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Women of Ireland: Change Toward Social and Political Equality in the 21st Century Irish Republic

Rachel A. Patterson



Introduction

For centuries Irish women were bound by Ireland's traditional patriarchal society that confined women to the home and characterized them as unidimensional. The 1937 Constitution of the Republic of Ireland provided a legal basis for this limited role of women in Article 41:

In particular, the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved and the State shall, therefore, endeavour to insure mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties within the home. (Article 41, 1937 Constitution of the Republic of Ireland)

Author Jenny Beale, an adult education instructor in Galway and author of *Women in Ireland, Voices of Change*, describes the Church-State bond that perpetuated the traditional view of Irish women. The Catholic Church believed that the holy family structure was critical for the maintenance of both the Irish economy and society. Women's roles were, therefore, defined as strictly "home-based," Beale writes, and "the Catholic family (and the subordinate status of

women within it) was laid as the foundation of the new State.” Although many celebrated their familial roles and were strong, valued members of their families, Irish women faced discrimination in almost all aspects of society. (Beale, pp. 3-6)

The 1960s and 1970s marked the beginning of Ireland’s economic development that gradually changed the country from a rural, agricultural economy to an urbanized, industrial one. With the Church-State bond weakening, more women were entering the workforce, changing the social, political and religious faces of traditional Irish society. The purpose of this article is to show how the economic change in Ireland and the activity of the women’s movement helped introduce gender equality policies for Irish women. I describe women’s groups such as the National Women’s Council of Ireland (NWCI) and political figures like the first woman president, Mary Robinson; both have influenced gender equality in Ireland. I also cover legislative changes that have occurred as the result of increased female participation in politics and the labor force, and I explain the outcome of directives for equality put forth by the European Union (EU). Finally, I discuss two important issues that affect the individual human rights of Irish women—divorce and abortion, the latter of which is still at the center of controversy today.

The Women’s Movement Towards Gender Equality

In 1971 many Irish women collectively rejected the patriarchal ideology of rural Ireland and organized Dublin’s first women’s liberation group. Thirty years later, the contemporary women’s movement of Ireland remains strong. (Killian) Today the movement is a network of liberal and radical reform groups within the Republic of Ireland that have heightened the nation’s

awareness of the political and social stagnation of Irish women. The national movement has become so popular that many local women's groups have voiced their opinions in what authors O'Donovan and Ward describe as a "femocracy." (O'Donovan and Ward, p. 93)

Since the 1970s, many joined the women's movement not as staunch feminists, but as people wanting to be recognized as individuals rather than by their role in the home. Ailbhe Smythe, a professor and executive director of the Women's Education, Research and Resource Center at University College, Dublin, suggests that "one had to be married in order to have status, in order to have children. [A woman wasn't] a woman unless [she] had children. Society was resistant to seeing women as sexual or even as people who had the right to make decisions about themselves. We [women] were the bodies on which the nation was to be built; we were not the builders of that nation." (Smythe in Killian)

One of the most influential groups in the women's movement is the National Women's Council of Ireland, known as the NWCI. The NWCI was established in 1973 as the national representative organization for women and women's groups in Ireland. (*NWCI Annual Report*, p. 1) It is an independently supported agency that promotes women's programs and organizations with the ultimate goal of "empowering women to reach their full potential and celebrate their differences." (*NWCI Annual Report*, p. 2) Affiliated organizations include the Cork Rape Crisis Centre, Network Ireland-The Organization for Women in Business in Ireland, and Homeless Girls Society, Ltd., all of which are located throughout the Republic and have helped bring awareness to women's issues such as rape, job discrimination and child welfare.

The NWCI has also endorsed programs such as New Opportunities for Women

(NOW), which recently completed its ten-year term during which time it promoted 104 different projects for the advancement of women. One of these successful programs is JOBRROTATION, an educational training program that was designed to help women move from welfare to work, enabling women in business to become more competitive with their male and highly educated female counterparts as well as providing the necessary training for unskilled women laborers. Similarly, other training programs established by the Department of Education have helped disadvantaged women free themselves from the poverty cycle. One such program, the Education Equality Initiative (EEI), has helped pass equality legislation, has increased women's participation in the labor force, and has encouraged women's sense of individual ability.

Smythe comments that the movement has met with a "litany of defeats" such as the 1986 failure to legalize divorce and the 1988 Supreme Court ruling against the dissemination of abortion information. (The European Convention on Human Rights later overturned the Supreme Court ruling.) (Mullin) These defeats have not discouraged the movement, though, which also continues to provide an atmosphere for women to rediscover their emotions and abilities through painting, publishing, theater and public housing projects.

Along with EU directives and recommendations for equal pay and treatment that were established by Articles 119 and 189 in the Treaty of Rome and are the foundations for sex equality legislation in EU nations, numerous legislative successes have been realized. Examples include the repealed marriage bar in 1973 (which blocked married women from obtaining employment within the civil service), the Employment Equality Act of 1977 and the introduction of maternity leave in 1981. More recent legislation includes the passage of the Divorce Referendum

in 1995, which will be discussed below, and the Equal Status Act of 2000, which prohibits discrimination in employment and non-employment sectors on nine grounds including gender, marital status and family status. (“Justice, Equality and Law Reform Press Release”) One of the most significant achievements has been the successive election of women presidents, beginning with Mary Robinson in 1990 followed by Mary McAleese, elected in 1997. Robinson and McAleese have used this mostly symbolic position to lobby for gender reforms and to create an image of an Ireland where women are active and successful outside the home. (Killian)

The Involvement of Women in Politics Since 1920

Despite the presence of Mary Robinson and Mary McAleese on the political scene, women in the Republic of Ireland remain substantially under-represented in public and political life. Before the 1960s, women’s involvement in politics had been limited to a secondary role. Legislation passed under the once male-dominated parliament ignored the needs and interests of women. One early example was Section 17 of the Criminal Law Amendment Act of 1935, which prohibited the sale or advertisement of contraceptives. Indeed, the language of the 1937 Constitution, which asserts that the women’s role at home is for the “common good,” aimed to preserve the power and status of the male in Irish society. (Connelly, p. 19)

With a change in Ireland’s economic structure, many women developed more positive attitudes toward political activism. The Commission on the Status of Women, formed in 1972, examined the types of discrimination against women and the role of women in politics. The Commission found that women comprised only one-quarter of the three central parties, Fianna

Fail, Fine Gael, and the Labour Party, and had not yet held any leadership positions within the parties. As a result of these findings, the Commission began to actively recruit women for political involvement, and by the 1970s all of the major parties felt pressure to increase women's participation in party politics. (Galligan and Willford, "Gender and Party Politics..." pp. 152-53)

Regional surveys conducted from the 1970s through the 1990s explored reasons why Irish women were absent from politics, exhibiting, in fact, one of the lowest rates of political activity in the EU. The survey results suggested that the lack of political involvement was due to the "disempowerment of Irish women as citizens." Researchers found that reasons for low political activity included women's commitments to their homes, lack of monetary autonomy, and lack of educational and occupational opportunities. The majority of married men surveyed also preferred their wives to work in the home rather than to obtain paid employment. (Galligan and Wilford, "Gender and Party Politics..." p. 142)

With the prevailing attitudes by and about women, it is not surprising that the number of women elected to office has remained small. The two houses of parliament, the Dail (House of Representatives) and the Seanad (Senate), remained male-dominated throughout the 1970s with women accounting for only 3 percent of all members in an average Dail. By 1997 women experienced a slight increase, yet still accounted for fewer than 20 percent of all government positions. In that year, the number of women elected to the Dail and Seanad were 20 and 11 respectively. The 1997 statistics also show that women comprised 58 of the 291 senatorial candidates running, but only 19 out of the total 156 elected to office were women. (Galligan and

Wilford, "Women's Political Representation in Ireland," pp. 130-33) In 1999, women's representation in the Dail and Seanad increased slightly to 22 and 11 respectively; however, many other EU nations far exceed these numbers. For example, the combined numbers of women in the upper and lower houses of parliament in Germany, Italy and the UK are 220, 98 and 239 respectively.

The face of Irish politics was transformed once Mary Robinson, a lawyer and Ireland's first woman president, was elected in 1990, with a 63 percent voter turnout in what reporters in the *Times* of London called "a watershed in Ireland's political culture." (Arias) Although the presidency in Ireland is mainly a symbolic position, Robinson brought issues of women's rights and gender equality to the forefront of the political scene. Robinson acknowledged her role as president as an opportunity "to enhance self-development of women and to carry through [her] own concept and sense of feminism." (Arias) In her inaugural address of 1990, Robinson stated, "As a woman, I want women who have felt themselves outside history to be written back into history." (Killian)

Robinson's commitments to helping Irish women achieve social justice materialized in many forms. She advanced many political issues, including the right to distribute abortion information and the legalization of family planning centers, despite her own personal opposition to abortion. (Arias) Robinson also supported the defeat of the 1979 ban on contraceptive devices for unmarried women, which made contraceptives freely available for all women over the age of seventeen. (McCarthy) In addition, Robinson was active in the debate over legalizing divorce,

which suffered repeated defeats by the Church and anti-divorce activists until 1995, when the Divorce Referendum was finally passed. In 1997 Robinson stepped down from the presidency but continues in her tradition to “extend the full range of human rights” as the UN High Commissioner for Human Rights. (“Biography of Mrs. Robinson”)

The current president, Mary McAleese, also a lawyer, holds views that differ from Robinson’s, but intends to expand the role of women in Irish political and national life. McAleese was born in Belfast and is a “committed Catholic” with conservative views on contraceptives, abortion, divorce, interdenominational schools and homosexuality. Despite these views, a 1997 *Irish Times* article quotes McAleese as believing that being a Catholic does not mean that “you can’t think for yourself [and] that you do exactly what the bishops tell you to. I see the Catholic Church as something that is moving and dynamic. The Church does not want a Catholic State for a Catholic people.” (Cleary)

Divorce and the Catholic Church

Despite McAleese’s claim that the Church does not want to create a Catholic State, the Church’s influence on the framework of the 1937 Constitution is apparent, especially in regard to the family and divorce. The Catholic Church stands firm in the belief that the bonds of marriage are the foundation of “Catholic society” and that “[marriage] is [a] sacred bond, forged for life, broken only by death.” (Wallace) Article 41.3.2 of the Constitution reflects the Church’s position and states that “no law shall be enacted providing for the grant of a dissolution of marriage.” (Article 41.3.2, 1937 Constitution of the Republic of Ireland)

In 1986 the first modern-day referendum to repeal the 49-year old prohibition on divorce was introduced to the nation. However, many women who were dependent upon their husbands for economic security were, like the Church, opposed to the referendum. When it came before congress in 1986, the Church, which used the pulpit to preach against divorce, helped suppress its passage by a 63 to 36 percent margin. (Iyer)

In the meantime, the influence of the Church has begun to wane. The Church's failure to bend with the times is reflected by a decrease in Mass attendance from 1971 through 1995. In 1971, 95.5 percent of Catholics reported attending Mass regularly, while in 1980 this figure dropped to 82 percent of Catholics in the Republic. (Beale, p. 14) In 1995, only 64 percent of Catholics in the Republic attended mass regularly. (Wallace) The decline in the influence of the Catholic Church during the 1990s was also due to sexual scandals involving child abuse and sexual assault. For example, in 1992 Bishop Eamonn Casey of Galway admitted to fathering and then using Church money to support his illegitimate son.

Finally, in 1995 the second divorce referendum was passed into law with only 50.3 percent of the vote. Increased secularization and increased autonomy of Irish women helped provide the edge in the narrow vote. According to Father Staunton, a Catholic priest in Tourmakeady who has been labeled a radical by the Catholic Church because of his support for divorce, "The Scriptures suggest that if the law becomes a burden to people, if it is a sword rather than a shield, then the law must be changed. The Church's bottom line must be compassion." (Wallace).

The 1995 Referendum allows for the dissolution of marriages only under certain circumstances. All of the following criteria must be met: 1) spouses must have lived apart from each other for a period of at least four years during the previous five years; 2) there is no reasonable prospect of reconciliation; 3) proper financial provisions will be made in regard to spouses, children, and any other person prescribed by law and 4) any further conditions prescribed by law are to be complied with. (Connelly, pp. 22-23)

Despite the numerous conditions that must be met before a divorce is finalized, the number of divorced couples within the Republic is substantial. The Central Statistics Office (CSO) of Ireland reports that the number of separated or divorced persons in 1996 totaled 87,800 people. There has also been an increase in non-traditional families reflecting the liberalization of Irish society. CSO statistics show that of 807,000 families surveyed in 1996, 32,000 were co-habiting couples and 129,000 were lone parents (male or female). (O'Hagan et al, p. 55)

The Irish Abortion Issue

One of the most controversial women's issues is abortion. In 1991 (latest census statistic), 92 percent of the Republic's population was still Roman Catholic. As the dominant religion, the Church holds that life begins at the moment of conception and that neither the mother's life nor the unborn baby's life may be deliberately and directly terminated for any cause. As a result, many people in the Republic stand firm on the belief that abortion is morally wrong

because it is the killing of a baby.

The modern day abortion debate in Ireland can be traced to 1983, when anti-abortion activists campaigned for a specific constitutional prohibition on abortion, despite the safeguards against abortion already present in the 1937 Constitution. (Miller) Anti-abortion groups believed that Constitutional Articles 40.3.1 and 40.3.2 could be interpreted as allowing abortion to be lawful in specific situations and therefore needed clarification. Groups opposed to a more specific prohibitive clause argued that such an amendment would not clarify, but rather increase the ambiguities surrounding abortion. Articles 40.3.1 and 40.3.2 respectively state that:

- 1) The State recognizes in its laws to respect and, as far as practicable, by its laws to defend and vindicate the personal right of the citizen.
- 2) The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name and property right of every citizen. (Articles 40.3.1-2, 1937 Constitution of the Republic of Ireland)

Despite the opposition, Article 40.3.3, also known as the 8th Amendment, was inserted into the Constitution in 1983 by way of referendum to ensure the prohibition of abortion. The Article provides that “the State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.” (Article 40.3.3, 1937 Constitution of the Republic of Ireland) However, in 1992 the prohibitive nature of the amendment was challenged in the case of the *Attorney General v X*, more commonly referred to as the “X-case.”

The X-case involved a fourteen-year-old girl who became pregnant by rape. Prevented

by law from having an abortion, the girl threatened to kill herself if forced to bear the illegitimate child. The case was then referred to the Irish Supreme Court. The court interpreted Article 40.3.3 to mean that if there were “real and substantial risks to the life, as distinct from the health, of the mother and that this real and substantial risk could only be averted by the termination of her pregnancy, such a termination was lawful. (*Green Paper on Abortion*, p. 29) The girl was ultimately permitted to obtain an abortion. The X-case and subsequently the “C-case,” which is described below, helped establish the current framework for abortion legislation in Ireland. (“Abortion in Ireland”)

The 1937 Constitution was amended further in 1992 to help clarify the State’s position on abortion and to prevent future conditional interpretations of Article 40.3.3. The 13th and 14th Amendments were added to the 1937 Constitution, allowing for freedom to travel abroad to obtain an abortion and the legal dissemination of information on abortion services respectively. Another amendment was proposed in 1992 to address the issue of the mother’s mental stability and would have made it “unlawful to terminate the life of an unborn unless such termination is necessary to save the life, as distinct from the health, of the mother where there is an illness of the mother, not being a risk of self-destruction.” (*Green Paper on Abortion*, p.30) This amendment was never passed.

Despite the amended constitution, cases similar to the X-case continue to appear before the courts. One such case appeared before the Supreme Court in 1997, *A and B v Eastern Health Board, Mary Fahy, C and the Attorney General*, and is known as the “C-case.” The C-case involved a young girl who was raped and prevented by her parents from traveling abroad

to have an abortion. The court relied on its interpretation of Article 40.3.3 in the X-case and ruled in favor of the girl.

The social and political pressures against abortion have resulted in more than 95,000 documented cases of Irish women traveling to England and Wales to obtain abortions since 1967, at which time abortion was legalized in England. Currently, an estimated four to ten thousand Irish women travel abroad each year for pregnancy termination. (*Green Paper on Abortion*, p.81) Therefore, in an attempt to resolve the issues brought forward during the X-case and the religious opposition to abortion, the government has supported the research and writing of the *Green Paper on Abortion*, to which I have referred numerous times.

The *Green Paper on Abortion* was published in 1999 by an independent group to provide a history of abortion legislation and to outline and analyze possible resolutions to the abortion problem. (Miller) It also notes the circumstances under which other EU countries, such as Belgium, France and Germany, allow abortions. These include the preservation of physical and/or mental health of the mother, cases of rape and incest and congenital malformations. (*Green Paper on Abortion*, p. 152)

Surveys conducted by the *Irish Times* report that most pregnancy terminations within Ireland are performed for single women faced with a crisis pregnancy who fear the social stigma imposed by the Catholic Church. The lack of adequate and affordable day-care facilities and inadequate sexual education are also to blame. Programs such as Relationships and Sexuality Education have been introduced into primary and secondary education levels to promote safe sex among teens. The Irish Family Planning Association and the Well Woman Center are also

developing new methods to increase awareness of various contraceptive devices. (*Green Paper on Abortion*, p. 81)

In 1996 a Constitutional Review Group, organized by the writers of the *Green Paper* to “establish area where constitutional change may be necessary,” proposed various suggestions to legally eliminate the abortion problem. (*Green Paper on Abortion*, p. 31) Examples include an absolute ban on abortion, re-drafting the constitution to restrict the application of the X-case, amending Article 40.3.3 to legalize abortion only under constitutionally defined circumstances and the return to the pre-1983 situation. (*Green Paper on Abortion*, p. 104) Other groups such as the Adelaide Hospital Society have also put forth suggestions to end the abortion problem.

However, the Society believes that the abortion problem can best be settled in a social perspective by including abortion into the context of women’s health. The Society states that, “it is highly likely that a comprehensive caring and non-directive health care service for Irish women will be more effective in reducing the numbers seeking abortion than meaningless constitutional or statute legislation which takes no cognizance of today’s realities.” (“Abortion in Ireland”)

Currently, the abortion debate in Ireland continues.

Conclusion

The women of the Irish Republic have experienced significant social and political changes during the last four decades. The increased secularization of Irish society, the industrializing economy, and gender equality reforms have increased women’s participation in both the labor force and politics, and have provided women with a new sense of social confidence. Yet, despite

the many gains they have made, there is still much work to be done to fulfill the goal of gender equality. There is a need for increased participation of women in management and technical positions and there is a need for the development of a national child-care program. Increased participation of women in high-ranking political positions will also help create a heightened awareness of the abortion issue. With the continued work of the women's movement and government offices such as the National Development Plan 2000-06, which would create and mainstream gender equality policies throughout the Republic, I believe these issues will be addressed, especially if there continues to be increased participation of women in politics.

The women of the Republic of Ireland can begin the next century with a positive outlook, for they have rocked the system. As Imelda McCarthy says, "The decade has started well for us Irish women and hopefully it will continue to be a time when, as our prominent women poet Eavan Boland has said, 'Mna na hEireann (women of Ireland) will move out of myth into history'." (McCarthy)

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Abstract

The role of women in the Republic of Ireland has changed significantly in the past thirty years. The author discusses some of the major political and social changes affecting women, such as the election of two women presidents, the legalization of divorce, and the controversy over abortion.

Biography

Rachel Patterson graduated with highest honors from Lehigh University in May 2001 with a Bachelor of Science in molecular biology. While at Lehigh, Rachel was inducted into Phi Beta Sigma, Order of Omega, *Who's Who Among Students of American University and Colleges 2001* and Phi Beta Kappa. She also received the Alumni Association Junior Prize and was a College Scholar. Rachel was a member of Gamma Phi Beta sorority and served as philanthropy chairperson. She is currently working as a bio-medical and pharmaceutical consultant and plans to attend medical school in the fall of 2002.