviour cannot be completely regulated by legislation and that "respectable girls" as well as prostitutes were sexually active. This view contradicts assertions made by Devane in a 1924 article. In the article the double standard which prevailed in relation to the legislative leniency regarding men who employed prostitutes was rejected as was the prevailing legal assumption that men could not be sexually continent. Devane advocated the attribution of legal culpability to men who fraternised with prostitutes. While no specific recommendations were put forward regarding the form which these sanctions should take, Devane (1924b:180) had urged the Irish legislature to

> *make a precedent, set an example to the world in spiritual and moral values and standards, and lead the way to the overthrow of the 'double standard' that has polluted the social life and legislation of all civilized States, from which arises an unchristian severity to the immoral woman and a lenient tolerance to the man, the partner, more than likely the instigator, of her sin.*

Attention to the language used by Devane here, reveals that while rejecting the societal 'double standard' which accepted men's need for the services of prostitutes, Devane proceeded to construct the woman as immoral and to ascribe the sin of the act to her. Furthermore the dichotomisation of male sexual activity and female sexual passivity which was evident in Catholic discourses regarding extramarital pregnancy is again employed in the discourse above in which the male is constructed as the active instigator of the sexual act. Devane's appeal to the Irish legislature to set a legal precedent by prosecuting males involved in prostitution is part of a wider discourse which constructed Ireland as an international leader in the preservation of Catholic standards of sexual morality. That prostitution was identified as an issue through which national identity could be defined and delineated is further suggested by the following question posed by Devane (1924b:180)

*Would the lawyers be too much shocked if, at the very beginning of its career, the Free State were asked to declare this vice to be anti-social, to be against the best interests of society, both moral and physical, and as a consequence to declare it a legal offence for a woman to sell her honour and lead a life of sin as a profession.*

Here we see a clear advocation that the new State should define its separate identity by reference to the legal enforcement of high standards of sexual morality, particularly among Irish women. This employment of standards of sexual morality as a symbol of national difference contributed to the demonisation of the prostitute who was constructed as the antithesis of Irish womanhood. The antipathy to the prostitute, which abounded in Catholic philanthropic discourses, is evidenced by the harsh measures suggested for her regulation and control.

## Regulating the Prostitute: Catholic Philanthropic Discourses and Social Control

Mahood's (1990) analysis of the systems developed in nineteenth century Glasgow for the control of prostitutes reveals the application of a classification system based on the extent of the women's objectionable sexual characteristics and their deviation from appropriate feminine behaviour. A similar system of classification and segregation is evidenced in the recommendations made by Devane and Duff regarding what they believed to be appropriate statutory responses to the problem of prostitution. Devane's tri-fold classification of prostitutes and the solutions he proposed for their management were graded in terms of severity and reflected the view that unruly women could be controlled by a regime of discipline and hard work. The unmarried woman under the age of twenty-one he defined as being in need of protection from moral danger. A Borstal run by nuns was identified as " *a human, a common sense, and a Christian way of dealing with this type of girl, who may at that period be reformed by strong religious influences*" (Devane 1924b:183). Devane's preferred solution for the mentally deficient was the committal of such women to the existing Magdalene Homes run by the Good Shepherd Nuns. He believed however that the state should fund such institutions:

*cannot some shelter be given them other than the prison or the streets? ...We need have no doubt that the Good Shepherd Sisters will be only too ready to receive with open arms their less fortunate sisters, but nevertheless the question obtrudes itself: Why should not the State provide in the Good Shepherd Home, to some extent, for those for whom it provides in the prison?* (Devane 1924b:185)

Devane's most punitive suggestion related to the class of women over twenty-one whom he defined as perverse. Punishment and reformation were recommended, as was the protection of the public from such malign characters:

*three months without hard labour to be the minimum penalty for a first offence, six months for a second, and twelve months for a third or subsequent offence – all without the option of a fine. This is by way of punishment. As regards reformation, it is suggested that committal to a Good Shepherd Home be given as an option to the girl whose heart is not wholly set on her wicked life, and who may wish to reform, even under a certain compulsion. In case a girl should prove refractory in the Home, she should serve the original sentence in prison with the addition of hard labour. In this way, the girl gets a chance to reform, and if she refuse she must take the consequences in punishment, and at the same time the public is being safeguarded. (*Devane 1924b: 184)

Frank Duff also advocated the segregation of the different classes of women involved in prostitution. He recommended the introduction of a system of classification and segregation in hospitals and institutions housing both prostitutes and unmarried mothers. Such "*segregation along lines of respectability*" was deemed necessary to ensure that established prostitutes would not further corrupt their less experienced colleagues (See Duff in Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:39). Duff also believed religious influence to be a critical aspect of any response to prostitution.

Foucault's assertion that prevailing discourses of sexuality, apart from condemning aberrant sexual actors, also serve to inform mechanisms for their surveillance and management, facilitates analysis of the technologies of control which were suggested and indeed revealed in Irish Catholic philanthropic discourses on prostitution. The primacy accorded in the philanthropic discourses to religious influence as an antidote to prostitution, testifies to the Catholic framing of prostitution as a moral as distinct from a social or political issue. Prostitution was understood as a reflection of the deviant immorality of a minority of women and not as a response to the economic situation that certain groups of women found themselves in. Recommended responses to prostitution evident in the Catholic discourses, focus on punishment and reformation as distinct from the alleviation of the conditions which might have prompted entry into vice.[13] Such a response is evident in the work of the Legion of Mary organisation, which secured the closure of all premises in the former brothel district of Dublin.[14] The Legion ran a hostel for prostitutes in Harcourt Street, Dublin. It organised retreats designed to provide the women with a religious reawakening which would deter their further engagement in sexual sin. Residence in the hostel (a former Government building provided free to the Legion) was voluntary and women suffering from VD were urged to admit themselves to either the Lock or Steevens hospital for treatment. Devane and Duff advocated that the Harcourt Street hostel should receive state sponsorship as an approved scheme for addressing VD. A similar appeal for statutory funding of the Legion's lady visitor scheme for jailed prostitutes was made by Duff in his submission to the 1926 VD Committee. He indicated that the financial cost of the Legion's service to prostitutes was prohibitive for a voluntary organisation and reported that ecclesiastical policy regarding sexual immorality, was to discourage any form of public acknowledgement or discussion of the issues, hence the philanthropists inability to seek voluntary funding of their activities. It would appear that Catholic philanthropists defined moral reform as their domain, the role of the State being to financially and

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[13] Devane did however propose that women engaged in prostitution for the purpose of paying off debts, should be protected by a court ruling deeming such debts irrecoverable.

[14] See Duff's evidence to the Inter-Departmental Committee of Inquiry Regarding Venereal Disease (1926).

legally underpin such religious endeavour. Thus, while not part of the statutory control system, philanthropic bodies like the Legion of Mary and the Magdalene asylums represented technologies of control, which effected the surveillance of the sexuality of a specific group of working class women. Again as in the case of the regulation of unmarried mothers, the key personnel involved in the surveillance and control of prostitutes were women. The vast majority of Legion of Mary members were single, lay, Catholic women while the Magdalene asylums were predominantly controlled by orders of nuns (See Duff 1961 & Luddy 1989). As such the Catholic philanthropic lobby represented a mixture of male and female and lay and clerical reformers. The discourses enunciated by this lobby, succeeded in the early decades of the new State, in influencing and legitimizing a range of statutory decisions regarding prostitution.

## Discursive Resonance: Political and Statutory Responses to Prostitution and Venereal Disease

### The Inter-Departmental Committee of Inquiry Regarding Venereal Disease

The decision taken in December 1924 by the Minister for Local Government and Public Health to appoint a committee on VD implies that it was an issue of administrative concern in the new State. This is further suggested by the terms of reference of the Committee which obliged them to "*Make inquiries as to the steps, if any, which are desirable to secure that the extent of Venereal Disease may be diminished.*" (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:3). The choice of personnel to sit on the Committee, namely a Medical Inspector from the Department of Local Government and Public Health, the Director of Medical Services from the Department of Defence and a barrister from the Department of Justice, suggests a framing of VD as a medico/legal problem. The Committee held a total of 16 meetings including one in both Cork and Galway, examined 24 witnesses and received written submissions from others. Evidence was received from doctors from the Royal College of Physicians and the Cork and Galway Hospitals providing VD treatment. Representatives of the Army, the Gárda Siochána and the Prison Service also reported to

the Committee as did a Senior District Justice. Two Catholic social workers/reformers concerned with prostitution, namely, Fr. Devane, a Jesuit with a particular interest in social issues and Mr. Frank Duff, the founder of the Legion of Mary Organisation, also served as witnesses to the Committee.

A review of the evidence given by the witnesses suggests that in the main, the medical personnel identified VD as a health problem around which there was an abysmal level of ignorance and stigma. Major O'Carroll, the Chief Sanitary Officer of the Army, provided information which indicated that in terms of infection of army personnel, prostitutes were the source of contamination in only 30% of cases.[15] O'Carroll was of the opinion that declining standards of sexual morality were the prime cause of the problem. He attributed this decline to bad housing, over crowding and the dire economic status of some women, especially young women from the country who migrated to urban centres in search of employment. Poor conditions of work and lack of recreational facilities were identified by O'Carroll as contributing to moral inertia among the armed forces. Thus increased extramarital sexual activity was ascribed to prevailing economic and social conditions. This framing of the issue was however disputed by Liam O Murchadha, the Commissioner of the Dublin Metropolitan Police, who like Devane and Duff, classified VD as a problem generated primarily by prostitutes. O Murchadha did acknowledge that the prostitute was less culpable than the owners and frequenters of brothels. The similarity of the opinions expressed by Duff, Devane and O' Murchadha is striking. Both Devane and Duff, in their evidence to the Committee, commend the activities of O'Murchadha as Police Commissioner and indicated that he was very supportive of the campaign spearheaded by Duff, which saw a closing down of the Dublin brothel quarter in February 1924. O'Murchadha's zealous opposition to sexual impropriety informed his appeal to the Irish Government to introduce legislation which would reflect the country's status as a Christian nation independent of England;

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[15] This figure was considered by the Committee to be an over estimate on the grounds that O'Carroll identified a woman as a prostitute even if she only received minimal payment in kind from the soldier e.g. a bottle of stout. The Committee considered a figure of 10% more appropriate.

*The present hapless state of the law is disgraceful in a Christian country. The moral Christian law regarding sexual matters should be the law of the land, and specious excuses like infringement of the liberty of the subject should not be considered as a reason why the law of the land should differ from the moral law. ..This whole question of prostitution, morality crimes, etc., should be dealt with from an Irish point of view, and not from the rather slack English standpoint.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease, 1926:44).

The use of sexual morality as a signifier of cultural difference is clearly evident here as is adherence to the image of Ireland as a country morally superior to it's English neighbour. O' Murchadha's evidence would imply that the Catholic philanthropic discourse around prostitution was shared by some individuals in influential positions, individuals who may well have been in a position to influence both policy and indeed ground level practice which related to the regulation of sexuality. The attempt made by Devane, Duff and O'Murchadha, to redefine VD as a moral as distinct from public health problem, was however firmly rejected by the Committee, as evidenced by this unequivocal comment in their Report

*Our terms of reference, while apparently definite in meaning were construed widely by some of the witnesses who appeared before us. The argument was put forward that the incidence of Venereal Disease in the Saorstát was a direct reflection of the moral situation, and that our first step in securing any reduction in the disease should obviously be to consider any methods by which public morality might be improved. While this contention may be accurate, we felt that were it accepted it would lead us outside the subject with which we were appointed to deal. ...The dominant consideration in all our recommendations was Public Health and in discussing the social questions connected therewith we felt obliged to leave out of consideration the arguments advanced with the object*

*of improving the morals of the community.* (Inter-Departmental Committee on Venereal Disease, 1926:3/4)

The Committee also asserted that there was but a limited role for legislation in the promotion of morality and suggested that addressing standards of moral behaviour might well be the domain of moral welfare groups. Devane, Duff and O Murchadha's written evidence to the Committee was included in the appendix of the final Report, thus ensuring that an alternative framing of the VD issue would be included in any publication by the Committee. Furthermore, close reading of the evidence of other witnesses reveals a widespread awareness of the Catholic discourse of sexual morality and the existence of assumptions about the extent to which this discourse influenced public policy. Such assumptions appeared to circumscribe what some of the medical witnesses considered as pragmatic responses to the problems created by VD. Sir Arthur Ball, a doctor working in Sir. Patrick Dun's Hospital, commented

*It seems borne out by experience with certain units of the British troops and Navy that the issue of disinfectant packets to men going on leave had a very satisfactory result. I realise the opposition likely to arise to this in this country.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:46)

In a similar vein, Major Carroll, the Chief Sanitary Officer of the Army, demonstrated his awareness of the Catholic discourse on extramarital sexuality, by pre-empting the inevitable Catholic critique of his avocation of preventative services for soldiers known to have engaged in extramarital sexual activity;

*The argument has been advanced that prophylactic measures give people a sense of immunity and might lead to an increase in immorality. The contrary view is that the installation of prophylactic stations calls attention to the danger and the dirt of immorality and, consequently, lead to a decrease in immorality.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:24)

The evidence presented by various witnesses also provides an insight into perceptions of male and female sexuality in the Ireland of the early 1920's. These perceptions were further enunciated in the recommendations proposed by the witnesses to the Committee of Inquiry Regarding Venereal Disease, to address the problem of prostitution and VD.

**Responding to Venereal Disease and Prostitution**

A range of views regarding sexuality is revealed in the evidence provided to the Committee as are a number of pragmatic suggestions for addressing prostitution, suggestions were very much informed by the proponents occupational positions. The suggestions made by Sir. Arthur Ball of Sir Patrick Dun's Hospital and Dr. Pugin Meldon from Westmoreland Lock Hospital, as to the need to provide the young of both sexes with education regarding VD and its prevention, would imply that they considered sexual activity among the young to be normal. Ball advocated that education might be "*achieved by lectures given to the army and police, employees of large works, etc., female lecturers being employed to lecture to female workers.*" (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:46). Meldon put forward a similar proposal, suggesting that "*lectures should be given by competent persons to young people of both sexes on this matter.... It might be worth while considering the advisability of having carefully written articles in the Press on these matters*" (Inter-Departmental Committee on Venereal Disease 1926:46). The provision of information in public lavatories encouraging disinfection after exposure to VD and providing the names and addresses of the nearest treatment centres was also suggested by the medical witnesses. Both Ball and Meldon rejected the idea of compulsory notification of VD, claiming that it would only lead to further concealment of disease. Meldon did however advocate that it be an offence to knowingly infect someone with VD. Furthermore, he denounced the policy of closing what he described as "*disorderly houses*" arguing that the subsequent dispersal of "*their inmates*" led to a further spreading of contagion (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:46). This suggestion constituted a direct criticism of the Legion of Mary work in closing the Monto brothels, a strategy which was supported by O Murchadha in his capacity as Commissioner of the Dublin Metropolitan Police. The recommendations

made by the Royal College of Physicians of Ireland also emphasised the need for education. Their concern however, was with the upgrading of doctors training regarding modern VD treatment methods. They rejected the idea of public education regarding VD claiming that any form of public propaganda would result in increased stigma and less people coming forward for treatment. A system of compulsory notification of the disease was dismissed on similar grounds. Of note in the submissions from the medical profession is the non-moralistic nature of the language they use in referring to the different classes of people infected with VD and the various places in which infection may have originated. Their recommendations were based on their observations regarding the public health implications of VD and make no reference to it as a moral issue. This is true also of the submission made by Dr. Hackett, who was the Medical Officer in Mountjoy Prison. Given his position it is to be expected that he would make reference to women imprisoned on charges of prostitution. He recommended that fines for prostitution be abolished and that all prostitutes be imprisoned so as to ensure that they could be treated if diseased. To ensure that a woman was not released while still infectious, Hackett recommended that provision be made to detain those who were still infectious on completion of their sentence. Such a suggestion undoubtedly reflects a lack of concern for the right to liberty of women convicted of prostitution, but it appears to be informed by considerations of public health rather than judgements about moral propriety.

In contrast the recommendations made by Major O'Carroll, the Chief Sanitary Officer of the Army, reflected a highly judgmental approach. O' Carroll claimed that VD

> *... appears to be conveyed by apparently decent girls throughout the country...there is considerable danger to the innocent sections of the community, because these so-called amateurs mix with all sections and include nurses, maids and cooks, etc.* (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:18/19).

The classification of female sexuality into discrete categories of licit and illicit is clearly evident in O' Carroll's work, which constructs all extramarital sexual activity as indecent and dangerous. Furthermore he clearly ascribes such sexual deviancy to working class women employed outside the home. Other aspects of O'Carroll's report suggest that he espoused a view of male sexuality as inherently forceful and difficult to repress. He pointed to the need to provide men with "*sufficient outlet for their pent-up energies*" and suggests that "*Unless and until increased facilities are given for soldiers to get married by the provision of married quarters, Venereal Disease will be a constant menace.*" (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:19 &23). However in spite of his assertion that VD was a moral issue which could be best addressed by recourse to religious influence, O'Carroll proposed some pragmatic solutions to address the VD problem. These included weekly medical inspection of soldiers; compulsory attendance at educational lecturers, the organisation of troops in more centralised barracks which would facilitate the organisation of recreational activities, and the centralisation of in-patient treatment in the Isolation Hospital in Dublin. These recommendations reflect a policing of soldiers' sexual activities vis a vis compulsory medical examination and attribute some responsibility to soldiers to act responsibly following receipt of information regarding the disease. O'Carroll also advocated that the female sexual partners of the soldiers be subjected to statutory surveillance. He recommended that a designated officer in the Dublin Isolation hospital should collect information from each new patient admitted. Such information would consist of a comprehensive physical description of the woman, from whom the infection was communicated, including her address and details of her relationship to the soldier. The information was to be forwarded to the Provost Officer in the soldier's command, who in turn would supply a report to the local superintendent of the Civic Guard. This proposal represents another intricate apparatus for the surveillance and regulation of female sexual activity.

The recommendations put to the Committee by Eamonn O'Cugain, the Vice Commissioner of the Garda Síochána, also sought to amass information on the various parties associated with prostitution, with the notable exception of the men who hired the

prostitutes. O'Cugain however was more moderate in that he advocated the collection of information only on those who were convicted of being prostitutes or keepers of brothels etc. He also recommended the extension of Section 72 of the Towns Improvement Act of 1854 which made provision for the prosecution of women found soliciting. The act only applied to towns of a certain population and O'Cugain suggested that it be given general applicability. O'Cugain further recommended that it be made an offence for a convicted prostitute to loiter in a public place if it was judged that she was there for immoral purposes and that the penalty for keeping a brothel be increased and the option of a fine removed. Finally, O'Cugain called for an amendment of the law for the suppression of houses of ill-fame through the extension of power to a Police Superintendent or Inspector to enter such a premises without a warrant, if he had grounds to suspect it was being used for prostitution. These proposals represented an attempt to increase the surveillance and regulation of prostitutes and those involved in the business of prostitution. In comparison however to the draconian recommendations made by Liam O'Murchadha, Commissioner of the Dublin Metropolitan Police, O'Cugain's suggestions were quite moderate.

O'Murchadha's suggestions were based on his belief that the law afforded too much respect to the rights and liberty of women engaged in prostitution and their introduction would have constituted a complete denial of the civil rights of any woman who was even suspected of being a prostitute. He sought an extension of the definition of a brothel, to cover any premises or indeed room, in which a woman convicted of prostitution or suspected of being a prostitute, resided. Furthermore he recommended that a sighting of any known or suspected prostitute, entering a premises with a male other than *"her husband or brother, doctors or clergymen in the exercise of their callings, or members of a society engaged in social work and whose members hold a permit from a Superintendent of Police to enter such houses"* be permissible as evidence of the use of the premises for immoral purposes (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:44). O'Murchadha also advocated that District Justices should be empowered to close a premise and evict its occupants on the petition of the Police, two residents or two clergymen. He also

proposed that a Police Superintendent should have the authority to issue a warrant to raid premises suspected of harbouring prostitutes and recommended that the identification of practices *"occurring contrary to decency or Christian morals"* be employed as the criteria for making a charge against the owners and occupants (Inter-Departmental Committee of Inquiry Regarding Venereal Disease 1926:44). The provision of Police power to remove known prostitutes from any public building or place of entertainment were further recommended. The most startling of the proposals he put before the Committee however is reflected in the following suggestion;

> *Regarding brothels, know or reputed prostitutes who reside in them should be liable to imprisonment, under some internment provision as in the late Public Safety Act. Similarly, bullies, managers, etc., should be interned.* (Inter-Departmental Committee on Venereal Disease 1926:43).

The measures outlined by O'Murachadha, namely an enormous extension of Police power, an absurd expansion of the legal definition of a brothel and the internment or preventative detention of those suspected of being involved in prostitution, rendered the extramarital sexual activity of all women subject to suspicion and possibly prosecution. While the most oppressive of O'Murchadaha's strictures were directed at prostitutes, he did however suggest that *"visitors to houses of ill-fame"* (p.43) should be subject to charge. Such a facility would he believed result in the demand for prostitutes being decreased. O'Murchadha appeared to be fully aware of the severity of his recommendations, commenting that

> *These provisions may at first seem drastic, but unless these powers are given to the police, the present disgraceful condition of affairs can continue, and these people may laugh at any effort to stop their traffic.* (Departmental Committee on Venereal Disease 1926:44)

The consensus of opinion between O'Murchadha and the Catholic social workers, Devane and Duff, on the issue of prostitution and the appropriate response to it, is

striking. In their submissions to the Committee, Devane and Duff both commended O' Murchadah's campaign against prostitution in Dublin, and Duff voiced his support of O'Murchadha's proposals for reform. The shared assumptions held by O'Murchadha and the Catholic philanthropists regarding gender and sexuality rendered them allies in terms of their efforts to inform social practice around the area of prostitution. The impact of these assumptions on the wider Committee can be assessed through analysis of the Committee's recommendations as outlined in its 1926 Report.

Prostitution was acknowledged by the Committee of Inquiry as a contributory factor in the spread of VD but they firmly stated that it was only one aspect of the problem. The authors of the Report identified 'promiscuous intercourse' as the main cause of VD and suggested that continence was only definite form of prevention. In terms of responding to the problem, a modified notification system similar to that advocated by the Royal College of Physicians was recommended. Doctors would be obliged to identify all VD patients with a serial number and report this to the County Medical Officer. Notification by name would only occur if the patient refused treatment or ceased attendance before being cured. The Committee also suggested that the County Medical Officer return a monthly report to the Department of Local Government and Public Health detailing the number of cases reported each month. An expansion of the number of Approved Treatment Schemes for VD was also recommended.

Education regarding the most up to date treatment of VD was recommended for all medical personnel working in state institutions or in Dispensaries. However, no public education on VD of the type proposed by Meldon and Ball was suggested in the final Report. It is likely that this was due to concern regarding public opinion on the issue of sexuality. The Committee cited this as a reason for their failure to make recommendations regarding measures to prevent infection:

> *We agree with the expressed views of all authorities on Venereal Disease that the most certain method of reducing its incidence and preventing its spread is by the general adoption of a system of Prophylaxis or the application of preventive*

*remedies after exposure, but considering the present state of public opinion, we refrain from recommending such a system.* (Departmental Committee on Venereal Disease 1926:9)

Presumably the public opinion referred to was opinion regarding sexual morality; opinion, which they felt, would be antagonistic to the idea that extramarital sexual activity should be rendered safe, through the provision of methods to ensure that disease was not contracted. The Committee's comment begs the question as to what they took as an indication of public opinion. There is no evidence in the Report or the correspondence surrounding it, to suggest that a body of opinion against such methods had been made known to the Committee or to the department, or indeed that there had been any discussion of the topic in the media. Was the Committee's comment prompted by the Catholic Church's rejection of the prophylactic use of contraceptives? The discussion in chapter four has pointed to the existence of a discourse on the immorality of contraception and the need for legislative action to combat its use, a discourse generated by Catholic moral reformers. It would appear that this was the discourse to which the members of the Committee referred. In consequence the Committee only made recommendations relating to treatment as distinct from prevention. Despite their concessions to what they perceived to be public opinion regarding the acceptability of preventive methods, the Committee stated that they believed the representatives of social work organisations, who gave evidence to the Committee, "*exaggerate* [d] *the importance of prostitution as an influence in disseminating Venereal Disease.*" (Departmental Committee of Inquiry on Venereal Disease 1926:10). They did however acknowledge the "*suppression of the prostitute*" would be of use in eradicating the disease (Departmental Committee of Inquiry on Venereal Disease 1926:10). Hence they recommended the abolition of fines and the application of imprisonment even in the case of women receiving their first conviction for prostitution. The Committee suggested that imprisonment apart from being a deterrent would render the prostitute subject to medical attention and control. The desire to develop a system of medical surveillance is evident in the Committee's proposal regarding the establishment of a register of convicted prostitutes. The Committee stated that "*Such persons must be*

*regarded as suspect from the point of view of public health and should be required at such times as the responsible Medical Officer for the district might direct to attend for medical examination and if found to be diseased to enter a suitable hospital. Provision would, of course, be made for the removal of names from the register."* (Inter-Departmental Committee of Inquiry on Venereal Disease 1926:10) As such very strong powers were recommended for the surveillance and regulation of the activities of women whose sexual activity was considered "suspect". A further recommendation made by the Committee to control the sexuality of prostitutes was the nation-wide extension of the existing laws governing soliciting in towns of a certain size. The recommendations made to the Committee regarding the need for measures to deal with brothels were rejected on the grounds that an open brothel system no longer operated in Dublin and that an open establishment of that type would quickly come to the notice of the Police. The Committee also appeared to suggest that the action of the Legion of Mary would be effective in addressing the issue of open brothels if it occurred again. Finally recommendations were made in regard to the appropriate response to VD among prisoners. It was suggested that all female prisoners be examined for VD on admission to the prison. Such an examination was already in place for male prisoners. Furthermore the Committee recommended that no prisoner withVD, should be released until they were rendered non-infectious. However a proviso was added to this recommendation which made it clear that it was meant to apply primarily to criminals who were considered to be sexual deviants:

> *This course would be unduly harsh in many cases. It may happen that an infected person will be received in gaol to serve a sentence on a charge which had no relation to his infection...We recommend, accordingly, that a distinction be made between the crimes for which infected persons are sentenced. In the cases where the person was a prostitute or was convicted for a sexual offence the danger to the public from their release while diseased seems to us so great that we recommend their detention in gaol or in some place suitable for treatment even after the expiry of their sentence until such times as they are*

*certified non-infective.* (Inter-Departmental Committee on Venereal Disease 1926:11)

It is clear that such a recommendation would apply primarily to women convicted of prostitution and hence can be construed as a measure which would put another restraint on female sexuality. Finally the Committee recommended that organisations for the reform of prostitutes should be considered for Government grants in cases where it was found that they were effective in their activities. Such organisations were also identified by the Committee as a possible means of ensuring that female prisoners with VD continued to attend for treatment for as long as necessary. This recommendation constituted a proposal for state endowment of the work of Catholic organisations that were recognized as legitimate providers of reformative care for prostitutes. Thus, while the Committee framed VD primarily as a public health problem to which the prostitute was but one contributory factor, it did advocate a range of medical, legal and philanthropic measures designed to effect the regulation and control of female sexual activity as typified by the action of the prostitute. Furthermore the Committee's recommendations were clearly measured to ensure that they did not compromise the Catholic ban on contraception and that they legitimated the role of Catholic moral welfare organisations in the rehabilitation of the prostitute. The acceptability of the Committee's Report to the Department of Local Government and Public Health and indeed to the Hierarchy can be gauged through analysis of the internal Departmental correspondence which followed the submission of the Committee's Report in 1926 (See NA File S 4183).

The primary source of data regarding the response of the Department of Local Government and Public Health to the Report of the Inter-Departmental Committee of Inquiry Regarding Venereal Disease, is a Memorandum to the Minister prepared by a civil servant within the Department. The Memorandum advocated a more conservative and reductionist approach to the issue of VD. The need for any form of notification system to facilitate the collection of detailed information regarding the extent of VD was rejected and it was suggested that no immediate action should be taken on the

development of additional Approved Treatment Schemes. This proposal was qualified by the suggestion that the findings of the Committee reflected conditions in the army more so than among the general population and hence the author of the Memorandum concluded that there was no definitive evidence of widespread prevalence of VD amongst the civilian population. This conclusion would appear however to be somewhat flawed as the army report clearly showed that there were women in all parts of the country who suffered from VD. It is possible that the financial implications of extending treatment services available constituted a reason for administrative reluctance to identify the extent of VD as problematic. Furthermore, the internal Department of Local Government and Public Health Memorandum stated that the Dublin treatment centres made ample provision for all treatment needs and denied the need for extra residential facilities. It was asserted that the provision of residential treatment facilities in local county and district hospitals would not be economical and would stigmatise the use of such institutions. It was accepted however that treatment facilities should be provided in hospitals in seaport towns and cities, namely, Cork, Limerick, Waterford and Galway, as this was required to ensure Ireland's signing of the International Agreement for the Treatment of Seamen. This Agreement obliged all members to provide free VD testing and treatment to sailors of all nationalities. The Memorandum also sanctioned the Committee's recommendation that state support be provided to rescue homes that referred inmates with VD to treatment centres. Support in the form of a capitation payment for each woman from a rescue home who attended for VD treatment was suggested. This suggests that the author of the Memorandum accepted that the prostitute, like the sailor, was a significant source of VD. No comment was made regarding the Committee's recommendations on the legal response to prostitution with the Memorandum stating that such matters were the concern of the Department of Justice. Thus the overall tone of the Memorandum framed VD as an issue of limited significance for the general public with the armed forces, sailors and particular classes of women being constructed as the source of the problem and its primary victims. Furthermore, it would seem that the author of the Memorandum believed the disease to be largely confined to Dublin and seaport areas. In all of these assumptions the Memorandum was in agreement with the Catholic position as expressed by Duff and

Devane and proposed a more limited and less radical response than did the Committee. There would thus appear to be a high degree of consistency between the internal administrative view of prostitution and VD as expressed in the Memorandum and the Catholic philanthropic view.

Of interest also is the correspondence available in the Department of the Taoiseach File regarding the decision as to whether or not the Committee's Report should be published. The issue of publication was considered by the Executive Council on the 21st of June 1926 and referred back to the Minister for Local Government and Public Health with a view to eliciting the views of the Committee members on the topic. The desire of the Committee to have the Report published was expressed in a letter from the Department of Local Government to the Executive Council, written on 24 July.[16] The letter states

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[16] Certain suggestions had been made by the Committee regarding the need to make deletions to the appendices of the report, as outlined in a corrected proof of the report. Two copies of the Committee's report are available in the File, one contains the original typed report from the Committee which does not include appendices, while the second is a typeset report bearing the stamp of the Stationery Office, and including statements of evidence as appendices. This latter typeset report contains editorial marks. The editorial changes include the correction of grammatical and stylistic errors, the deletion of personal and place names, the deletion of a report from Major O Carroll to the Head Chaplain of the Army and the deletion of large sections of Liam O Murchadha's suggestions regarding the extension of the definition of the brothel and the policing of the prostitute. It is noteworthy that O'Murchadha's more extreme suggestions were deleted. Furthermore the references he made regarding the need for prostitution and morality crimes to be dealt with from an Irish point of view was removed as was his contention that the law of the state should reflect moral Christian law regarding sexual matters. Similarly, in Major O'Carroll's general report regarding the extent of VD among the army, a critical reference to the Dublin clergy was removed. The removal of the more extreme of O Murchadha's suggestions is however much more significant and would indicate the extremity or perhaps the impracticality, of his suggestions was recognised.

[17] The Minister argued that he could not see the use of making the report publicly available and stressed that his Department preferred to have information regarding approved treatment schemes promulgated through either health practitioners, the Police , clergy or social work organisations. As regards the collation of statistics he suggested that these could best be collected at County level by the County Medical Officer of Health. The Minister's letter also outlined progress which had been made since the

however, that the Minister for Local Government and Public Health did not wish to see the Report published in its existing form. An explanation of the Minister's reasons for this opinion was requested by the Executive Council on October 13th and furnished on November 3rd. The Minister for Local Government and Public Health, was of the opinion that only those recommendations which did not require new legislation were expedient and suggested that publication of the Report would be inappropriate unless it was decided to accept the main recommendations, which he apparently was not supportive of.[17] A letter from the Minister's secretary to the Executive Council on May 13th of the following year suggests however that concerns over the reaction of the Hierarchy may have been a further or indeed, the main reason, for the Minister's reluctance to have the Report published. The May 13th letter stated that the chairman of the Committee (McDonnell) had an interview with the Archbishop of Dublin on the question of publication. Furthermore it revealed that the Committee had agreed to comply with the Archbishop's suggestion that publication of the Report should be postponed subject to the observation of trends in relation to the extent of VD. In the event of increasing rates of the disease being reported, the Archbishop accepted that the Report should be published. It is noteworthy however that the Archbishop did comment on the way in which the Committee's Report presented VD as an issue which was not exclusively related to prostitution. McDonnell, the Chairman of the Committee reported that "*The only comment His Grace made upon the substance of the committee's findings was that he was greatly surprised to learn that the chief disseminators of the infection were non-prostitutes*" (See Department of Taoiseach File S4183). The Committee's decision to accept the Bishop's suggestion in no way affected what they believed to be the urgency of the recommendations contained in their report. A minute from the Executive Council dated the 25th of June 1927, stated that the Council had

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presentation of the report, in relation to the establishment of approved treatment schemes in other County Boroughs.

decided to postpone any decision regarding the publication of the Report until after the impending General Election, at which stage the option of sending copies to all clergymen and doctors would be considered.

This correspondence regarding the Committee's Report is informative on many counts. Firstly, the recommendations of the internal Department of Local Government and Public Health were completely compatible with those articulated in the Catholic philanthropic discourse. Secondly, the consultation with the Archbishop of Dublin and the acceptance of his suggestion regarding the suppression of the publication of the Report is significant. It is unclear from the evidence available if the Department of Local Government and Public Health or indeed the Committee itself solicited a meeting with the Hierarchy to discuss the issue of publication. The Archbishop, who would have been aware of the Committee's deliberations given the involvement of a prominent cleric such as Devane as a witness, may himself have requested the meeting. Such a request would be in keeping with the Hierarchy's policy of limiting public discourse on issues of sexual immorality.[18] Three possible explanations for the reluctance of clerics and Bishops to publicly discuss VD come to mind. Firstly, sexual impropriety was constructed in the Catholic discourses as an issue which related only to the working classes. This narrative was challenged by the existence of VD among members of all classes. Secondly, acknowledgement of the high incidence of VD in the country and its prevalence among all classes and groups, would be difficult to reconcile with the Catholic framing of Ireland as a chaste and pure land, blighted only by a minority of deviant unmarried mothers and prostitutes. Finally, the discourses which unfolded in the Reports of the 1926 Committee of Inquiry Regarding Venereal Disease, the 1931 Carrigan Committee and the Inter-Departmetnal Ad-hoc Committee on the Suppression of Prostitution 1949,[19] highlight the contradictory nature of prevailing medical and Catholic discourses of sexuality and immorality. It is likely that the Church would not support a public airing of views contrary to its own. Views, which analysis of the

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[18] Devane (1924b:185) reflecting the position of the Church ,defined VD as an issue which it was not possible to discuss in public, but which required legislative attention.

[19] This report contains details on prostitution since the establishment of the State.

Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (Carrigan Committee) established in June 1930, reveal to have been highly influential in political and administrative circles.

**The Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (Carrigan Committee)**

The establishment of the Carrigan Committee in June 1930 was a victory for Catholic moral reformers who had sought to have issues of public morality placed on the political agenda. Devane (1931b:20) declared the establishment of the Committee to be the result of *"several years of persistent pressure"*. The call for such a review was made in Devane's articles in the *Irish Ecclesiastical Record* and by various societies and organisations concerned with public morality.[20] The agitation for political action also took the form of deputations to the Minster for Justice and the lobbying of individual politicians who subsequently raised the issue of public morality in the houses of parliament. In April 1925 Deputy Corish inquired as to the intentions of the Minister for Justice regarding the introduction of legislation to better protect women and young persons and asked whether he would consider the appointment of a small committee to inquire into the area. The Minister in response, claimed that the heads of a Bill to amend the Criminal Law Amendment Act (1885) were in preparation and declared the appointment of a committee unnecessary (Dáil Debates, Vol.11: 369). Deputy Davin put a Dáil question regarding the progress of this promised Bill, in November 1927 and the Minister for Justice promised its introduction, early the following year (Dáil Debates, Vol. 21:1505). In April 1928 the Minister was again questioned, this time by Dr. Hennessy who alluded to the recommendations of the Poor Law Commission regarding the raising of the age of consent and the introduction of legislation regarding illegitimate children. The Minister in his response claimed that a Bill dealing with the age of consent was well advanced and would soon be brought forward (Dáil Debates, Vol. 23:9). The final impetus for Government action came in March 1930 when a

[20] The repeated agitation for a review of legislation relating to sexual offences is acknowledged in the Department of Justice Memorandum on the Carrigan report. (See NA File S5998)

Private Members Bill to modify the existing Criminal Law Amendment Acts (1880-85) was introduced by Deputy Little, an opposition politician (Dáil Debates, Vol.34: 257). During the second reading of the Bill, the Minister for Justice announced the establishment of the Carrigan Committee. This was to consider the need for an amendment of the Criminal Law Amendment Acts 1880 and 1885 and *"to consider whether any new legislation is feasible to deal in a suitable manner with the problem of juvenile prostitution*" (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:3). There is little evidence to suggest that there was widespread public concern about standards of sexual morality apart from that expressed by the Catholic philanthropic lobby. A letter dated March 2nd 1930 is available in the Department of Justice files of the period in question. The letter which was unsigned, complained about *"the army of prostitutes who haunt Dublin streets at night and their abettors"*(See NA File H213/6*)*. As such the establishment of the Carrigan Committee testified to the influence of the Catholic lobby and their success in having the issue of prostitution placed on the political agenda as a discrete issue.

The Committee chaired by Justice Carrigan included a cleric from the Catholic and Protestant persuasion, a surgeon, a commissioner of the Dublin Union and the matron of the Coombe Hospital. A decision not to make the evidence public was taken by the Committee at its preliminary meeting. It was felt that this would facilitate the collection of evidence which would not be provided if the deliberations of the Committee were to be published in the general press. This decision is very much in keeping with the Catholic philanthropic view that public discussion of issues relating to sexuality was undesirable. Oral evidence was taken from twenty-nine witnesses and written submissions were received from eight organisations.[21] The witnesses defined in the Report as *"specially qualified by their professions, duties or experience to testify authoritatively on the subject"* included representatives of the clergy, Catholic welfare organisations, women's organisations, and members of the judiciary and Police (Report

[21] A list of individuals and organisations that submitted evidence is provided in appendix 2.

of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:6)

The Committee took a broad interpretation of the terms of reference and decided that their enquiry *"should also extend to an investigation of the actual conditions now prevailing in the Saorstát...we therefore proceeded to take such evidence as might afford us a conspectus, from the legal standpoint of Public Decency, of the extent to which abuses exist."* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:6*)*. The conspectus provided by the Committee was unanimous in its opinion of the standard of public morality prevailing in the state. The Committee concluded that there had been a degeneration in the moral condition of the country, which had they argued, *"become gravely menaced by modern abuses, widespread and pernicious in their consequences, which cannot be counteracted unless the laws of the State are revised and consistently enforced so as to combat them"* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:7). Declining parental control, reduced acquiescence with clerical guidance and increases in modern forms of leisure such as dancing, cinema going and the consumption of alcohol were identified as contributory causes. Illegitimacy, sexual crimes, and homosexuality were all deemed to be on the increase, with the Committee declaring

> *The cogency and unanimity of the evidence laid before us leave no doubt that gross offences are rife throughout the country of a nature from which it would formerly claim a degree of immunity that may perhaps have lulled it into a state of false security. Frank recognition of this fact will, we believe, create a state of healthy public opinion helpful to the Government in purging the State from these evils.* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:15)

A striking element of the discussion of sexual standards and sexual crimes was the portrayal of young women as victims who received inadequate protection from the law.

Concern was expressed at the legal age of consent, which it was suggested should be raised to 18 to protect girls from sexual offenses. A similar recommendation had been made in the Poor Law Commission Report 1927[22] and had been suggested by Devane on numerous occasions. Greater protection was also recommended for feeble-minded females of all ages and an extension of the law prohibiting the abduction of heiresses to allow greater protection of women of all classes under the age of 21 was advocated. That the measures presented as forms of protection were designed to effect greater control of young women's social and sexual activities is undoubted. It was within this rubric of the need for benevolent protection that the juvenile prostitute was constructed as a helpless unmarried mother. With regard to juvenile prostitutes the Carrigan Committee concluded *"few take up such a trade by choice. Most of them are usually girls between 16 and 21 years of age who have been betrayed, and in their fallen condition, helpless and desperate, are driven to the streets for a living."* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:30). This construction of juvenile prostitution was identical to Devane's definition of it and testifies to the impact of his evidence on the Carrigan Committee. The Carrigan Report further suggested that due to the limited definition of the brothel in the law, Police were unable to control the covert prostitution which occurred in private residences. The inadequacy of the law governing solicitation between members of the opposite sex was also alluded to, with such solicitation being described as *"an offence very rife in Dublin as proved by several witnesses, of whom some spoke from personal experience, of it being practiced by men in motor cars who patrol the streets, stopping here and there to invite young women to whom they are unknown to accompany them for a drive."* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:32). The Committee thus identified a legislative deficiency and called for new and enhanced legal sanctions to address what they described as *"open indecency...carried on so flagrantly and defiantly as to be a menace to public morals"* (Report of the Committee on the Criminal Law Amendment Acts

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[22] In Paragraph 259 of the Poor Law Commission Report 1927, a recommendation as to the increase of the age of consent to 18 or 19 was made.

(1880-85) and Juvenile Prostitution 1931:31). Preventive measures designed to simplify and improve legislation dealing with sexual offenses; prostitution and the supervision of public entertainment were declared the best remedy to address the problem.

The legislative recommendations included a variety of measures to increase the supervision and legal control of the sexual activity of the young. It was suggested that young women between the ages of 16 and 19 were emotionally susceptive and least capable of self-control. Irish girls were defined as particularly naive regarding the sexual dangers to which they were exposed and *"less capable of protecting themselves ..than are girls at the same period of life in England"* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:17), a view which reinforced the notion of the superior purity and morality of the Irish. Here again the construction of female sexuality outlined in Devane's work is in evidence. Recommendations to increase the protection of girls included; raising the age of consent to 18, extending the law relating to the procurement of women for prostitution to cover females of all ages and increasing the period during which a young woman could file charges for defilement. To combat sexual crime it was proposed that the sections of the 1885 Act which allowed the defendant to claim that he had reasonable cause to believe that a girl was over the age of consent be repealed. Repeal of the sections of the 1880 Act under which the defendant could claim that he had the consent of a young person under the age of 18 was also recommended. So too was the repeal of the proviso that a person under 18 could be identified as an accomplice in an act of indecency with an individual over 18. Suggestions were also made to alter the procedure for children giving court evidence in sexual offence cases and to increase the punishment of offenders. The inclusion of whipping as an additional punishment in cases of assault of girls was advocated, as was the publication of the names of sex offenders. All of these suggestions had previously been made by Devane in his articles in the *Irish Ecclesiastical Record.*

To facilitate the suppression of brothels it was recommended that the definition of the brothel should be extended and that increased powers for Police searches should be

introduced. It was suggested that men who were found in brothels should be charged with the offense of aiding and abetting and that the charge of solicitation should be equally applicable to men and women. The practice of issuing ongoing fines to prostitutes found soliciting was condemned and it was recommended that a second offense be punishable by imprisonment. A clear distinction was made by the Committee between common prostitutes i.e. those over 21 with repeated offences and juvenile prostitutes, a term applied to all women under the age of 21 irrespective of how many offences they had. Rehabilitation was considered the desirable aim for this latter category. To this end the Committee advocated the establishment of a Borstal Institution and a system of Approved Homes for young female offenders. The segregation of first and subsequent offenders was recommended, as was the introduction of a probationary scheme for girls discharged from Industrial Schools. These girls who would have in the main been the children of unmarried mothers, were deemed to be innocent of the ways of the world on their release and hence susceptible to abuse and enticement into vice. An expansion of the Probation Officer service was also endorsed, there being only two paid probation officers employed by the State in 1930. Both were women attached to the Metropolitan District Court. Finally the Committee advocated the employment of at least 12 Policewomen for the Dublin Metropolitan district. The duty envisaged for this force was to

> *aid in the maintenance and observance of good order and decency in the streets and public places, to keep a strict supervision over the registration and conduct of Servants' Registry Officers, Common Lodging Houses for Women and Private Maternity Homes, to escort and take charge of women and children in custody, and to do preventive work generally with regard to Juvenile Prostitution* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:39/40).

In short, the Carrigan Committee presented a picture of rapidly declining standards of public morality, particularly among the young. Against this background, young women were defined as potential victims of sexual exploitation who required legislative

protection. The juvenile prostitute was located within this frame of increasing sexual immorality, however she was constructed primarily as victim as distinct from conscious sinner or criminal. This contrasted with the portrayal of the 'adult' prostitute in the 1926 Report of the Inter-departmental Committee of Inquiry Regarding Venereal Disease. This latter character was defined as a significantly more dangerous criminal actor. Furthermore in the Carrigan Report, the male client of the prostitute was not cast in the victim role as had occurred in the discussion of prostitution in the 1926 Venereal Disease Report. Rather he was to be viewed as an accomplice who deserved due punishment. The protection envisaged for the young woman constituted an expansion of the legal, institutional, professional and philanthropic surveillance of her social and sexual activity. The technologies of power through which this control was to be effected included the extension of legal powers, the regulation of public places of entertainment, the establishment of a Borstal and the expansion of the probation and welfare officer service. In practically all of its suggestions the Report mirrored the view of Devane and the wider Catholic philanthropic discourse. The remainder of this chapter will consider the extent to which the Carrigan Committee's recommendations were accepted or contested in political and administrative circles and will review the outcome of the measures which were implemented to tackle public immorality and suppress prostitution.

**Contested Realities**

The Carrigan Committee, while emphasizing its own unanimity regarding the state of public morality, recognized that it may be difficult to influence public opinion on the issue and to engage public support for they measures recommended. The Committee acknowledged that some of their proposals may have appeared *"to be innovations or too drastic"* however they justified them on the grounds that they were obliged to *"provide remedies for an abnormal ailment and therefore the use of some new curative might be expected"* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:16). The Committee legitimated its recommendations by reference to *"the views deliberately expressed by the witnesses examined before us, who, we feel assured, from their varied knowledge, training and experience represent*

*the sound and healthy opinion of the public on the subjects under consideration"* (Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution 1931:16). The validity of the evidence provided by these witnesses was however drawn into question in an internal Department of Justice report on the Committee's findings and recommendations (Report dated 27/10/1932 in National Archives File S 5998). The internal Department of Justice reviewer was damning of the findings and recommendations of the Carrigan Report and declared that it *"should be taken with reserve. It leaves the impression that the authors did not face their task in a judicial and impartial frame of mind"* (Report dated 27/10/1932 in National Archives File S 5998 p. 13). It is implied in the internal report that the range of witnesses was not representative of the variety of opinions which existed in the state but rather reflected the already well known position of a variety of Catholic moral reform agencies. Furthermore it implied that the witnesses to the Committee, particularly the clerical witnesses, provided a distorted account of prevailing standards of public behaviour. The strength of the author's reservations is reflected in the suggestion that the Carrigan Report should not be published:

> *It contains numerous sweeping charges against the state of morality of the Saorstát and even if these statements were true, there would be little point in giving them currency....Unless these statements are exaggerated (as they may easily have been owing to the anxiety of the reverend gentlemen concerned to present a strong case to the Committee) the obvious conclusion to be drawn is that the ordinary feelings of decency and the influence of religion have failed in this country and that the only remedy is by way of police action. It is clearly undesirable that such a view of conditions in the Saorstát should be given wide circulation.* (Report dated 27/10/1932 in National Archives File S 5998 p. 13/14)

Implicit in the comments of the author of the internal report is the suggestion that the Carrigan Report was the product of a minority of clerics and moral reformers who identified a reform agenda, informed by middle-class, Catholic standards of sexual morality. The internal report claimed that the Carrigan Committee had exceeded its brief

by making recommendations regarding other issues, which it deemed to be relevant to public morality. The internal reviewer also accused the Committee of exceeding its terms of reference by expanding its agenda to comment on what it believed to be aspects of public behaviour, which contributed to immorality.[23] This administrative response reflects a high degree of resistance to the construction of Irish society as one beset by high rates of sexual immorality. Furthermore the reviewer's detailed response to the Carrigan Committee's proposals regarding prostitution provide an insight into administrative attitudes to sexuality and prostitution.

The tone of the internal report makes clear that the author while, acknowledging the need for legislation prohibiting public indecency, accepted the inevitability of a certain amount of extra-marital sexual activity, particularly among the young. It is suggested in the internal report that the Committee's objective in proposing a higher age of consent was to prevent young women from engaging in extramarital sexual activity. The internal reviewer argued however that raising the age of consent would most likely result in forced marriages rather than court cases and presented a view of young women as willing participants in extramarital sexual activity. The reviewer was however concerned with the implication for men, of the Carrigan Committee's proposals for the protection of young women. It was implied in the internal report that young men would be in danger of being prosecuted for sexual crimes in cases where they had sexual relations with young women who were willing participants and who appeared to be above the age of consent. Indeed the internal reviewer appeared to suggest that the Committees' proposals were biased against men: "*Their recommendations are invariably to increase penalties, create offences, and remove existing safeguards for persons charged. Their main concern seems to be to secure convictions: they do not consider the case of the man charged in the wrong*" (Report dated 27/10/1932 in National Archives File S 5998 p.13).

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[23] The Carrigan Committee made recommendations regarding the regulation of contraception, and public dance halls and the introduction of affiliation orders.

In contrast to the prevailing Catholic construction of female sexuality, this comment reveals an acknowledgement of the existence and indeed the normality of independent female sexual desire and agency.

The efficacy of some of the proposals put forward by the Committee to respond to the issue of juvenile prostitution was also called into question. The internal reviewer claimed that raising age of consent to 18 would not deter women from becoming prostitutes. Indeed, the internal report implied that prostitution was as great a reflection of social and economic conditions as it was of standards of public morality.[24] Evident in the report is a suggestion that prostitution was inevitable and to a degree acceptable. The internal reviewer did not comment on the undesirability of prostitution, which was not condemned in the internal report as either a moral or criminal practice. Indeed the primary concern expressed by the author was for the male customer of the prostitute. Referring to the proposal regarding the raising of the age of consent, the author commented: "*If the Report* [Carrigan] *is adopted, every customer secured by these girls* [under 18] *will, possibly unknowingly, commit a serious crime*" (Internal Departmental Report on the Carrigan Committee dated 27/10/1932 in National Archives File S 5998 p.4). The Carrigan Committee's proposal to extend the definition of a brothel to include any premises in which a woman received male visitors was also rejected. Concern was again expressed regarding the implications of such a definition for men. The author of the internal report did however accept the Carrigan Committee's recommendation that a man found in a brothel should be guilty of an offence. The internal report noted however that "*a man sleeping with a woman who was not his wife might be charged with this new offence.*" (Report dated 27/10/1932 in National Archives File S 5998 p.11). What was not highlighted however was that a woman sleeping with any man other than her husband would be liable to a similar charge! Finally the internal report pointed to the financial and administrative implications of the

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[24] In rejecting the committee's proposal regarding the limitation of Dance Halls, the author commented "*The Committee might equally have concerned themselves with housing, education, unemployment or any other matter which may have an indirect effect on prostitution or immorality.*" (Report dated 27/10/1932 in National Archives File S 5998 p. 12)

Carrigan recommendations regarding prostitution, suggesting that they would result in an increase in Police responsibilities and duties while the provision of a Borstal would entail significant expenditure.

Evident in the internal report then, is the existence of an alternative discourse, one in which the moral or criminal dangers of prostitution are minimised, while the implications of legislative developments for the criminal liability of men engaged in extra-marital sexual activity are emphasised. This discourse was underpinned by an implicit acceptance of extra-marital sexual activity and of prostitution and a rejection of the notion that the country was in serious moral decline. As such the internal report draws into question the notion that there was consensus in the new state regarding issues of morality and suggests that there was some administrative antipathy toward the Catholic/philanthropic framing of sexual morality. Furthermore there is evidence to suggest that the Minister for Justice, Mr. Geoghegan S.C., accepted the internal analysis of the Carrigan Committee Report. A Memorandum to members of the Executive Council dated December 2nd 1931, informed the Council that the Minister had serious doubts regarding the Carrigan Committee's assessment of the standard of morality in the country. He believed that its recommendations should not be adopted without further inquiries being made (See National Archive File S 5998). It was also suggested in the Memorandum that the Minister favoured the circulation of the Carrigan Committee's Report to a number of Judges to elicit their views, an exercise, which he believed should proceed any decision regarding the publication or adoption of the Carrigan Report. No evidence has been found that the Report was circulated to a panel of judges. Mr. Geoghegan (Minister for Justice) did however establish an Inter-Party Committee consisting of representatives of all Dáil parties to consider the Report and make recommendations as to whether it should be given legislative effect (See NA files 6489A). Geoghegan chaired the Inter-Party Committee himself and its proceedings and report were highly confidential. The report of the Inter-Party Committee was not published and no copy has been found in the archives. The findings of the Committee can be gauged however, by reference to the heads of a 1934 Bill to amend the Criminal

Law Amendment Acts 1880 & 1885,[25] which were drawn up on the Committee's instruction. These heads formed the basis of the 1935 Criminal Law Amendment Act. Analysis of the Billheads would suggest that the Dáil Inter-Party Committee did not accept in full the recommendations of the Carrigan Committee (See NA File S 6489A). Key differences included the recommendation of an age of consent of 17 years, which was lower than that favoured by the Carrigan Committee and the suggestion that physicians should be allowed to dispense contraceptives. This latter issue has been discussed in chapter 4. The other measures contained in the Bill are considered hereunder.

## Legislating for Prostitution: The 1934 Criminal Law Amendment Bill

The legislative history, which preceded the introduction of the 1935 Act, is complex and convoluted.[26] Prior to the introduction of the Government's 1934 Criminal Law Amendment Bill, two private member Bills covering similar issues were introduced. The first was Deputy Little's Criminal Law Amendment Bill 1929 introduced in the Dáil at the end of 1929. Little's Bill was withdrawn after its Second Reading subsequent to a promise being issued by the Minister for Justice to establish a committee (the Carrigan Committee) to consider the issues addressed in the Bill. A Bill to amend the law relating to the punishment of solicitation was introduced on November 9th 1932, by deputies Ua Dubhghaill and Finlay. Their Bill was rejected without discussion as the Minister for Justice informed the house that the Government planned to establish an informal Inter-Party Committee to consider the newly completed Carrigan Report and advise on the introduction of a more comprehensive Bill. The 1934 Bill drawn up by this Inter-Party Committee is considered below but is preceded by analysis of the Dáil debate, which ensued during the second reading of Little's 1929 Bill as this is quite instructive regarding political discourses on sexual morality in the early 1930s.

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[25] The heads of the Bill are provided in Appendix 3.

[26] In the interests of clarity the key developments leading to the final passing of the Act in 1935 are listed chronologically in appendix 4.

The raising of the age of consent was portrayed in Little's Bill as a measure not to defend female minors from forced sexual intercourse but rather to protect them from their own de-stabilising 'psychology'. Little informed the Dáil that "*there is an unbalanced condition psychologically up to the age of seventeen or eighteen and it is to protect persons up to that age that the law deals with the matter*" (Dáil Debates Vol.34: 267). Increase in sexual crime against females under the age of 16 was further identified as a reason for the Bill (See Dáil Debates Vol.34: 266). Little did not however provide any statistics to indicate this increase. The involvement of young women in prostitution was also a concern and in the course of the debate, Little identified the raising of the age of consent as a measure to tackle juvenile prostitution (Dáil Debates Vol.34: 259 & 267). Of interest also in the political discussion of Little's 1929 Bill is the extent to which voluntary social workers were defined as experts on issues of sexual morality. Little acknowledged that his Bill was heavily influenced by their opinions and claimed that he had been "*supplied with a great deal of information by them*" (Dáil Debates Vol.34: 267/8). Deputies O'Connell and Keogh who advocated the establishment of a committee to examine the issue of the age of consent again bowed to the superior knowledge of the social work expert with Keogh suggesting that most politicians would "*not know as much as social workers outside know of these problems*"(Dáil Debates Vol.34: 269).

However, not all of the deputies in the house were as accepting of the social work wisdom. There was dissent regarding the raising of the age of consent. The primary opposition to the measure centred on concern for young men who would be increasingly subject to criminal suits and possibly blackmail as a result of their sexual engagement with minors. Fitzgerald-Kenny, the Minister for Justice cautioned "*if a girl of eighteen is a loose woman she may become a most terrible blackmailer*" (Dáil Debates Vol.34: 260). Women engaged in prostitution were identified as an even more likely source of blackmail. Evident in the Minister's statements was the acceptance of the existence of prostitution and an implicit suggestion that men in their dealings with prostitutes, should be afforded some protection from the danger of blackmail. Deputy O Sullivan also raised the issue of the iniquitous criminalisation of young men who engaged in sexual

activity with women under the age of consent. He appeared to assume that young women participated voluntarily in sexual activity and maintained that "*two persons commit a crime and this Bill makes it a crime for one person because of his sex and makes him liable to be punished and the other because she happens to be under 18 years of age gets off scot free*" (Dáil Debates Vol.34: 263). Furthermore O Sullivan categorized young women as sexual temptresses arguing that "*Everyone in this House knows, that girls of 16, 17 and 18 years of age are really more responsible for the offence which it is desired to punish under this Bill, than are the persons whom this Bill would punish*" (Dáil Debates Vol.34: 264). It would thus appear that the Catholic philanthropic framing of the young woman as an irrational sexual innocent was not accepted by all politicians. The Bill was withdrawn subsequent to the Minister for Justice declaring his intention to establish the Carrigan Committee and the issue of prostitution was not brought before the Dáil again until June 1934.

The Criminal Law Amendment Bill (1934) introduced to the Dáil on June 21, reflected the deliberations of both the Carrigan Committee and the special Dáil and Seanad Inter-Party Committees which considered the Carrigan Report. Given that the Bill reflected the input of members of all Dáil parties it is not surprising that the debate prompted by this latter Bill was less acrimonious than that evident in the debate on Little's 1929 Bill. The tone of the 1934 debate suggests a greater acceptance of the need for and desirability of legislation on issues of sexual morality. Another reason for the apparently greater acceptance of the 1934 Bill might be more extensive lobbying of deputies by the Catholic philanthropic lobby. There is evidence in both the Dáil and Seanad debates on the Bill that Catholic campaigners were actively seeking to influence politicians (See Seanad Debates 12 Dec.1934: 798/9). The Attorney General who introduced the second reading of the 1934 Bill in the Dáil justified the need for it by reference to an increase in offences against young girls. He attributed this development to extended opportunities for the mingling of the sexes in places of entertainment and decreased control and supervision particularly by parents. It is noteworthy that despite the internal Department of Justice reservations regarding the Carrigan Report, the Attorney General informed the Dáil that "The *ground for the measure was cleared by*

*the Carrigan Committee. The report of the Committee has been of great help in estimating the problem which had to be dealt with"* (Dáil Debates Vol.53.1246).

With regard to the issue of prostitution, the 1934 Bill introduced measures which sought to increase legislative control over prostitutes and brothel owners. In this it reflected the suggestions of the Carrigan Committee. The striking difference between the treatment of prostitution in the Carrigan Report and its treatment in the 1934 Bill is the attitude toward the male customer of the prostitute. The Bill made little effort to apportion criminal liability to men. This is evident in relation to section 16 of the Bill, which dealt with definitions of solicitation and penalties for it. Dr. Rowlette unsuccessfully argued during the second reading of the 1934 Bill in the Dáil that the prohibition of solicitation should apply to all persons and not to the category of common prostitute only, as provided for in the Bill. This recommendation had been made by the Carrigan Committee and was subsequently made by the Seanad Special Committee after their examination of the Bill. Rowlette defended his call for an inclusive prohibition on solicitation, by arguing that while the Bills proposal provided protection from solicitation to respectable men, it did not confer a similar protection on respectable women. He also recommended that section 16 be amended to ensure that no charge of solicitation could be brought on the basis of un-corroborated evidence. Such a safeguard was Rowlette argued, of particular importance for working class women:

> *The fear in the minds of working women who are out late at night is that they cannot get protection from improper molestation because any complaint they may make may be met by such a counter-complaint, and that counter-complaint, if supported and the matter goes into court, may lead to the conviction of a particular woman properly seeking protection for herself.* (Dáil Debates Vol.53.2016).

Dr. Rowlette also contested the use of the term 'common prostitute' in section 16 of the Bill claiming that it was a term without clear legal signification (See Dáil Debates Vol.53: 2014). A similar concern was expressed by the Irish Women Citizens and

Local Government Association in a letter sent to the Minister for Justice in July 1934.[27] The letter expressed the Association's opposition to the term 'common prostitute' which they argued had no statutory definition and could, under the terms of the Bill, be applied to a woman who had no previous conviction for prostitution. The letter also advocated that any charge of solicitation should require corroborative evidence and denounced the double moral standard, which lay behind the Bill's failure to penalise men for solicitation. The Minister for Justice rebutted Rowlette's argument regarding the term 'common prostitute' and claimed that the women to whom the term was applied were well know to the Police and there was therefore little possibility of mis-identification.

The failure of the 1934 Bill to impose legal sanction on the customers of prostitutes is highlighted in section 19, subsection 4, which empowers the Gárdaí to take the name and address of any man found during a search of a brothel. However no penalty is identified for such men and neither is there any suggestion that their names should be made public. This approach reflected the views of the Dáil Inter-Party Committee and was significantly more lenient than the Carrigan Committee recommendation that any man found in a brothel should be charged with aiding and abetting a crime. The Carrigan Committee recommendation to expand the definition of a brothel was also omitted from the Bill drafted by the Dáil Inter-Party Committee. As such the Inter-Party Special Committee in translating the Carrigan Committee recommendations into the 1934 Bill, removed virtually all sanctions against the male customers of prostitutes while simultaneously expanding legal control of the latter. This Bill was passed in the Dáil on August 9th 1934 with only one amendment, which related to the increase of the penalty relating to the possession of contraceptives (See Dáil Debates Vol.53: 2017).

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[27] The letter commended the introduction of the 1934 Bill and expressed the committee's support of the increased protection of young women. It was suggested that the Bill be amended to provide equal protection to boys. It was also recommended by the Committee that given the severity of the sentences suggested for sexual crimes, the courts should be empowered to refer males under the age of 21 to a Borstal or to place them on probation.

The Minister for Justice introducing the Bill to the Seanad on December 12, 1934, informed the members that numerous representations had been made to his department and advised that the department had been pressed to have the Bill passed as expeditiously as possible. Senator Douglas acknowledged that members of the Seanad had also been lobbied and had *"had points of view put very forcibly in relation to this Bill"*. (Seanad Debates Vol.19: 794-798). Senator Brown agreed with the view that the Bill was of the utmost urgency and identified its content as a matter which involved *"the honour of a country. We take a very serious view of it, because the outlook with regard to this matter is totally changing in the country"* (Seanad Debates Vol.19: 801). Brown's comment again points to the way in which standards of sexual morality were identified as emblems of national identity and symbols of national honour. Her contributions to the debate also highlight the impact of Catholic assumptions regarding sexual morality. She suggested that as part of their deliberations on the Bill, the Seanad should hear *"the views of certain clergy who have given a very close study to this matter"* (Seanad Debates Vol.19: 801). Senator Douglas was of similar mind, again identifying *"a clergyman of certain experience, or possibly some social workers"* (Seanad Debates Vol.19: 799) as the legitimate sources of information regarding what Senator Wyse-Power, elsewhere in the debate, described as *"sex problems"* (Seanad Debates Vol.19: 797). These views would imply that the senators were familiar with the Catholic philanthropic discourse on prostitution and sexual morality and that some were accepting of it. The delicacy of such problems was also alluded to in both the Seanad and Dáil debates on the topic, as was the desirability to debate them in private as far as was possible. This was achieved in the Dáil through the establishment of the Inter-Party Committee who fashioned the heads of the 1934 Bill and Senator Colonel Moore advised the Seanad during the second reading of the Bill that *"this...is not a pleasant subject to discuss in public. ... I now propose that this Bill be referred to a Special Committee of the Seanad"* (Seanad Debates Vol.19: 797). A nine person Special Committee was thus established to review the Bill and reported on February 6th 1935.

The report of the Seanad Special Committee, unlike the report of the Dáil Inter-Party, Committee was published. The Seanad Special Committee tabled a number of amendments to the 1934 Bill as passed by the Dáil. These included the raising of the age of consent set at 17 in the Bill to 18 and the raising of the age to which girls received protection from certain acts from 15 to 16. The Seanad Committee also suggested the extension of the charge of solicitation to cover all categories of potential offender and the deletion of the total ban on contraception included in the Bill. This latter issue is discussed in chapter four. Of primary interest here however is the debate which ensued regarding the Seanad Special Committee's proposal that solicitation be an offence applicable to all persons and not just to the class described as common prostitutes. Prior to considering the implications of the debate over this issue, it is necessary to look at the wider debate which ensued at the Report Stage regarding what some senators defined as an attempt by the Government to veto any discussion of the amendments suggested by the Special Committee. The Minister for Justice informed the Seanad that it was not necessary to discuss the Bill at length as it had been shaped by the Dáil Inter-Party Committee and was not therefore marred by party political concerns. Senators Blythe, Farren Comyn, Staines, Toal and O'Connor supported the Minister's position and suggested that the house should pass the Bill without any discussion. Farren summed up this attitude when he declared that "*in the public interest and in the interest of all concerned it would not be advisable to have a public discussion on the details of this Bill if it could be avoided.*" (Seanad Debates Vol.19: 1219). This position, which was also advocated by the Hierarchy, was however countered by a number of Senators including Senator S.L. Brown who had chaired the Seanad Special Committee. He argued that the Committee would have been a farce if the Seanad was not to be allowed to debate any of the amendments which it had made. Senator Johnson decried the Government's efforts to limit public discussion of the issues contained in the Bill and informed the house that the amendments were "*put out because discussion is not to be allowed publicly on the subject with which the bill deals. I lived for a long time in the Victorian age and the greatest blot on the Victorian age was its refusal to discuss facts when people thought there was something indecent or immoral or something else about them. Surely we ought not to do that now.*" (Seanad Debates

Vol.19: 1223). The debate which did ensue revealed that in relation to sexual offenses and prostitution, the Special Committee had advocated measures which would have facilitated the increased policing of male sexuality through the prohibition of male solicitation and the increase of the age of consent applying to certain sexual offenses. Senator K. Brown defending the Special Committee's recommendation of 18 as the age of consent pointed to the fact that Northern Irish and English law afforded greater protection to young women. She advised that Ireland ".. *with all our posing about chivalry, modesty and all the rest,*[should] *show that it is not mere hypocrisy."* (Seanad Debates Vol. 19: 1230). Her namesake, Senator S.L. Borwn, concurred declaring himself to be "*absolutely convinced that a child of 18 in this country, a little girl, is not merely as old as a girl of the same age living in either England or Northern Ireland, and that we are depriving such a child of the protection that this measure would give her if the age were put at 18"* (Seanad Debates Vol. 19: 1233). These contributions aptly highlight the way in which ideals of sexual behaviour, particularly the sexual integrity of women, were quite consciously espoused as symbols of national identity.

The debate, which surrounded the Seanad Special Committee recommendation that the offense of solicitation also be applicable to men, revealed dissenting views. While legislation to monitor the sexual activity of women was considered to constitute protection, some Senators saw the application of similar sanctions to men as an infringement on men's rights! Senator St. John Gogarty in contesting the amendment asked, "*Is a man to have no privacy or no liberty"* and suggested that the amendment could result in any man alone in a vehicle being suspected of soliciting (Seanad Debates Vol. 19: 1242). Senators S.L. Brown and Johnson countered and insisted that male solicitation was a*" grievous evil that was prevalent in this city"* (Seanad Debates Vol. 19: 1236). The Minister for Justice rejected the amendment however and it, along with all of the other amendments suggested by the Seanad Special Committee was defeated. The Criminal Law Amendment Bill, 1934 was thus passed by the Seanad on February 5th 1935. The process concluded with an extension and copperfastening of the criminal status of the prostitute and of the mechanisms designed for her control.

## Conclusion

### Framing

The analysis undertaken in this chapter clearly indicates that the impetus for action on the issues of prostitution and sexual crime came not from legal, political or administrative sources, but from the agitation of Catholic moral reformers. By taking the initiative in terms of naming and defining prostitution the Catholic lobby were largely successful in having their construction of prostitution as a moral problem accepted at the wider political level. The location of prostitution within the moral domain legitimized Catholic philanthropists as expert authorities on the topic. Furthermore the identification of prostitution and indeed VD as issues of sexual morality served to ensure that they were not debated in a broad public forum. Opportunity for the emergence of contradictory discourses which may have forced a reframing of the issues was thus reduced. [28]

Two distinct constructions of the prostitute emerged in the Catholic philanthropic discourses. In the first the prostitute was defined as an economically destitute unmarried mother, full of shame at her predicament and eager for reformation. The second construction of the prostitute cast her as a deviant and a hardened criminal who embodied the threat of both moral and physical contagion. In either guise the prostitute was ultimately a symbol of unregulated sexuality and as such presented a challenge to the notion of superior sexual constraint, which was identified as a distinguishing national characteristic. Furthermore, as a woman operating in the public domain in breach of familial or marital control she contravened the prescribed norm of Irish womanhood. A post-structuralist understanding of power as productive and disparate, cautions against the facile assumption that the Catholic lobby's interpretation of the

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[28] Neither the Inter-Departmental Report of Inquiry Regarding Venereal Disease or the Carrigan Report were published and select committees were established in both the Dáil and the Seanad to discuss the 1934 Criminal Law Amendment Bill. This would suggest a definite Governmental reticence to generate public discussion of either prostitution or VD. Moreover, the views expressed by many politicians during the parliamentary debates on the 1934 Bill indicate that there was a high degree of political consensus regarding the unsuitability of prostitution and sexual crime, as topics for public discussion.

prostitution issue, or their recommended response to it, remained unchallenged. Members of the medical profession, in evidence to the 1926 inquiry on VD, sought to reframe sexual behaviour as a public health issue around which education was required. They stressed the need for prostitutes to be detained for treatment and denounced the Catholic reformist's advocation of the closure of brothels, arguing that it led to a greater spread of VD. A Department of Justice administrator who reviewed the Carrigan Report on juvenile prostitution also resisted aspects of the Catholic discourse. The administrator questioned the need for an increased age of consent and the need for increased penalties for men who had sex with women who were under age or were prostitutes. Grave concern was expressed regarding the potential legal implications of such legislation for men. Furthermore the reviewer implied that many under age women were willing participants in sexual activity and that prostitution was an inevitable and to a degree acceptable reality. Opposition to the Catholic framing of the prostitution issue was also forthcoming from individual politicians as revealed in the parliamentary debates on the 1935 Act and the proposals introduced by the Act reflected omissions and modifications of the changes proposed by the Catholic philanthropists.[29] Despite these changes the Catholic lobby had significant success in promoting legislative reform and philanthropic practices which extended the surveillance and regulation of female sexuality.

**Sexuality and Social Control**

The legislation embodied in the 1934 Criminal Law Amendment Bill institutionalised particular assumptions regarding male and female sexuality, assumptions, which were clearly articulated in the Catholic discourses of the day. Adolescent female sexuality was deemed unstable and hence in need of protection while male sexuality was constructed as a force which had to be allowed expression. In consequence the 1935 legislation led to an expansion of statutory mechanisms to control female sexual activity. A key development was the increase of the age of sexual consent. This

[29] The failure of the 1935 Act to criminalise the clients of prostitutes or to effect a more significant increase in the age of consent or more expansive powers for the policing of prostitutes reflects a deviation from the recommendations made by the Catholic campaigners.

measure extended the scope of the statutory surveillance and regulation of the sexual activity of all young women. Deviant women such as prostitutes were particularly targeted by the Act, which introduced the offence of solicitation. This measure applied exclusively to women who were known or suspected by the Police to be common prostitutes. As such it served to institutionalise the sexual double standard, there being no corresponding criminalisation of males who engaged the services of prostitutes. The extension of Police powers for the search of suspected brothels subjected female behaviour to further statutory scrutiny while the application of the Probation of Offenders Act (1907) to the crime of solicitation provided another mechanism for institutional and professional regulation of errant young women. These legislative measures would have had greater impact on urban, working class women, who, by virtue of their social and vocational positions, were most likely to be independent, female inhabitants of the public spaces which fell under the legislative gaze. As such, these measures introduced by the 1935 Act constitute apparatuses of social control and manifest the technologies of power identified by Foucault. Technologies of power which were both classed and gendered, being overwhelmingly directed at young, urban, working class women.

Mechanisms of control were not however limited to the statutory sphere. Rather, the range of reform activities initiated by Catholic philanthropists represented an expansion and intensification of the surveillance of female sexuality. The Magdalene Asylums managed by orders of nuns operated strict regimes for the discipline of inmates while the lay, and primarily female, army of the Legion of Mary actively infiltrated the workplaces of the prostitute and the prisons in search of souls to save. Such moral reform expanded the mechanisms of power available for the control and punishment of the prostitute. Prostitutes were categorised as healthy or diseased, first timers or common prostitutes, and juveniles or hardened women. Their activities were subjected to surveillance by missionaries from the Legion who located patrols outside suspected brothels and actively canvassed the women who worked in them to leave and enter the Legion Hostel. Lady Visitors from the Legion attended the prisons and Lock hospital on a similar mission. Smart (1992:29) suggests that this type of work constituted an

attempt to re-domesticate "*apparently eroticised women*". It would also appear to represent an effort to discipline unruly and potentially diseased working class women and to remove them from the public sphere, thus rendering it free from vice and contagion.

The failure of the Irish Government to acknowledge let alone address the material conditions such as unemployment, poverty, poor housing, overcrowding etc which contributed to prostitution in the new State, implies that there was little statutory commitment to tackling the problem. Yet a range of punitive legislative measures were introduced for the regulation of prostitution and sexual crime. Why? The analysis undertaken in this chapter would suggest that the 'prostitute' who was of concern to philanthropists and legislators in the new Irish State, was to a large extent the product of Catholic philanthropic discourses which sought to both construct and control this 'fallen' woman. It would appear that this framing of prostitution as a problem requiring redress and the construction of the prostitute as an abnormally eroticised, urban, working class woman served the interlocking interests of Church and State in the newly independent Ireland. I would argue that the interests of Church and State fused on the terrain of the ideological definition of nationhood. The vision of Irishness, which the State wished to promote i.e. that of a culturally distinct, economically independent country, was enhanced by the cultural signification which Catholicism provided to the Irish nation. The notion of superior Irish purity promoted by the Catholic Church rendered sexuality significant as a cultural emblem. Furthermore the identification of working class, female sexuality as particularly problematic meant that philanthropic practices and legislation, which targeted the behaviour of this group had the potential to simultaneously reassert national identity and consolidate the class and gender status quo. The legislation enacted in 1935 did not impinge on the traditional male privilege of buying access to female sexual compliance, while the moral reform work of groups such as the Legion of Mary sought to instill in wayward girls the middle class values of cleanliness, chastity, and domesticity. Foucault asserts that the deployment of sexuality may have objectives other than the control of sex per se. The deployment of sexuality was embraced by the bourgeoisie of the nineteenth century as a means of preserving

class superiority. It may be that in the period under study, a similar deployment of sexuality provided both Church and State with a means of expanding the cultural identity considered appropriate by the middle- class political and religious hierarchies of the day.

# Chapter Seven: Conclusion

## Introduction

This thesis has examined the Catholic and Statutory discourses of female sexuality which abounded in the first two decades of the Irish State and has considered the mechanisms of control employed at that time to regulate women's sexual behaviour. It has been demonstrated that during this period sexuality, and in particular female sexuality, became established as an icon of national identity. I have shown how this identity was given symbolic embodiment in the discursive construction of an idealised, feminine subject, a subject who had purity and sexual morality as her defining characteristics. This thesis has revealed that female roles and in particular female sexuality, emerged as contested issues in post-colonial Ireland. Furthermore, it has illustrated that through a process of identification and classification, women, whose behaviour contested the prescribed sexual norm, were categorized and labeled as 'wayward girls' 'unmarried mothers' or 'prostitutes' and mechanisms for their control were set in place. Finally, this thesis has demonstrated that the deployment of these control apparatuses was mediated by class, with the sexuality of working - class women being a primary target of surveillance, regulation and indeed reformation.

Drawing on the work of feminists such as Kandiyoti (1993) Anthias & Yuval Davis (1994), this thesis has highlighted the symbolic role ascribed to female sexuality in post-colonial Ireland and has demonstrated how a particular construction of womanhood came to inhabit the cultural space defined as real or natural. Such analysis contributes to an increased understanding of the sexual heritage of Irish women and of their positioning in relation to the State after independence. This understanding is of particular significance in the context of the critical attention currently being paid to the way in which unmarried mothers were treated by Irish society in the past and in particular by Church run institutions. This thesis also contributes to the body of feminist scholarship that has sought to develop the work of Foucault. My finding, that expressions of power over female sexuality in the new

State were mediated by class and gender, points to a difficulty with Foucault's work. Foucault fails to consider how practical expressions of relations of power can coincide to serve the interests of particular class or gender groups (Ramazanaglou 1993). In examining this coalition of interests in the context of my study of female sexuality in the new State, I have added to feminist scholarship which seeks to expand the utility of Foucault's contribution to feminism. My findings also raise questions regarding the Foucaldian concepts of resistance and counter discourse. This thesis demonstrates that few counter discourses emerged to challenge the Catholic discourse on sexuality and that those which did had limited efficacy. Furthermore, it reveals that women as a group did not mount a counter discourse to Catholic constructions of sexuality. Evidence of individual acts of resistance was found, however this resistance was not articulated in a way that would pose a discursive challenge to prevailing power/knowledge constructs. Such findings point to Foucault's failure to consider the myriad and indeed partial forms which resistance can take and to acknowledge the difficulty that some groups may face in articulating their experience or definition of events. As such this thesis contributes to the work already undertaken by theorists such as Cain (1993) and Bordo (1993) who highlight the existence of female experiences or actions which are not articulated because they have not yet been named discursively. Finally, by highlighting the multiple constructs of 'woman' that abounded in the discourses and the various roles which women played in the sexual regulation of other women, this thesis points to the limitations of identity politics.

The research design employed in the thesis, i.e. the concentration on Catholic and Statutory discourses and the adoption of critical discourse analysis as research method, successfully revealed the dominance of Catholic definitions of sexuality in the new State. However, the focus on written texts which had infiltrated the statutory or official discursive process, created difficulties in relation to locating evidence of female resistance to prevailing discourses. The fact that much female resistance took the form of the individual exercise of choice as distinct from the articulation of a discursive challenge, points to the need for feminist research to consider ways of revealing the unarticulated experiences of women. These unarticulated experiences may be subsequently formulated as counter discourses that pose a challenge to prevailing norms.

The remainder of this chapter provides a more detailed exposition of the research findings.

## Symbolic Sexuality

My objective in this thesis was to explore the relations of power which operated in the construction and regulation of female sexuality in post-independent Ireland. One starting point was an examination of the role which gendered constructs of sexuality played in the determination of national identity. Analysis of the relationship between gender and identity was necessary to determine why female sexuality became a particular focus of regulation in the new State. Constructions of gender are closely entwined with constructions of national identity and serve to delineate that which is considered 'other' to this identity. Culture and identity formation cannot however be understood without reference to the political and economic milieu in which they develop. Post independence Ireland was characterised by severe economic difficulty and political instability and I would argue that the philosophy of nationalism adopted was located within what Kandiyoti (1993) has usefully described as an anti-modernist model of cultural nationalism. The construction of nationhood in post-colonial contexts is, she argues, frequently predicated on appeals to a distinct history and culture. However, the developments which often follow independence can result in appeals to unifying tradition being made in the context of modernising influences which challenge and undermine this traditional vision of nationalism. Based on her work on Middle Eastern nationalism, Kandiyoti (1996) argues that tensions between tradition and modernity are often played out in the negotiation of the citizenship of women. This thesis demonstrates that these tensions were crucial to the determination of Irish women's relationship to the State after independence and reveals that this relationship was heavily influenced by the Catholic discourses of femininity and female sexuality which emerged in the Irish Free State.

I have shown in chapter three that the modernising influences of industrialisation, commercialism and materialism were virulently condemned by the Catholic Church during the early years of the new State. Throughout the nineteen-twenties and

nineteen-thirties the Catholic Hierarchy and Clergy passionately denounced the evil influence of the imported print-media, films, jazz, unsupervised dances and modern female fashions. These denunciations can be read as an effort by Bishops and Clerics to counter modernising influences in Irish society. My analysis indicates however, that this anti-modernist stance was most clearly articulated in Ecclesiastical and Clerical pronouncements regarding women and in particular in the narratives of female sexual behaviour which they popularised and promoted. I have identified a number of reasons which explain the concentration of the Catholic gaze on the behaviour of women in the new State. The most salient reason relates to the construction of femininity in the Roman Catholic tradition. As I have demonstrated in chapter three purity and commensurate sexual morality were at the core of the Roman Catholic feminine subject and essentialist arguments about women's natural disposition for morality were central to the construction of the female role of moral and physical nurturance within the marital home. The centrality of woman's role as transmitter of the faith and reproducer of the faithful, explains Clerical and Ecclesiastical concern about developments which might threaten the Catholic woman's commitment to her ascribed task. One such development was the challenge posed by the demands of international feminism. The location of feminism as a movement within the wider forces of modernism was perceived as a challenged by the Irish Church in the new State. As has been shown in chapter three, the international Catholic Church was highly resistant to feminist demands for increased rights and liberty. Feminist discourses represented an appeal to notions of justice and equality, concepts, which were anathema to the construction of femininity and female roles in the Roman Catholic tradition. A final reason identified in this thesis for the concentration of Catholic concern on the behaviour of women, relates to the challenge which changing patterns of female behaviour were posing to the status quo in the new Irish State. Irish women in the early twenties were experiencing some limited improvement in their status. As I have shown in chapter three, women were enfranchised and some were availing of increased opportunities for employment in the industrial and public service sectors. My analysis would suggest that women who took employment outside the domestic sphere, who engaged in modern leisure pursuits and who wore modern fashions, were perceived by the Clerics and Bishops in the new State as a physical manifestation of the impingement of modernity. Furthermore I would argue that

these 'modern' women were construed as a challenge to prevailing gender and class dichotomies. Women's employment in the public or industrial sector and their un-chaperoned attendance at dances, movies etc represented the encroachment of a more active, independent feminine subject into public domains which were previously the preserve of men. The spread of public dances to which no invitation was required and the adoption of universalised trends in fashion[1] which de-emphasised class difference served to blur boundaries between different class groups. My findings would thus suggest that fear of women's increased contestation and possibly rejection, of the role of homebased nurturer prescribed in the Catholic tradition was at the root of Ecclesiastical and Clerical concern regarding female behaviour in the early decades of the new State.

The analysis outlined above explains why female behaviour incited the attention of the Church in the new State. It is also necessary however, to explain my findings regarding the State's willingness to acquiesce with Church demands for an extension of legislative measures to regulate female sexual behaviour. My analysis would suggest that State acquiescence was forthcoming because the Catholic discourses of the post independence period succeeded in establishing a particular construct of womanhood as the symbolic standard-bearer of national identity. This thesis has demonstrated how Ecclesiastical and Clerical discourses manipulated religious and cultural sentiment to construct a symbolic Irish woman who embodied distinctive characteristics and behaviours which not only symbolised Ireland's difference from it's English, Protestant neighbour but more importantly established the moral superiority of the new Catholic State. This selection of woman as a signifier of cultural nationalism was not unusual. As noted in chapter three, Ireland has long been represented by female imagery, most usually in the form of a beautiful woman or a sorrowing mother. Furthermore the work of theorists such as Anthias &Yuval Davis (1994), Meznaric (1994), Moghadam (1994), Papanek (1994), suggests that women are frequently constructed as symbolic 'bodyguards' delineating boundaries between groups and transmitting traditional cultural values. This thesis reveals that such a process is discernible in the new Irish State. I have shown how Catholicism and nationalism were clearly conflated in both Catholic and Statutory discourses and

[1] Valiulis (1997) following de Grazia (1992) makes this point in her article.

have demonstrated that the woman spawned from this union was defined as both the physical and symbolic link between a Catholic Gaelic past and the Catholic Gaelic future made possible by independence. She was charged not only with the physical reproduction of the future generation but of their inculcation with the values of a traditional Irish culture, which predated British colonisation. Furthermore my analysis has revealed that this idealised feminine subject was located in the private domestic realm and was characterised by passivity, purity and selfless commitment to family, Church and nation.[2] This construction of Irish womanhood did not however reflect the reality of many women's lives. Women whose behaviour challenged this idealised construct, particularly women who deviated from the norm of sexual purity were, as this thesis reveals, severely censured. The role which officials of the Catholic Church and Catholic philanthropists played in the definition of deviant female sexuality and in the engineering of mechanisms for its control is considered in the next section.

## Problematic Sexuality

The thesis clearly demonstrates the process through which Catholic discourses generated a moral crisis over sexuality in the new Irish State. The distinction Hawkes (1996) identifies between reproductive sex and conjugality is useful in locating these Irish discourses in a wider context. Hawkes (1996) argues that in Britain reproductive sex, which occurred within the context of heterosexual marriage was deemed normal from the early 1900s onwards, however non-procreative sex was considered a threat to family life and public morality. This thesis reveals that a similar distinction was made in Irish Catholic discourses in the new State. My findings suggest that sex was deemed to be a topic unsuited to public discussion but one which Bishops, Clerics and Catholic philanthropists acknowledged to be their reluctant duty to address. Furthermore this research has demonstrated that engagement in sexuality was seen as a marital duty as distinct from a natural desire and that even within the marital context, sexual activity was legitimate only if facilitative of conception. Foucault's analysis of the process of identification,

[2]The ascription to women of a subservient home-based role is also to be found in the discourses of the other Christian Churches of the time and indeed was reflected in wider political ideologies of thenineteen-twenties.

classification and subsequent persecution of deviant sexualities proved useful in understanding how deviant sexual characters such as the unmarried mother and the prostitute were constructed in the new Irish State. The identification of a deviant sexuality was dependent on the prior identification of a normative sexuality.

My findings reveal that the Catholic discourses promulgated in the new State contained cogent descriptions of what constituted normal female and indeed male sexuality. I have shown that women were largely defined as asexual beings who lacked independent sexual desire or agency. Many examples have been provided to support this conclusion. Denunciations of young women's mode of dress were coupled with assertions as to the innate purity of these women and a rejection of the idea that their choice of garb was sexually motivated. Unmarried women who had only one 'fall' were cast in the role of gullible, foolish victims and were denied any independent sexual agency. Furthermore the susceptibility of young women to the sexual advances of men was explained in terms not of sexual responsiveness but in terms of mental or psychological instability. Thus I would conclude that Irish Catholic discourses of the twenties and thirties defined the ideal Catholic Irish woman as a passionless and asexual subject.

In contrast to the sexual anesthesia ascribed to women in the Catholic discourses, my analysis reveals that men were constructed as aggressive sexual agents. Despite the assertion in some of the discourses that the notion of male sexual incontinence should not be accepted as an excuse to justify leniency toward the fathers of illegitimate children or towards men who engaged the services of prostitutes, this very idea was employed in the definition of male sexuality as an active force. I have shown that in the Catholic discourses on extramarital pregnancy, men were described as 'seducers', 'delinquents', 'designing blackguards' and 'wily corrupters'. All of these descriptions bestow sexual agency on men, acknowledge their possession of sexual desire and attribute to them primary responsibility for the instigation of sexual activity. Similarly the Catholic discourses on prostitution suggested that men 'flocked' to young prostitutes and acknowledged that a certain amount of prostitution may be inevitable given the needs of men with depraved appetites. Furthermore my analysis would indicate that female sexual activity was constructed as a mere response to a defining male sexual force, with women only accorded agency with regard to the extent to which they assisted male self control or

exacerbated male sexual incontinence. The work of feminist writers such as Dworkin (1981 &1987), Jeffrys (1985), Rich (1986) & MacKinnon (1987) proved helpful in conceptualising my findings regarding the differing constructions of male and female sexuality. These writers have highlighted the way in which dominant truths regarding male heterosexuality have served as the normative referent of sexual behaviour. This thesis has demonstrated that in the Catholic discourses of sexuality which abounded in the new Irish State, sexuality was constructed as essentially male and heterosexual. Furthermore, my analysis would suggest that these Catholic definitions of normative female sexual passivity and male sexual agency proved highly significant in the identification of certain female behaviours as deviant and in the design of mechanisms to address this deviancy. I would suggest that the Catholic definition of sexuality as an essentially male force had the implication of rendering women's involvement in extramarital sexual activity highly deviant and threatening. This deviancy was embodied in the material reality of women's experience of extramarital pregnancy and prostitution.

The feminist problematisation of the concept 'woman' (Sawicki 1991, Smart 1992) has highlighted the way in which particular groups have been defined as 'other' to a prescribed norm. This insight proved useful in my analysis of the construction of deviant female sexualities in the new State. This thesis has demonstrated that the unmarried mother and the prostitute were framed in both the Catholic and statutory discourses of the day as 'other' to natural, respectable Irish women. Furthermore my findings highlight the way in which a range of fragmentary and indeed contradictory definitions of female sexuality were constructed to accommodate the diversity of female sexual behaviour which existed in the new State. The unmarried woman on her first 'fall' was constructed as psychologically unstable as distinct from sexually active and hence remained within the discursive domain of normal womanhood. She was described throughout the discourses as 'frail', 'ignorant', weak-willed', 'wayward', and 'a victim of folly rather than depravity'. The notion of mental incompetence was employed to explain the actions of women who had more than one 'fall'. Again the rational sexual agency of such a woman was denied and she was classified as a 'semi-imbecile' who was 'mentally deficient'. As such she was different from the normal woman but her difference was predicated on mental ability as distinct from sexual desire. My analysis would indicate that the woman who

engaged in frequent sexual activity and earned a reputation as a prostitute, was alone in being constructed as a social actor within the Catholic philanthropic discourses. I have shown however that her sexuality was framed in a discourse of perversity which located her outside the domain of normal womanhood and thus reinforced the definition of normal female asexuality constructed by the priests, Bishops and philanthropists of the day. This thesis has thus revealed the schema of classification that was employed in the Catholic and Statutory discourses of sexuality which prevailed in the new State. My findings also illuminate the process through which this system of classification gave rise to a range of formal and informal mechanisms to address the sexual deviancy identified.

This thesis demonstrates that the various explanatory paradigms invoked in the Ecclesiastical, Clerical and Catholic philanthropic discourses of the new State, were significant in the determination of the disciplinary measures which emerged to regulate unruly feminine subjects. I have shown how the definition of young women as emotionally and psychologically unstable justified calls for more extensive legal protection to increase the surveillance of juvenile sexuality. Framing the first-time unmarried mother as gullible and sinful, yet inherently good, legitimated the provision of assistance to such women. The emphasis placed on the sinfulness of the unmarried mother required however, that such assistance should have a religious as well as a temporal dimension and hence should be managed by Catholic Clerics and nuns. Identification of the abnormality of the woman who had more than one extramarital pregnancy supported policies which segregated first time and subsequent offenders. Highlighting the role of prostitutes in the spread of disease and the disruption of public order legitimated demands for stricter legislation regarding the policing of brothels and the prosecution of solicitation. The contrary portrayal of the prostitute as a destitute victim capable or desirous of moral reclamation justified calls for statutory funding of Catholic organisations seeking the redomestication of fallen women. These examples clearly indicate how the explanatory paradigms invoked in the Catholic discourses of the new State contributed to the identification of appropriate mechanisms for the regulation of sexual deviancy. This thesis also provides an analysis of the power effects which were generated by this system of identification and classification.

## Constructed Sexuality: Resonance & Resistance

The Ecclesiastical/Clerical and Catholic philanthropic discourses of the new State incited both the laity and politicians to address the issue of sexual morality. Evidence has been presented throughout this work which demonstrates the central role that Ecclesiastics, Clerics and Catholic philanthropic organisations played in problematising sexuality and establishing 'sex problems' as political issues requiring urgent response. Pastoral letters from the Hierarchy throughout the twenties and thirties constructed an agenda of issues including evil literature, contraception, female fashion, modern dancing and extramarital pregnancy which were defined as urgent moral problems requiring redress. Both Clergy and laity were exhorted to influence public opinion on such issues and to ensure that public policy and practice was in accordance with Catholic principles. Organisations such as the Catholic Truth Society and the Vigilance Association, emerged in opposition to evil literature; the league of St. Bridget and the Mary Immaculate Modest Dress and Deportment Crusade responded to Ecclesiastical demands for public action on female fashion; a range of Catholic rescue organisations and residential institutions emerged to address the unmarried mother and souper problem and the Legion of Mary spearheaded efforts to counteract prostitution. Many of these organisations were headed by clerics and all worked in tandem with the wider Clerical and religious community. It is difficult to estimate the numbers affiliated to such organisations or their geographical spread. The Catholic Truth Society sought to establish groups in every town, the organisations challenging modern fashions worked through the network of convent schools and the Vigilance Association developed the *Irish Rosary* newspaper as a campaign tool. However the analysis undertaken in this thesis would suggest that for the most part, Catholic moral campaigners found it difficult to generate public interest in or support for their causes. Frequent references are made to the importance of generating public demand for the legislative changes being advocated by the Catholic reform organisations and to their difficulty in eliciting this type of active support from the laity. The apathy of the laity regarding campaigns around sexual morality and indeed their perceived resistance to Ecclesiastical and Clerical instruction regarding issues such as attendance at dances, fashion, reading of

foreign papers etc is alluded to in the Ecclesiastical/Clerical and Catholic philanthropic discourses of the period. My findings would suggest that only a limited number of individuals, primarily clerics, such as Fr. Devane, spearheaded the campaign to address issues of sexual morality and succeeded in establishing such issues on the political agenda of the day.

This thesis has demonstrated that limited though it may have been, the Catholic lobby which emerged in the new State was highly effective. It was the driving force behind the establishment of the key commissions which considered issues related to sexual morality i.e. the 1926 Commission on Evil Literature and the 1931 Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (Carrigan Committee). Furthermore members of the Catholic lobby furnished extensive 'evidence' regarding the moral standards of the country to the two other key statutory inquiries which reviewed aspects of sexual behaviour namely, the Committee of Inquiry Regarding Venereal Disease (1926) and the Commission on the Sick and Destitute Poor (1927). I have shown that the framing of 'sex problems' within this evidence and the meaning ascribed to the behaviour and role of women, were significant in determining the legislative and political framework within which these issues were addressed. As well as contributing to the definition of 'sex problems' the Catholic lobby also developed an explicit agenda for legislative action on the issues of legitimacy, affiliation orders, maternity homes, evil literature, contraception, age of consent and prostitution. All of these topics became the subject of legislation between 1929 and 1935, resulting in a body of acts which gave legal import to the demands of the Catholic lobby. Evidence has been presented of the key role played by Fr. Devane in pushing the Catholic agenda forward. He presented information to the statutory committees, made deputations to Ministers for Justice, rallied the Clergy through his involvement in the Priests Guild and articles in Clerical journals and engaged with the laity in direct work in a Rescue Society and in the Legion of Mary. My findings suggest that direct lobbying of ministers and politicians appears to have been a frequently used tactic of the Catholic lobby. During the debates on the Affiliation Order Act (1930) and the Criminal Law Amendment Act (1935) politicians in both Houses of Parliament made reference to deputations from and direct lobbying by members of the Catholic lobby. More significantly the spokespersons of the Catholic lobby were acknowledged by many

politicians as expert witnesses on the topics of extramarital pregnancy, contraception and prostitution. The evidence presented in this thesis indicates that the influence of the Catholic lobby was significant in securing the passage of legislation such as the 1929 Censorship of Publications Act, The 1930 Affiliation Order Act and the 1935 Criminal Law Amendment Act. Furthermore my analysis reveals that the Catholic lobby, backed by the Hierarchy, was influential in ensuring that there was but limited public political debate on certain issues. Issues relating to sexual morality, e.g. contraception, venereal disease, prostitution etc were identified in the Ecclesiastical, Clerical and the Catholic philanthropic discourses of the new State as topics unsuited to public discussion. This reticence to publicly debate such issues would appear to have influenced the Government's decision not to publish the 1926 Report of Inquiry Regarding Venereal Disease and the 1931 Carrigan Report. Furthermore this thesis has demonstrated that an effort was made to limit parliamentary discussion of the 1934 Criminal Law Amendment Bill through the introduction of special Dáil and Seanad committees to consider it. Indeed it was in relation to this Bill that the power of the Catholic lobby was most obvious. The Carrigan Committee was a Governmental response to intense lobbying frm the Catholic lobby for legislative initiatives to address what they defined as a seorious decline in standards of morality and it collected evidence primarily from clerics and Catholic lay social workers. A key recommendation of the Carrigan Committee was the prohibition of the sale or importation for sale, of all forms of contraceptives. Despite the reservations of Department of Justice administrators regarding the partiality and accuracy of the Carrigan Report, its recommendation regarding contraception was included in the draft Criminal Law Amendment Bill put before both Houses of Parliament in 1934. The special committee of both houses rejected section 17 i.e. that which dealt with contraception, yet with much prompting from the Minister for Justice, the section was accepted when put to the vote among the full body of the houses. My analysis suggests that the influence of the Catholic lobby was predicated on their affiliation to the official views of the Hierarchy and on their experience as 'social workers' directly engaged in work with sexually deviant women. Members of the Clergy, religious sisters and lay Catholics were providing an array of services to women considered sexually deviant. Catholic rescue organisations, mother and baby homes, Legion of Mary hostels and Magdalene asylums were operating specific services against a background of statutory inactivity. The County Home and the prison, the

generic statutory response to destitution and deviancy, were the extent of the statutory response to the unmarried mother and the prostitute in the new State. Through the provision of specialised services the Catholic lobby provided a resource to an economically challenged administration for whom unmarried mothers and prostitutes were a low budgetary priority. As monopoly holders in this area of service provision the Catholic lobby were well placed to establish themselves as authoritative experts best equipped to define and respond to sexual deviancy. The findings of this thesis would thus indicate that a number of factors facilitated the emergence of the Catholic lobby as the dominant force in the social construction of sexuality in the new State. These include, the discursive construction of asexual woman as cultural signifier, the centrality of Catholicism to national identity, the paucity of statutory services and administrative resources and the instability of the Irish political scene.

Recourse to Foucault's theory of power is useful in explaining how this occurred. He argues that power in modern society assumes a normative guise being exercised through the creation of ruling discourses, which are seen to provide the truth of a situation. My analysis has shown that the political, social and economic circumstances of the first two decades of the Free State facilitated the emergence of the Catholic discourses of sex as ruling discourses. Bishops, clerics and Catholic philanthropists were identified as the holders of truth regarding sexuality and the power created in the discourses they promoted permeated both the public and private sphere. In the public realm legislative developments and philanthropic practices inspired by the Catholic lobby prompted an extension of bio-power as manifest in increased surveillance and regulation of female sexual behaviour. The 1935 Act, which expanded police power in relation to the prosecution of women for solicitation and raised the age of consent, permitted greater public surveillance and control of female sexual activity and extended the number of sexual relations which could be classified as deviant and illegal. Women applying for financial support from the putative fathers of their illegitimate offspring under the Affiliation Order Act 1930 were obliged to recount the details of their seduction and fall and in so doing confess and indeed catalogue their sexual aberrations. Foucault's concept of the deployment of sexuality proved useful in theorising these developments. My findings indicate that behaviours or relations which were previously unregulated or less strictly

regulated, became defined as problematic or perverse and were subjected to increased observation and control. Furthermore, the legal strictures and indeed the philanthropic practices which operated in tandem with them reflect a revival of what Foucault has usefully defined as the deployment of alliances. Affiliation orders sought to legally re-establish the financial obligation of the father to his illegitimate offspring while the practices of philanthropic groups and institutions working with unmarried mothers and prostitutes sought to re-domesticate wayward women and re-establish at another level the system of kinship control which operated at the private level of familial relations. This thesis has demonstrated however, that the power exercised through the Catholic discourses was not centralised in legislative and administrative practices. It permeated formal and informal relationships and created a network of power relations, which infiltrated an array of social practices. I have shown how pastorals and sermons exhorted parents to exert control over sexuality in the private realm. Teachers and religious were accorded similar responsibility within the educational sector and a range of localised organisations reiterated the Catholic discourse among target populations.

The findings in this thesis indicate however that the legal and philanthropic modes of regulation, which emerged in the new State were both gender and class specific. Feminist theorists building on Foucault's work (Sawicki 1991, Smart 1992) have highlighted the potentially 'gendered', 'classed' and indeed 'raced' nature of any discursive construct. The employment of standards of female sexual morality as a marker of class and ethnic identity has also been noted by feminist scholars (Nead 1988, Kandiyoti 1993, Anthias & Yuval Davis 1994). The application of their insights to the discourses analysed in this work reveal that the classification of sexuality was indeed mediated by class, geography and indeed race. My analysis has shown that deviant sexuality was constructed primarily as urban, working-class sexuality. Ecclesiastical and Clerical concern regarding contraceptive use was directed primarily at the 'plain people' who resided in the "back streets and slums of our big cities'. Calls for the protection of young women targeted the working-class woman employed in the public sphere and the unmarried mother was characterised as a member of the 'low stratum of society' drawn again from 'slum tenements'. Prostitution was also constructed as an urban activity engaged in by working-class women who were either economically destitute or morally depraved. Furthermore

the prostitute was constructed in the Catholic philanthropic discourses as a source of both moral and physical contagion. Moreover, she was defined as an agent of foreign contagion being accused of spreading VD contracted from British troops. This construction of deviant sexuality as a predominantly female, working-class and urban phenomenon, resulted in the emergence of mechanisms of control, both formal and informal, which had particular implications for Irish women in the new State. The powers to regulate solicitation as developed in the 1935 Criminal Law Amendment Act, applied only to the public behaviour of women. Male sexual behaviour was not to be subjected to such regulation. Similarly legal measures such as the increased age of consent, the introduction of affiliation orders and practices such as the confinement of women in mother and baby homes, constituted an attempt to discipline working-class parents and encourage them to exert control over young women within the family structure. Thus, this thesis indicates that the regulations and practices incited by the Catholic lobby in the new Irish State represented an extension of the deployment of sexuality, which encompassed the deployment of alliances that had particular significance for working-class women.

A Foucaldian conceptualisation of power challenges an understanding of this process as the patriarchal exercise of male based power. Bailey (1993) however in her development of Foucaldian theory provides an explanation of the particular repression of female working-class sexuality. She views the body as a site for the expression of different power relations, arguing that at any given time bodies may be multiply invested by different and potentially competing discourses of sexuality. Bailey (1993) suggests however that the discourses which prevail are those that give rise to power effects which serve specific interests. Furthermore she submits that the power effects of a particular discourse may serve specific interlocking interests and result in social formations which are masculinist or bourgeois in orientation.
This thesis has demonstrated that the discourses of female sexuality promoted by the Church and accepted by the State in post independence Ireland, served the needs of both institutions. The political instability generated by the War of Independence and the Civil War, created a need for a cultural device which would demarcate a distinctive identity for the new State and do so in a way that would bridge internal political rifts. Catholicism provided such a device and the antimodernist

fundamentalism promoted in the Catholic discourses of the twenties and thirties, fitted hand in glove with the needs of a political administration seeking to establish a distinct identity which differentiated it favourably from its former coloniser. Statutory adherence to the Catholic construction of woman as a fecund, home-based, mother, also served an economic function for the new State in the context of the widespread economic and social deprivation which rendered employment a scarce commodity. Furthermore the valorisation of a 'traditional' Irish lifestyle characterised by wholesome frugality detracted from the problematisation and indeed politicisation of the desperate economic and social conditions experienced by many Irish people. The regulation of female sexuality was equally effective in meeting the Church's wish to augment its numbers and reinforce its antipathy to English Protestant influence. Thus, I would argue that it is in this context that the symbolic significance of sexuality in the new State can be understood. The adoption of sexuality as a cultural signifier and the commensurate regulation of aspects of 'deviant' sexuality constituted one aspect of the wider effort made in the newly independent State to promote and preserve a distinct national identity which differentiated Ireland from its English neighbour.

Foucault's work has forced recognition of the dynamic between power and resistance and has highlighted the ongoing struggles which occur around the definition of sexuality. This thesis reveals that such resistance is evident in the Irish context where the discourses of sexuality and the techniques of power advocated by the Catholic lobby were contested on various fronts. My findings suggest that the Ecclesiastical, Clerical and Catholic philanthropic framing of issues relating to sexuality did not go unchallenged by other professional groups. The 1926 Committee of Inquiry Regarding Venereal Disease which consisted of two doctors and a barrister, firmly rejected efforts by Fr. Devane and Frank Duff to frame venereal disease as a problem of sexual immorality of which the prostitute was the chief cause. The Committee constructed the problem in a medico/legal framework defining venereal disease as a public health problem. Furthermore, other medics in their evidence to the Committee recommended public instruction on safe sexual relations and the use of prophylactic measures to prevent the spread of disease. During the debate on the 1930 Affiliation Orders Act members of the legal profession contested the Catholic philanthropic insistence on the need for an in

camera procedure to facilitate unmarried mothers applying for affiliation orders. Their objections were roundly denounced however, by a number of other politicians who declared that in cases involving unmarried mothers, Catholic social workers as distinct from lawyers were best placed to recommend court procedure.

This thesis has demonstrated that the Ecclesiastical/Clerical and Catholic philanthropic construction of a crisis of sexual morality, as manifest in promiscuous sexual relations among single unmarried people, also met with some resistance among administrators and politicians. The extent of sexual impropriety was drawn into question by the internal Department of Justice review of the 1931 Carrigan Report. My findings indicate that individual politicians also challenged elements of the Catholic lobby's arguments. In the course of the debate on the 1929 Censorship of Publications Act, concerns over contraceptive use were dismissed by a Senator as the outcome of agitation by a voluble minority. A similar view was expressed by a number of senators during the Seanad debate of the 1934 Criminal Law Amendment Bill.[3] The Catholic notion of a traditional Ireland characterised by virtue and simplicity and the attempts of the Minister for Justice to limit public discussion of the contraception issue were challenged by other Senators during the same debate. Senator O'Farrell rejected the proposed prohibition of contraception on the grounds that it was a sectarian measure, which contravened the Protestant belief in the right to freedom of conscience. The practice of legislating for morality was also questioned in the Seanad and both the Dáil and Seanad special committees on the 1934 Bill opposed section 17 which sought a total prohibition on contraceptives. During the debates on section 17, a small minority of deputies in both Houses of Parliament advocated limited access to contraception for 'respectable' married couples, defining it as an appropriate response to issues such as large families living in poverty, maternal ill health and increasing rates of VD and infanticide. It was however as Senator Keane declared, near impossible for a politician to publicly voice support for contraceptive availability given the ferocity and orientation of Hierarchical and Clerical opposition to it. The veracity of Keane's observation is supported by the fact that the private deliberations of both the Dáil and Seanad

[3] See the contributions of Senators Keane and Bagwell during the Seanad debate on the Criminal Law Amendment Bill as discussed in Chapter Four of this work.

Special Committees, which considered the 1934 Act, produced no call for the total prohibition of contraceptives. Of interest also is the fact that no female deputy in either house[4] opposed the ban on contraceptives, despite the fact that their unavailability would have profound implications for women. Neither was there female parliamentary opposition to the extended policing of female solicitation in the 1934 Act.[5]

Despite the existence of some limited administrative and political opposition to Ecclesiastical/Clerical and Catholic philanthropic discourses on sexual morality, it is clear that at ministerial and cabinet level, the view of the Catholic lobby was the dominant point of reference. This was evidenced on a number of occasions. The Minister for Local Government and Public Health resisted the wish of the Committee of Inquiry Regarding Venereal Disease to have their report published. The Church in the person of the Archbishop of Dublin was consulted on the matter and the Committee ceded to his suggestion that the report should not be published. In 1934 the Minister for Justice ignored the reservations of both civil servants and politicians regarding the prohibition of contraception and pushed through section 17 of the 1934 Criminal Law Amendment Act.

It is more difficult to assess the extent and nature of resistance to the Catholic framing of sexuality which may have occurred among the general public. This thesis has highlighted the paucity of active support among the laity for the Church inspired campaigns against evil literature, dancing, fashion etc.. The extent and intensity of the Ecclesiastical/Clerical denunciation of female dress and behaviour demonstrated in this research would also imply that some women were resisting and indeed rejecting the definition of ideal Irish womanhood constructed in the Catholic discourses of the twenties and thirties. My findings regarding the social practices

[4] Senator Kathleen Clarke did oppose the prohibition of contraception on the grounds that prohibition would drive contraceptive practice underground and render it more difficult to regulate. She clearly stated however that she was opposed to contraceptive use.

[5] A letter contesting the legal standing of the term 'common prostitute' and the failure of the Bill to make the crime of solicitation equally applicable to men was submitted to the Minister for Justice by the Irish Women Citizens and Local Government Association in 1934.

which surrounded the management of unmarried mothers and prostitutes and the figures I present demonstrating the extent of infanticide and abandonment, caution against any facile acceptance of the inevitability of resistance. Unmarried mothers were not legally obliged to enter mother and baby homes, to give up their children, to emigrate to hide their 'shame' or to take recourse to unsafe and illegal back street abortions. That they did so in large numbers is testament to Bordo's (1993) contention that normative power, generated through the manufacture of consent and the development of coercive practices of the self, is the dominant form of power exercised over women's bodies. Despite the difficulties involved in resistance this thesis demonstrates that some unmarried pregnant women did reject the Catholic system of institutional provision, while women who worked in prostitution rejected the Legion of Mary's efforts to change their way of life. Furthermore the demand for contraception which this thesis has identified provides another example of female resistance to Catholic pronouncements regarding sexuality. My findings would thus suggest that there were many women who rejected the attentions of Catholic philanthropic bodies and in cases breached legal sanctions regarding sexual behaviour. My reading of the situation however, leads me to conclude that such resistance was not articulated in a way that constituted a discursive challenge to prevailing definitions of appropriate female sexuality. No evidence has been found in this thesis of any orchestrated female resistance to the 1935 Act, despite its wide-ranging implications for women. Irish women did however organise to protest against restrictions of female employment opportunities (1925 &1935), against limitation of women's participation on juries (1924,1927) and against the ascription of a home-based role to women in the 1937 Constitution.[6] Why did the 1935 Criminal Law Amendment Act not elicit similar public protest? Was it a reflection of the fact that 1935 Act dealt with issues of the public control of sexuality and hence it was an issue which may have been difficult to discuss in public? At the end of the last century however, a limited group of Irish women did publicly challenge the legal control of female sexuality as manifest in the implementation of the Contagious Diseases Act (1864) in Irish garrison towns.[7] Did Irish feminists discern

[6] For discussion of such protests see Valiulis 1995 & 1997.

[7] The Contagious Diseases Acts permitted the compulsory inspection of prostitutes for venereal disease in areas surrounding military camps. The Irish areas covered by the Acts were Cork, Cobh and the Curragh. The Ladies National Association (LNA) was established in England in 1869 to

a change in levels of public prudery or perceive the 1930's to be a period less receptive to a challenging of legislation on sexuality? The Contagious Diseases Act was a measure introduced under the British administration in Ireland, did this render it a more legitimate target for Irish feminist groups than legislation introduced by an independent Irish Government? The 1935 Act introduced a range of measures - an increase of the age of consent, the prohibition of contraception and increased surveillance of prostitution – some of which were welcomed by women's groups. This may have splintered the potential for opposition to unfavourable aspects of the Bill. The Women's Citizen and Local Government Association in their 1934 letter to the Minister for Justice commended the proposed increase in the age of consent while challenging the failure to extend the crime of solicitation to men and the legal ambiguity around the term common prostitute. They made no mention however of the issue of contraception. Does the predominantly middle-class membership of the Irish feminist movement of the time hold some clues as to their failure to challenge the prohibition of contraception or to take more forceful action around the measures regarding prostitution? Were middle-class women able to access contraception if they so wished? More research is required before these questions can be answered. However I have found that Cain's (1993) development of Foucault's concept of resistance is useful in conceptualising this lack of orchestrated resistance. She argues, following (Bhaskar 1979), that there are some relationships which women have experienced which have never been expressed in discourse. Harding (1983) provides the example of sexual harassment which she suggests is a relatively recent concept but one which describes a relationship with a long history. The relationship which characterised women's engagement with Catholic teaching regarding female sexuality was a repressed knowledge for a long time, a knowledge which has now been consciously formulated by feminists such as Mary Daly (1973) and Uta Ranke-Heinemann (1990). The repressed knowledge of the specific experiences of women who were inmates of Irish Mother and Baby Homes is currently being formulated into a critique of these institutions and the attitudes which underpinned them. As

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lobby for the repeal of the Acts. Irish branches of the LNA were established in Belfast, Dublin and Cork by 1871. The members of the Irish branches were primarily Quaker women and the LNA in Ireland had no more than 49 subscribers at any given time, with many being drawn from the same families. For more information see M. Luddy (1993).

such a counter discourse to the Catholic views promulgated in the twenties and thirties has now emerged.

## Theorising Sexuality: Furthering the Feminist Research Agenda

The inquiry undertaken in this thesis has certain limitations. It has investigated only one source of discursive material i.e. that contained in printed form. This has facilitated analysis of the resonance of Catholic discourses at a legislative and policy level. However the resonance of these discourses with Irish women of the time and indeed of subsequent years, is largely unexplored. Weeks (1985) argues convincingly that analysis of sexuality must consider its hold on thought and action, while Ussher (1994) discussing the application of a post-structuralist approach to the analysis of female sexuality suggests that representations of 'woman' are central to the construction of female subjectivity. It is not clear what hold the discourses of ideal womanhood revealed in this thesis had or indeed continue to have on the subjectivities and activities of Irish women. The answer lies in the excavation and analysis of the discourses of women from the period. Discourses which may be largely unwritten and accessible only through painstaking analysis of sources such as private papers, diaries etc, sources, which are often the produce of women from the more leisured classes. Oral histories of women who lived in the early decades of the Free State may well provide an un-documented yet potentially rich source of discourse. Closely related to the question of the resonance of constructs of ideal womanhood is the question of female resistance. As discussed above this thesis identified very limited evidence of organised or orchestrated resistance against the legislative and policy measures implemented during the twenties and thirties for the regulation of female sexuality. Resistance however can become manifest in a variety of forms particularly in an area as difficult to regulate as sexuality. Oral histories may again provide a technique for unearthing such resistance. Finally, the role of women as active participants in the creation and maintenance of the ideal feminine subject of the new State must not be overlooked. In Ecclesiastical/Clerical and Catholic philanthropic discourses Irish mothers and female teachers were assigned responsibility for the regulation of the moral behaviour of young women. The role of religious women in institutions who provided services for unmarried mothers is increasingly a topic of inquiry. So too should be the role of lay women who worked

in organisations such as the Legion of Mary, the various rescue societies who dealt with unmarried mothers, the societies to promote modesty in female dress etc. Making visible the past oppressions of women and the relations of power which created and sustained them is vital, if the many roles and positionings of women in Irish society, past and present are to be revealed.

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# Appendix 1

## Circulation Rates of "Foreign" Publications Provided by Catholic Truth Society to the Committee of Enquiry on Evil Literature (1926) as outlined in Adams (1968).

| | |
|---|---|
| *News of the World* | 132,444 |
| *Empire News* | 76,698 |
| *Sunday Chronicle* | 46,188 |
| *The People* | 30,660 |
| *Reynold's News* | 28,772 |
| *Sunday News* (formerly *Lloyd's News*) | 22,198 |
| *Sunday Herald* | 15,842 |
| TOTAL | 352,802 |

and

| | |
|---|---|
| *Sporting Times* (*Pink 'Un*) | 42,709 |
| *John Bull* | 23,984 |
| *Thompson's Weekly News* | 7,308 |
| *Health and Efficiency* (Monthly) | 1,300 |
| *Health and Strength* | 1,307[23] |

# Appendix 2

## List of witnesses to the Report of the Committee on the Criminal Law Amendment Acts (1880-85) and Juvenile Prostitution (1931)

LIST OF WITNESSES EXAMINED.

Brady, Dr. Ita, Visitor to the Lock Hospital, Dublin.

Buchanan, Miss Emily, representing the Magdalen Asylum, Lower Leeson Street, Dublin.

Chenevix, Miss H. S., representing the Irish Women Workers' Union.

Clarke, Mrs. Hannah, Inspector of the National Society for the Prevention of Cruelty to Children.

Cruice, Miss M. J., Honorary Secretary of St. Patrick's Guild, Dublin.

Curran, Mrs. C. P., representing " Saor an Leanbh."

Cussen, Mr. George P., Senior Justice of the Metropolitan District Court.

Devane, Rev. R. S., S.J., Rathfarnham Castle, County Dublin.

Dodd, Miss I., representing the Irish Women Citizens' and Local Government Association.

Duff, Mr. Frank, representing the Legion of Mary.

Duffy, Mrs. Margaret Gavan, Visitor to the Lock Hospital, Dublin.

Fitzpatrick Rev. M., C.C., St. Michael's, Limerick.

Flanagan, Very Rev. John, P.P., Fairview, Dublin.

Gildea, Rev. Denis, C.C., Charlestown, County Mayo.

Gleeson, Dermot F., Justice of the District Court, County Clare.

Gleeson, Paul, B.L., ex-Chairman, Rathdown Board of Guardians.

Hobson, Mrs. Claire, representing " Saor an Leanbh."

Horne, Dr. Delia Moclair, representing the Irish Women Doctors' Committee.

Kettle, Mrs. T. M., Chairman of the Dublin Union Committee.

Kirwan, Mrs. Kathleen, Hotel Pelletier, Harcourt Street, Dublin.

Lee, Very Rev. John Canon, P.P., Bruff, County Limerick.

Moloney, Miss Helena, representing the Irish Women Workers' Union.

O'Connor, Miss Elizabeth, representing the Irish Women Workers' Union.

O'Duffy, General Eoin, Commissioner of the Civic Guard.

Price, Dr. Dorothy Stopford, representing the Irish Women Doctors' Committee.

Roughneen, Rev. P. J., Administrator, Ballaghadereen, County Roscommon.

Russell, Dr. Angela, representing the Irish Women Citizens' and Local Government Association.

Sullivan, Miss Kathleen M., Probation Officer attached to the Metropolitan District Court.

Tancred, Miss Edith, Convener of Sectional Committee for Women Police and Patrols, the National Council of Women of Great Britain.

*Resolutions or Memoranda were received from—*

The Secretariat of the League of Nations, Geneva.

The Chief Constable of Police, Glasgow.

The Dublin Christian Citizenship Council.

The National Council of Women of Ireland.

The National Society for the Prevention of Cruelty to Children (Cork Branch).

The Rathdown Board of Guardians.

The Salvation Army.

The Women's International League for Peace and Freedom (Irish Section).

# Appendix 3

## Source: National Archives File S6489A

Heads for a Bill to amend the Criminal Law (Amendment) Acts.

(1) Unlawful Carnal Knowledge of Girls.
Sections 4 and 5 of the Act of 1885.

The age of 13 under which the offence is a felony should be raised to 15. The age of 16 under which it is a misdemeanour should be raised to 17.

Penalties: The following maximum penalties are to be provided :

| | |
|---|---|
| For carnal knowledge of a girl under 15 years | - Penal Servitude for Life. |
| Attempted carnal knowledge of a girl under 15 years | - Five years' Penal Servitude. |
| Between the ages of 15 and 17 | - Five years' Penal Servitude for the comple act and two years' hard labour for the attempt. |

Increased penalties to be prescribed for second or subseque offences as follows :-

| | |
|---|---|
| For a second "attempt" on a girl under 15 years | - Ten years' Penal Servitude |
| For a second "attempt" on a girl between 15 and 17 | - Five years' Penal Servitude |
| For a second completed offence against a girl between 15 and 17 | - Ten years' Penal Servitude. |

Defence of Reasonable Cause to Believe.

This defence to be abolished in charges of unlawful carnal knowledge of a girl under 17. (Section 5 of Act of 1885).

(2) Indecent Assault.

The age of 13 years fixed by Section 2 of the Act of 1880 under which consent is no defence to a charge of indecent assault is to be raised to 15 years, the penalty for the first offence to remain two years' hard labour and that for a second offence to be five years' Penal Servitude.

(3) Time Limit for Proceedings.

The time limit for proceedings for carnal knowledge is to be increased to twelve months. At present, the limit is, und Section 27 of the Prevention of Cruelty to Children Act,1904, 6 months.

(4) Solicitation.

There should be a general statutory provision relating to the entire Saorstat creating the offence of Solicitation

The penalty for the first offence should be a fine not exceeding 40/- and that for the second or any subsequent offence six months' imprisonment. Section 3 of the Private Members Bill recently introduced in the Dail on this subject is to be adopted, that is to say,

> The Probation of Offenders Act, 1907, shall apply to the offences mentioned in Section 2 as if the words "or to the prospects of the moral reclamation of the person or persons charged" were inserted in Subsection 1 of Section 1 thereof immediately before the words "it is inexpedient to inflict any punishment."

(5) Search of Brothels.

There should be power in the District Court on an information sworn by a member of the Garda Siochana not below the rank of Inspector to issue a warrant directed to and to be executed by a member of the Garda Siochana not below the rank of Inspector authorising the search of a suspected house. The warrant should continue in force for one month from the date of issue and should authorise the Garda to enter if need be by force, to inspect all rooms and take the names and addresses of all persons found in the premises.

(6) Penalties for Brothel-keeping.
Sections 13 of Act of 1885 and 4 of Act of 1912.

For a first offence a fine not exceeding £100 and imprisonment for six months.

For a second offence a fine not exceeding £250 and Penal Servitude not exceeding five years.

(7) Power to clear Court.

In the case of an offence against, or contrary to decency or morality, the Court should have discretionary power to exclude from a hearing of the proceedings all persons except those concerned in them, either as parties, counsel or solicitors, court officers and officials, or bona fide representatives of the Press.

(8) Public Indecency.

The common law offence of indecency in public is to be made a summary offence punishable by a fine of 40/- or imprisonment for one month. It will accordingly be a summary offence to commit near and in sight of any place along which the public habitually pass as of right or permissibly, any act in such a way as to offend modesty or cause scandal or injure the morals of the community. The offence will also include any act committed in a motor car in similar circumstances.

(9) Procuration.

Section 2 Sub-Section 1 of the Act of 1885 should be amended by the deletion of the age limit of 21 years. It will accordingly be an offence to procure a woman of any age to have unlawful carnal connection with any other person.

/ (10)

Section 3 Sub-Section 3 of the Act of 1885 should be amended by the insertion before the word "drug" of the words "alcoholic or other intoxicant or any", the object being to make it clear that the Section applies to the administration of alcohol for the purposes referred to therein.

(11) Imbecile Women.

Section 5 Sub-Section 2 of the Act of 1885, which relates to the offence of unlawful carnal knowledge of any female idiot or imbecile woman or girl, should be extended on the lines suggested by the Carrigan Committee, i.e.

Sub-Section 2 should be repealed and re-enacted to read as follows :-

"Unlawfully and carnally knows, or attempts to have unlawful carnal knowledge, under circumstances which do not amount to rape, of any woman or girl who at the time of the commission of the offence was

"(a) An Idiot, that is to say, a person so defective in mind from birth or early age as to be unable to guard herself against common physical dangers;

"(b) An Imbecile, that is to say, a person in whose case there exists from birth or early age mental defectiveness not amounting to idiocy, yet so pronounced as to render her incapable of managing herself or her affairs or earning her means of livelihood;

"(c) Feebleminded, that is to say, a person in whose case there exists from birth or early age mental defectiveness not amounting to imbecility, yet so pronounced that she requires care, supervision and control for her own protection or the protection of others."

(12) Householder permitting defilement of young girl on his premises.

The ages mentioned in Section 6 of the Act of 1885 should be altered to 15 for the felony and 17 for the misdemeanour. The defence of reasonable cause to believe is to be abolished.

(13) Custody of girls.

It was decided that Section 12 of the Act,1885, should be amended by the substitution of 21 years for 16 years.

(14) Summary Jurisdiction.

The District Court should have power, with the consent of the accused, to deal summarily with the following offences : -

(a) attempted carnal knowledge of a girl under 15 years or of an idiot, imbecile or feeble-minded person of any age;

(b) cases of gross indecency where the person charged is over 16 years and the person with whom the offence is committed is under 16 years or is an idiot, imbecile or feeble-minded person;

...committed against a person under the age of 15 years or a defective of any age.

The maximum sentence to be imposed by the District Court should not exceed six months' hard labour.

(15) Dance Halls.

Section 51 of Public Health Acts (a) A. 1890.

Dance halls to be licensed by the Circuit Court and the Court in dealing with applications for licences in attaching conditions thereto should have consideration to the following matters:-

(1) the character of the applicant;

(2) the suitability of the premises;

(3) the existing facilities for dancing in the neighbourhood;

(4) the parking accommodation for motor cars;

(5) the age of the persons frequenting the hall;

(6) difficulties of police supervision;

(7) hours proposed for dancing;

(8) an omnibus clause permitting the Court to take any other relevant matter into consideration.

Suitable penalties to be prescribed for any breach of the conditions attached to the licence. The police to have the right to enter and supervise dance halls and to institute proceedings without reference to the Local Authority. It would be an offence to fail or to delay in admitting members of the Garda Siochana.

Applicants for annual licences should give notice in a paper circulating in the District of the intention of applying and any resident should be authorised to object to the granting of the licence.

It would be desirable that a saving clause for existing licences should be inserted so that the owners may continue to use dance halls until the next annual licensing session.

Occasional Licences should be granted by the District Court which should have regard to the matters (1) to (8) mentioned above, as at present the Occasional Licences should not operate for longer than 14 days.

The legislation regarding dance halls should be an amendment and extension of Section 51 of the Public Health Acts Amendment Act, 1890, and apply to places used for public music and dancing.

(16) Contraceptives.

There should be a general prohibition against the sale or distribution and importation for sale or distribution of contraceptive appliances. Qualified medical practitioners should have power to prescribe and to supply such appliances to their patients. The quantities required by such practitioners would be imported under licence granted by the Minister for Local Government and Public Health. Registers of supplies received and prescribed would be required to be kept by doctors and should contain full particulars of the persons to whom such applicances were supplied. The registers would be open to inspection by any Medical Inspector duly authorised by the Minister for Local Government and Public Health.

# Appendix 4

## Key Developments Leading to 1935 Criminal Law Amendment Act

| Date | Issue | Outcome |
|---|---|---|
| 28/4/25 | Dáil question by Deputy Corish for Deputy Mac Eoin to Minister for Justice inquiring whether he proposed to introduce legislation for the protection of women, young persons and children by amendment of the Criminal Law Amendment Act 1855. Suggested raising of age of consent, making of provision for affiliation orders and consideration of establishment of small committee to inquire into state of laws on such matters | O Higgins the Minister for Justice, reported that the heads of a Bill to amend the 1885 Criminal Law Amendment Act and make provision for affiliation orders had been prepared. Bills based on these heads were being drafted. When complete a decision would be made as to the necessity of their introduction. A committee on the issue was not considered necessary. |
| 17/11/27 | Dáil question by deputy Davin to Fitzgerald – Kenny minister for Justice questioning the delay in the introduction of Bill to amend the Criminal Law Amendment Act 1885. | Fitzgerald-Kenny reported that due to pressure of other measures the Bills had not been drafted and that he hoped to introduce them in early in 1928. |
| 18/4/28 | Dáil question by Deputy Hennessy to Fitzgerald-Kenny, Minister for Justice, inquiring as to what action the Government intended to take on the Poor Law Commission recommendations regarding the protection of girls and the legitimation of illegitimate children following the marriage of their parents. | Fitzgerald-Kenny reported that a Bill regarding Affiliation Orders had been drafted, a Bill on the age of consent was in an advanced stage of preparation and a Bill on legitimation was under consideration. |
| 6/12/29 | Leave sought by Deputy Little to introduce Bills on legitimation of illegitimate child and Bill for legal protection of girls. | Leave was granted and Second Stage for the Bill was set for February 12 1930. |
| 27/3/30 | Second Stage of Deputy Little's criminal Law Amendment Bill introduced to Dáil. | Bill withdrawn following Minister for Justice – Fitzgerald-Kenny promising to establish a committee to consider the issues involved. |
| 9/11/32 | Deputies Ua Dubhghaill and Finlay sought leave in the Dáil to introduce a bill to amend the law relating to the punishment of solicitation. | Minister for Justice – Fitzgerald Kenny informed the house that the government was establishing an informal Inter-Party Special Committee to consider the Carrigan Report and advise on the introduction of a more comprehensive Bill. Ua Dughghaill and Finlay's Bill was thus rejected. |
| 26/4/34 | Dáil question by Deputy O'Neill to Minister for Justice – Mr. Ruttledge, inquiring when the Minister would circulate the report of the Carrigan Committee and when proposals for legislation recommended by the report would be introduced. | Minister for Justice – Mr. Ruttledge, reported that he would not be circulating the Carrigan report and that a Bill to amend the Criminal Law Amendment Act 1885 would be introduced within weeks. |
| 21/6/34 | Deputy Ruttledge moved for leave to introduce a Bill for the protection of young girls, the suppression of brothels and prostitution and the amendment of other laws relating to sexual offences. | Leave was granted and Second Stage for the Bill was set for 28 June 1934. |
| 1/8/34 | Committee Stage of Criminal Law Amendment Bill 1934 | Bill passed to Report Stage for 8th August 1934 |
| 9/8/34 | Report and Fifth Stage of Criminal Law Amendment Bill 1934 | Bill Passed by Dáil. |

| | | |
|---|---|---|
| 12/12/34 | Criminal Law Amendment Bill 1934 read for Second Time in the Seanad | Mr. Ruttledge, minister for Justice urged the Seanad to establish a Special Committee to discuss the Bill as this would be more expeditious given the delicate and the urgency of the problems dealt with in the Bill. The Seanad passed this suggestion. |
| 16/1/35 | Identification of the 9 Senators nominated by the Selection Committee to be on the Special Seanad Committee to consider the Criminal Law Amendment Bill 1934. | |
| 23/1/35 | Colonel Moore requested permission to present the report of the Special Seanad Committee and to have it printed and circulated. | The motion was agreed to. |
| 6/2/35 | Mr. Ruttledge- Minister for Justice informed the Seanad that the Dáil had accepted the Criminal Law Amendment Bill 1934 insisting only on the amendments that were agreed to by the inter-party Dáil Committee, which had reviewed the Bill. He requested that the Seanad do likewise. | The Bill was passed without amendment, however the Special Committee had made many suggestions for amendments but all were rejected. |